

6

DEMOCRATIC RIGHTS

CONCEPTS

- Three cases of denial of rights highlight the importance of rights.
- The Human Rights were violated (i) in Guantanamo Bay by the US, (ii) in Kosovo by Milosevic's Government, and (iii) denial of rights in Saudi Arabia.

Rights in a Democracy

- Rights are a must to ensure the dignity, security and fair play to all the citizens.
- Democracy is a system in which maximum rights are guaranteed to its citizens.

What are Rights?

- Rights are reasonable claims of persons recognised by society and sanctioned by law.

Why do We Need Rights in a Democracy?

- Rights sustain a democracy.
- They give to every citizen a right to vote and the right to be elected to government.
- They allow citizens to express their views freely, form parties and take part in political activities.
- Rights are guarantees when things go wrong. They do not allow the majority to dominate the minority.
- Some rights are placed higher than the government, so that the government does not violate them.

Rights in the Indian Constitution

The Indian Constitution has given us six Fundamental Rights. They are the basic features of India's Constitution.

- **Fundamental Rights are :** (i) Right to Equality (ii) Right to Freedom (iii) Right against Exploitation (iv) Right to Freedom of Religion (v) Cultural and Educational Rights (vi) Right to Constitutional Remedies.
- **Right to Equality :** It grants equality to all its citizens in the eyes of law. No discrimination can be made against any citizen on grounds of birth, caste, religion and gender. Untouchability is made a cognisable offence. Equal opportunity is guaranteed to all the citizens.
- **Right to Freedom :** It grants (i) freedom of speech and expression, (ii) freedom to assemble in a peaceful manner, (iii) freedom to form associations, (iv) freedom to move freely in any part of the country, (v) freedom to reside in any part of the country and (vi) practice any profession, carry out any occupation or trade.
- **Right against Exploitation :** The constitution prohibits (i) "traffic in human beings", (ii) Prohibits forced labour or begar and (iii) prohibits child labour.
- **Right to Freedom of Religion :** There is no state religion in India. All religions are given equal respect. Every person has a right to profess, practice and propagate his own religion.
- **Cultural and Educational Rights :** Minorities have the right to conserve their language and culture. They have the right to establish their own educational institutions.

- **Right to Constitutional Remedies** : This is the right that makes all rights effective. If a citizen's fundamental rights are violated or taken away, he/she can seek remedy through courts.
- **National Human Rights Commission** is an independent organisation established in 1993. Its main work is to focus on human rights and help the victims, whose rights are violated.
- **Expanding Scope of Rights**
The Constitution offers scope to expand the Fundamental Rights. Examples :
(i) School education has become a right for Indian citizens.
(ii) Right to property is a legal right.
(iii) Right to seek information from government offices.
(iv) Right to vote in elections.
- **International Covenant on Economic, Social and Cultural Rights**
This international covenant recognises many rights. Examples (i) Right to work (ii) Right to safe and healthy environment (iii) Right to adequate standard of living (iv) Right to social security and insurance (vi) Right to health and medical care, etc.
- **The South African Constitution Guarantees**
Right to privacy, Adequate housing, Right to access to health care, Sufficient food and water.

I. SUMMATIVE ASSESSMENT

A. NCERT TEXTBOOK QUESTIONS

Questions within the Lesson

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Q.1. Chapter one: Chile under Pinochet and Poland under Jaruzelsky were not democratic because

Chapter Two: A comprehensive definition of democracy includes

Chapter Three: Our constitution makers believed that fundamental rights were quite central to the constitution because

Chapter Four: Every adult citizen of India has the right to ... and to be

Chapter Five: If a law is against the Constitution, every citizen has the right to approach

Ans. Chapter One : Chile under Pinochet and Poland under Jaruzelsky were not democratic because they did not grant freedom of speech and expression to its people and did not hold free and fair elections regularly.

Chapter Two : A comprehensive definition of democracy includes a government of the people, elected periodically by universal adult franchise through free and fair elections. The will of the people is supreme in a democracy.

Chapter Three : Our Constitution makers believed that fundamental rights were quite central to the constitution because they were committed to universal adult franchise, right to freedom and equality and to protecting the rights of the minorities.

Chapter Four : Every adult citizen of India has the right to vote and to be elected.

Chapter Five : If a law is against the constitution, every citizen has the right to approach the courts.

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Q.2. If you were a Serb, would you support what Milosevic did in Kosovo? Do you think this project of establishing Serb dominance was good for the Serbs?

Ans. I would oppose it. This kind of eminence would recoil on the Serbs themselves as it would make them very unpopular. It did. The Albanians overthrew Milosevic and he died in a prison. He would always be remembered for his brutality and terror.

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Q.3. What are the examples of elected governments not protecting or even attacking the rights of their own citizens? Why do they do that?

Ans. Examples of Pinochet in Chile; Mugabe of Zimbabwe, Milosevic in Kosovo, Saddam Hussein in Iraq. They do that so that they can remain in power by terrorising the minorities and their own people.

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Q.4. Everyone knows that the rich can have better lawyers in the courts. What is the point in talking about equality before law?

Ans. The lawyers, however brilliant, do not decide the case. It is the judge who does so, and so far judiciary has shown that it is impartial and gives fair justice.

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Q.5. Should the freedom of expression be extended to those who are spreading wrong and narrow-minded ideas? Should they be allowed to confuse the public?

Ans. No. They should be warned or punished. Freedom of expression does not allow one to encroach on other people's freedom or hurt their feelings, create confusion or conflict.

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Q.6. The constitution does not give people their religion. Then how can it give people the right to practice their religion?

Ans. Our constitution does not favour any religion. It is secular. The constitution is not concerned with the relation between human beings and God. It is only concerned with relations among human beings, so it has given the people the right to practice, profess, propagate their religion. It only safeguards that this freedom is not misused.

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Q.7. Can the President of India stop you from approaching the Supreme Court to secure your fundamental rights?

Ans. No. It is the fundamental right granted by the constitution. The President has to abide by the laws of the constitution.

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Q.8. Are these rights only for adults? Which of these rights are available to children?

Ans. (i) Compulsory education given free to every child till the age of 14. That is school education is compulsory. (ii) Child labour is not allowed by the constitution. Children under the age of 14 cannot be employed in dangerous occupations. Example, mines, factories, etc.

Questions in the Exercise

Q.1. Which of the following is not an instance of the exercise of a fundamental right?

- (a) Workers from Bihar go to Punjab to work on the farms.
- (b) Christian missions set up a chain of missionary schools.
- (c) Men and women government employees get the same salary.
- (d) Parents' property is inherited by their children.

Ans. (d) Parents' property is inherited by their children.

Q.2. Which of the following freedoms is available to an Indian citizen?

- (a) Freedom to criticise the government
- (b) Freedom to participate in armed revolution
- (c) Freedom to start a movement to change the government
- (d) Freedom to oppose the central values of the constitution

Ans. (a) Freedom to criticise the government.

Q.3. Which of the following rights is available under the Indian Constitution?

- (a) Right to work
- (b) Right to adequate livelihood
- (c) Right to protect one's culture
- (d) Right to privacy

Ans. (c) Right to protect one's culture.

Q.4. Name the Fundamental Right under which each of the following rights falls :

- (a) Freedom to propagate one's religion
- (b) Right to life
- (c) Abolition of untouchability
- (d) Ban on bonded labour

Ans. (a) Right to Freedom of Religion
(b) Right to Freedom
(c) Right to Equality
(d) Right Against Exploitation.

Q.5. Which of these statements about the relationship between democracy and rights is more valid? Give reasons for your preference.

- (a) Every country that is a democracy gives rights to its citizens.
- (b) Every country that gives rights to its citizens is a democracy.
- (c) Giving rights is good, but is not necessary for a democracy.

Ans. (b) Unless the people are given the right to choose and vote freely their representative in the government, the country cannot have a democracy. A true a democratic country is called only when the citizens choose their government or representatives.

Q.6. Are these restrictions on the Right to Freedom justified? Give reasons for your answer.

- (a) Indian citizens need permission to visit some border areas of the country for reasons of security.
- (b) Outsiders are not allowed to buy property in some areas to protect the interest of the local population.
- (c) The government bans the publication of a book that can go against the ruling party in the next elections.

Ans. (a) It is justified. The security of a country is the first duty of a government, and it can stop people from visiting the border areas.
(b) This action is also justified. The local population may not be financially strong to protect its interests. Outsiders can take away their rights in their own area, so the government's step is right.

(c) No, this is not justified. The publication of a book can only be banned if it disturbs peace or hurts the sentiments of a section of people, and not on grounds of protecting the ruling party's prospects in the next elections.

Q.7. Manoj went to a college to apply for admission into an MBA course. The clerk refused to take his application and said, "You, the son of a sweeper, wish to be a manager! Has anyone done this job in your community? Go to the municipality office and apply for a sweeper's position." Which of Manoj's fundamental rights are being violated in this instance? Spell these out in a letter from Manoj to the District Collector.

Ans. The following rights are being violated.

1. **Right to Equality** : Everyone is equal in the eyes of the law. No one can be denied admissions on grounds of birth. The person is practicing "untouchability" in an indirect way, and this is an offence in the eyes of law. His right to opportunity is also being violated.
2. **Right to Freedom** : Manoj has a right to apply for any job anywhere as long as he is qualified for it.

These two points should be pointed out in your letter to the District Collector.

Q.8. When Madhurima went to the property registration office, the Registrar told her, "You can't write your name as Madhurima Banerjee d/o A.K. Banerjee. You are married, so you must give your husband's name. Your husband's surname is Rao. So your name should be changed to Madhurima Rao." She did not agree. She said, "If my husband's name has not changed after marriage, why should mine?" In your opinion who is right in this dispute? And why?

Ans. There is no law which states that a woman can own property in her married name only. The constitution gives equal right to both men and women. So if Madhurima wants to give her maiden name, though married, she has the right to do so. The Registrar is being traditional.

Q.9. Thousands of tribals and other forest dwellers gathered at Piparia in Hoshnagabad district in Madhya Pradesh to protest against their proposed displacement from the Satpura National Park, Bori Wildlife Sanctuary and Panchmarhi Wildlife Sanctuary. They argue that such a displacement is an attack on their livelihood and beliefs. Government claims that their displacement is essential for the development of the area and for protection of wildlife. Write a petition on behalf of the forest dwellers to the NHRC, a response from the government and a report of the NHRC on this matter.

Ans. (a) **Letter from Tribals to NHRC**

- Government's proposal is a violation of human rights.
- It is taking away their right to live, right to follow their beliefs.
- For centuries the forests have been their means of livelihood.
- They have practised their rituals here.
- No alternative has been suggested to them.
- Nothing has happened to the wildlife, so why this sudden interest?
- Displacement would cause untold misery to them, their families, children and their future.

(b) **Response from the Government**

1. The government had given a warning to the people two years ago.
2. There has been an alarming rise in poaching, cutting of trees and killing of wildlife.

3. Environmental pollution has also increased.
4. It is the government's duty to protect the endangered species.
5. The government has offered compensation and promised rehabilitation in alternative places.
6. Offered jobs to the men.

NHRC's Report

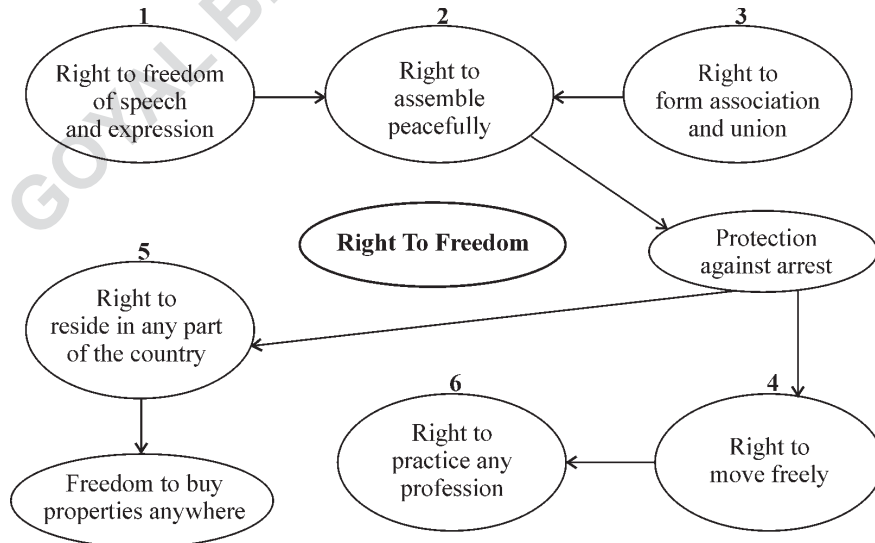
- Both sides have a point.
- **The Tribals** have tradition, practice and decades of residence behind them. It is their world and life.
- Sudden uprooting will leave them emotionally disturbed, turn them into vagabonds and force them into jobs or occupations which they have never followed.
- **The Government** is right in its concern for wildlife. It is its duty to save certain species from becoming extinct. Poachers are having a field day, and every day the environment is threatened.

Suggestions : Transfer should be slow, not sudden. First, shelter and occupation should be provided to all the people. Education should be the primary concern. Only through education can the younger generation take to the new environment and occupation. Not one family should be rendered homeless and without means of occupation.

Write these points in three different letters.

Q.10. Draw a web interconnecting different rights discussed in this chapter. For example, Right to Freedom of Movement is connected to the freedom of occupation. One reason for this is that Freedom of Movement enables a person to go to a place of work within one's village or city or to another village, city or state. Similarly, this right can be used for pilgrimage, connected with freedom to follow one's religion. Draw a circle for each right and mark arrows that show connection between or among different rights. For each arrow, give an example that follows the linkage.

Ans. Let us take **Right to Freedom**.



Now write down the connection and complete the web. Make webs like these for every right.

OTHER IMPORTANT QUESTIONS (AS PER CCE PATTERN)

B. MULTIPLE CHOICE QUESTIONS [1 MARKS]

Q.1. What was the reason given by America for imprisoning people at Guantanamo Bay?

- (a) They had been caught spying.
- (b) They were planning to kill the US President.
- (c) They were planning to set up a Communist government in USA.
- (d) America considered them as enemies and linked them to the attack on New York on 11th September, 2001.

Ans. (d)

Q.2. Which body exposed to the world that prisoners at Guantanamo Bay were being tortured in ways that violated the US laws?

- (a) United Nations
- (b) International Court of Justice
- (c) Amnesty International
- (d) Supreme Court of USA

Ans. (c)

Q.3. Which of these options is not correct regarding Saudi Arabian political system?

- (a) The king selects the executive, legislature and judiciary
- (b) Citizens cannot form political parties
- (c) There is no freedom of religion
- (d) None of the above

Ans. (d)

Q.4. What is the position of women in Saudi Arabia?

- (a) Women are given all the rights
- (b) Women are given equal status with men
- (c) Women are subjected to many public restrictions
- (d) They are offered high positions

Ans. (c)

Q.5. Of which country was Kosovo a province before its split?

- (a) USSR
- (b) Yugoslavia
- (c) South Africa
- (d) Germany

Ans. (b)

Q.6. What was Milosevic's attitude towards the Albanians?

- (a) His government was hostile to the Kosovo Albanians
- (b) He wanted to bring equality between Serbs and Albanians
- (c) He wanted Serbs to dominate the Albanians
- (d) Both (a) and (c)

Ans. (d)

Q.7. How was the massacre of Albanians finally stopped?

- (a) The UN ordered for Milosevic's arrest
- (b) Several countries intervened to stop the massacre
- (c) The Serbs turned against Milosevic
- (d) Milosevic reformed himself

Ans. (b)

Q.8. What was the result of the intervention of other countries to stop the killings of Albanians?

- (a) Milosevic lost power and was tried for crimes against humanity
- (b) The other countries were punished by UNO for interfering in another country
- (c) Led to further army action by Milosevic
- (d) None of the above

Ans. (a)

Q.9. What is meant by 'rights'?

- (a) One's demand to get everything without sharing with others
- (b) Claims of a person over other fellow beings, society and the government
- (c) Not possessing any freedoms
- (d) None of the above

Ans. (b)

Q.10. Which of these statements about the relationship between democracy and rights is more valid? [Important]

- (a) Every country that is a democracy gives rights to its citizens
- (b) Every country that gives rights to its citizens is a democracy
- (c) Giving rights is good, but it is not necessary for a democracy
- (d) All the above

Ans. (b)

Q.11. What can be done in case of infringement of the rights in a democracy?

- (a) Citizens are helpless; they cannot do anything
- (b) They can approach courts to protect their rights
- (c) They can ask their representatives to do the needful
- (d) None of the above

Ans. (b)

Q.12. The government is responsible for providing free and compulsory education to all the children up to the age of :

- (a) 16 years
- (b) 12 years
- (c) 18 years
- (d) 14 years

Ans. (d)

Q.13. Under which Fundamental Right has the Parliament enacted a law giving the Right to Information to the citizens?

- (a) Right to freedom of religion
- (b) Right to freedom of thought and expression
- (c) Right to freedom of equality
- (d) Right to constitutional remedies

Ans. (b)

Q.14. Which of these is/are the new rights guaranteed by the constitution of South Africa for its citizens?

- (a) Right to privacy
- (b) Right to an environment that is not harmful to the people's health
- (c) Right to have access to adequate housing
- (d) All the above

Ans. (d)

Q.15. Which of these is not seen as a standard of human rights by the International Covenant on Economic, Social and Cultural Rights?

- (a) Right to social security and insurance
- (b) Right to health

- (c) Right to accumulate wealth (d) Right to adequate standard of living

Ans. (c)

Q.16. The right to seek the enforcement of all Fundamental Rights is called :

- (a) Right against Exploitation (b) Right to Freedom
(c) Right to Constitutional Remedies (d) Cultural and Educational Rights

Ans. (c)

Q.17. If our Fundamental Rights are violated, where can we seek the remedy?

- (a) Supreme Court or High Courts (b) Parliament
(c) Election Commission (d) Council of Ministers

Ans. (a)

Q.18. What did Dr. Ambedkar refer to the 'Right to Constitutional Remedies' as?

- (a) The brain of our Constitution (b) The heart and soul of our Constitution
(c) The heart of our Constitution (d) The soul of our Constitution

Ans. (b)

Q.19. What is meant by the term 'writ'?

- (a) Written laws
(b) A formal document containing an order of the court to the government
(c) Basic features of the Constitution (d) None of the above

Ans. (b)

Q.20. Which of the following is not an instance of an exercise of a Fundamental Right?

- (a) Workers from Bihar go to Punjab to work on the farms
(b) Parents' property is inherited by their children
(c) Christian mission sets up a chain of missionary schools
(d) Religion is not taken into consideration during admission in schools

Ans. (b)

Q.21. When was the NHRC set up?

[Important]

- (a) 1998 (b) 1996 (c) 1993 (d) 2001

Ans. (c)

Q.22. How many Fundamental Rights does the Indian constitution provide?

- (a) 7 (b) 6 (c) 5 (d) 8

Ans. (b)

Q.23. Which of the following terms is correct for the feature of the Indian constitution stating that no person is above the law?

- (a) State of law (b) Application of law
(c) Rule of law (d) Governance by law

Ans. (c)

Q.24. What does 'Right to Equality' say about the public jobs?

- (a) Jobs will be provided to all by the government
(b) Jobs will be reserved for the more meritorious students
(c) All citizens will be provided with equal opportunity in matters of employment
(d) None of the above

Ans. (c)

Q.25. What does the Constitution say about the practice of untouchability?

- (a) It stands abolished
- (b) Its practice in any form is punishable by law
- (c) Since it is an age-old custom, it should be respected
- (d) Both (a) and (b)

Ans. (d)

Q.26. Which of these is false regarding the Freedom of Speech and Expression?

- (a) Everyone has a right to think differently
- (b) One may disagree with a policy of the government
- (c) One can use it to incite people against the government
- (d) One is free to criticise the government

Ans. (c)

Q.27. Which of these rights is/are provided to a person arrested by the government or police?

- (a) To be informed of the reasons of his arrest
- (b) To be produced before a magistrate within 24 hrs of his arrest
- (c) To engage a lawyer for his defence
- (d) All the above

Ans. (d)

Q.28. One of the forms of exploitation as mentioned in the constitution is 'traffic'. What does it mean?

- (a) Transport system
- (b) Buying and selling of human beings
- (c) Buying and selling of goods
- (d) None of the above

Ans. (b)

Q.29. What is meant by 'begar'?

- (a) Practice of begging
- (b) Practice of forcing workers to work without any wages
- (c) Practice of encouraging workers to work at normal wages
- (d) Both (b) and (c)

Ans. (b)

Q.30. Laws have been made to prohibit children from working in which of these industries?

- (a) *Beedi* making
- (b) Fire crackers and matches
- (c) Printing and dyeing
- (d) All the above

Ans. (d)

Q.31. Which of the following freedom is not available to an Indian citizen? [CBSE 2010]

- (a) Freedom to start a movement or change the government
- (b) Freedom to oppose the government
- (c) Freedom to participate in armed revolution
- (d) None of these

Ans. (c)

Q.32. Which among the following cannot be challenged in a court? [CBSE 2010]

- (a) Directive principles of state policy
- (b) Fundamental Rights
- (c) Freedom to choose any profession or business
- (d) Right to move freely to any part of the country.

Ans. (b)

Q.33. Cultural and Educational Rights are safeguarded mainly for : [CBSE 2010]
(a) Women (b) minorities (c) children (d) Men

Ans. (b)

Q.34. Which of the following is not a Fundamental Right? [CBSE 2010]
(a) Right to Freedom (b) Right to Vote (c) Right to Equality (d) None of these

Ans. (b)

Q.35. Which of the following rights is not available under the fundamental rights? [2011 (T-2)]
(a) Right to Equality (b) Right to Freedom
(c) Right to protect one's culture (d) Right to property.

Ans. (d)

Q.36. India is a secular state. What does the word 'secular' mean? [2011 (T-2)]
(a) The state gives protection to the Hindu religion
(b) The state allows only the majority to propagate their religion
(c) The state has no religion of its own (d) None of the above.

Ans. (c)

Q.37. Which one of the following fundamental rights is called the heart and soul of Indian constitution? [2011 (T-2)]
(a) Right to equality (b) Right to constitutional remedies
(c) Right to freedom (d) Right to freedom of religion

Ans. (b)

Q.38. Civil Rights are given to the individual by: [2011 (T-2)]
(a) Nature (b) God (c) The State (d) The people

Ans. (c)

Q.39. The Indian Constitution prescribes Fundamental Rights in : [2011 (T-2)]
(a) part III (b) part VII (c) part V (d) part IV

Ans. (a)

Q.40. Which one of the following rights is available to the citizens of India and not to the citizens of Saudi Arabia? [2011 (T-2)]
(a) The country is ruled by a hereditary king
(b) Citizens cannot form political parties
(c) Women are subjected to many public restrictions
(d) Citizens enjoy the freedom of religion

Ans. (d)

Q.41. Who called the right to constitutional remedies as the heart and soul of the constitution? [2011 (T-2)]

- (a) J.L. Nehru (b) B. R. Ambedkar
(c) Mahatma Gandhi (d) Rajendra Prasad

Ans. (b)

Q.42. The National Human Right Commission is an independent commission, set up by the law in the year : [2011 (T-2)]
(a) 1993 (b) 1995 (c) 1999 (d) 2001

Ans. (a)

Q.43. Which of the following Fundamental Rights prohibits traffic in human beings? [2011 (T-2)]

- (a) Right against exploitation (b) Right to equality
(c) Right to freedom of religion (d) Right to freedom

Ans. (a)

Q.44. Which of these is not a freedom available under the 'Right to Freedom' in India?

[2011 (T-2)]

- (a) Freedom of speech and expression
(b) Freedom to incite people to rebel against the government
(c) Freedom to assemble in a peaceful manner
(d) Freedom to form associations and unions

Ans. (b)

Q.45. Which among the following is correct regarding PIL?

[2011 (T-2)]

- (a) Public Interest Legislature (b) Public Interest Litigation
(c) Public Information Litigation (d) Public Information Legislature

Ans. (b)

Q.46. Which one of the following is not true regarding the Fundamental Rights? [2011 (T-2)]

- (a) Men and women government employees get the same salary.
(b) Christian missionaries set up a chain of missionary schools
(c) Workers from Uttar Pradesh go to Punjab to work on the farms.
(d) Parents property is inherited by the children.

Ans. (d)

Q.47. Which of the following freedoms is not available to an Indian citizen? [2011 (T-2)]

- (a) Freedom to criticise the government (b) Freedom to participate in armed rebellion
(c) Freedom to reside in any part of the country
(d) All the above

Ans. (b)

Q.48. Which of these is not allowed under the Culture and Educational Right in India?

[2011 (T-2)]

- (a) Every cultural group has the right to protect its language and culture.
(b) Admissions can be denied on the basis of religion and culture in government aided educational organisations set up by cultural groups.
(c) All minority groups have the right to establish educational institutions of their choice.
(d) None of these

Ans. (b)

Q.49. Which one of the following is not a Political Right?

[2011 (T-2)]

- (a) Right to contest election (b) Right to vote
(c) Right to seek any political office (d) Right to freedom

Ans. (d)

Q.50. Which of the following practices is against the secular philosophy of the country?

[2011 (T-2)]

- (a) To propagate one's religion (b) To change one's religion

- (c) To offer religious instruction in government schools
- (d) To practice a religion of choice

Ans. (c)

Q.51. If anyone violates our Fundamental Rights we can directly approach the : [2011 (T-2)]

- (a) Prime Minister
- (b) Supreme Court
- (c) President
- (d) Vice President

Ans. (b)

Q.52. Which fundamental rights ensures the ban on bonded labour? [2011 (T-2)]

- (a) Right against exploitation
- (b) Right to freedom
- (c) Right to constitutional remedies
- (d) Right to equality

Ans. (a)

Q.53. Which of the following was not relevant to the prisoners of Guantanamo Bay? [2011 (T-2)]

- (a) The governments of their countries were not informed of their arrests
- (b) Families and UN representatives were allowed to meet them
- (c) There was no proper trial before a magistrate
- (d) They were kept in prison even after they were officially declared 'not guilty'

Ans. (b)

C. SHORT ANSWER TYPE QUESTIONS [3 MARKS]

Q.1. What was the background in which ethnic massacre took place in Kosovo?

Ans. Kosovo was a province of Yugoslavia before it split away. In this province the population was overwhelmingly ethnic Albanian. But in the entire country, Serbs were in majority. A narrow-minded Serb nationalist, Milosevic, had won the election and became the President of Yugoslavia. His government was very hostile to the Kosovo Albanians. He wanted that ethnic minorities like Albanians should either leave the country or accept the dominance of the Serbs. The massacre was carried out by the army under the direction of the government.

Q.2. Explain what is meant by 'Rule of Law'. [Important]

Ans. Rule of law means equality before the law or equal protection of the laws. It means that the laws apply in the same manner to all, regardless of a person's status. Rule of law is the foundation of any democracy. It implies that no person is above the law. There cannot be any distinction between a political leader, government official and ordinary citizen.

Q.3. Are the reservations provided to the Scheduled Castes, Scheduled Tribes and OBCs against the Right to Equality? Give reasons.

Ans. These reservations are not against the Right to Equality. In a broader sense, equality does mean giving everyone the same treatments, no matter what they need. Equality means giving everyone an equal opportunity to achieve whatever one is capable of. Sometimes, it is necessary to give job reservations to socially and economically backward sections of the society to ensure equal opportunity. The constitution says that reservations of this kind are not a violation of the Right to Equality.

Q.4. Mention the freedoms provided under the 'Right to Freedom'. Why are reasonable restrictions imposed on them? [Important]

Ans. Under the Right to Freedom, the Indian constitution guarantees six freedoms. These are :

- (i) Freedom of speech and expression

- (ii) Freedom to assemble peacefully without arms
- (iii) Freedom to form associations and unions
- (iv) Freedom to move freely throughout the country
- (v) Freedom to reside in any part of the country and,
- (vi) Freedom to practise any profession, or to carry on any occupation, trade or business.

Reasonable restrictions are imposed on our freedoms in the larger interest of the society. Freedom should be exercised in such a manner that it does not violate others' right to freedom.

Q.5. What does the term 'minority' refer to under the Cultural and Educational Rights?

Ans. Here minority does not mean only religious minority at the national level. In some places, people speaking a particular language are in majority; people speaking a different language are in a minority. For example, Telugu-speaking people form a majority in Andhra Pradesh but they are a minority in Karnataka. Sikhs constitute a majority in Punjab, but they are a minority in Rajasthan, Haryana and Delhi.

Q.6. What is the role of National Human Rights Commission in securing the human rights? How does it work?

Ans. The National Human Rights Commission (NHRC) focuses on helping the victims secure their human rights. These include all the rights granted to the citizens by the constitution. For NHRC human rights also include the rights mentioned in the UN-sponsored international treaties that India has signed. The NHRC cannot by itself punish the guilty – that is the responsibility of the courts. The NHRC makes an independent and credible inquiry into any case of violation of human rights. The commission presents its findings and recommendations to the government or intervenes in the court on behalf of the victims. Like any court, it can summon witnesses, question any government official, demand any official paper, visit any prison for inspection or send its own team for on-the-spot inquiry.

Q.7. Give some examples with regard to the expansion of the scope of rights for the citizens.

Ans. Certain rights like right to freedom of press, right to information, and right to education are derived from the Fundamental Rights. Recently school education has become a right for Indian citizens.

Parliament has passed a law giving the right to information to the citizens. Under the direction of the Supreme Court, right to life now includes the right to food. Right to property is not a Fundamental Right but it is a legal right. Right to vote in elections is an important constitutional right.

Q.8. Explain the 'Right to Equality' enjoyed by the citizens of India. What is its importance? [CBSE 2010]

Ans. All citizens irrespective of caste, colour, region, religion ethnicity, sex or place of birth are equal before the law. There shall be no discrimination against any citizen. All citizens shall have equal opportunity in matters of employment. This is what the 'Right to Equality' means.

Q.9. Describe in detail the cultural and educational rights of the minorities as provided in the Indian constitution. [CBSE 2010]

Ans. The language, culture and religion of minorities need protection otherwise they may get neglected or undermined under the impact of the language, culture and religion of the majority. All minorities have the right to establish and administer educational institutions of their choice.

Q.10. The 'Right to Constitutional Remedies' is called the heart of the constitution. Explain.

[CBSE 2010]

Ans. This 'Right' makes other 'Rights' effective. If sometimes our rights are violated by fellow citizens, private bodies or by the government, we can seek remedy through courts. If it is a Fundamental Right we can directly approach the Supreme Court or the high court of a state. That is why Dr. Ambedkar called it "the heart and soul" of our constitution.

Q.11. "The right to freedom is a cluster of six rights". Explain. [2011 (T-2)]

Ans. The right to freedom is a cluster of six rights. Therefore :

- (i) Freedom of speech and expression
- (ii) Freedom of assembly in peaceful manner
- (iii) To form association and unions
- (iv) Move freely through out the country
- (v) Reside in any part of the country
- (vi) Practice any profession or occupation.

Q.12. Why are the rights guaranteed by the Indian constitution called Fundamental Rights?

[2011 (T-2)]

Ans. (i) They are fundamental to our life.
(ii) Fundamental Rights put into effect the securing for all citizens equality, liberty and justice as given in the Preamble to our constitution.

Q.13. State any three provisions of the Fundamental Right Against Exploitation. [2011 (T-2)]

Ans. (i) The constitution prohibits 'traffic in human beings' *i.e.* selling and buying of human beings.
(ii) It also prohibits forced labour or begar in any form.
(iii) The constitution also prohibits child labour. No one can employ a child below the age of fourteen to work in a factory, mine or any hazardous work.

Q.14. Why do we need rights in a democracy? [2011 (T-2)]

Ans. Rights are claims of a person over other fellow beings; over the society, and over the government. Rights are necessary for the very sustenance of democracy. Rights protect minorities. Rights are guarantees which can be used when things growing.

Q.15. Write three constitutional provisions for the protection of women and children in India.

[2011 (T-2)]

Ans. These are : The constitution prohibits

- (i) traffic in human beings *i.e.* selling & buying of human beings specially women for immoral purposes.
- (ii) It prohibits forced labour
- (iii) It protects children under years of age by prohibiting their employment in any factory, mine or hazardous work.

Q.16. Right to freedom comes with some limitations. Justify with three suitable examples.

[2011 (T-2)]

Ans. (i) You cannot use your Right to Freedom to incite people to rebel against government or to defame others.

- (ii) We can hold meetings but peacefully.
- (iii) We cannot carry weapons while participating in a procession or a meeting.

Q.17. Mention any *three* features of Right to Equality. [2011 (T-2)]

- Ans.** (i) The law applies to all citizens irrespective of his status (The Rule of Law).
 (ii) The government shall not discriminate against any citizen on grounds of religion, caste ethnicity, sex or place of birth.
 (iii) All citizens have equality of opportunity in matters of employment

Q.18 State the *three* features of cultural and educational rights. [2011 (T-2)]

- Ans.** (i) Any sections of citizens with a distinct language or culture have a right to conserve it.
 (ii) Admission to any educational institution maintained by government or with its aid cannot be denied to any citizen on the ground of religion or language.
 (iii) All minorities have the right to establish and administer educational institutions of their choice.

Q.19. Mention any three rights of a detained person. [2011 (T-2)]

- Ans.** (i) A person who is arrested and detained in custody will have to be informed of the reasons for such arrest.
 (ii) Such a person shall be produced before the nearest magistrate within a period of 24 hours of arrest.
 (iii) Such a person has the right to consult a lawyer or engage a lawyer for his defence.

Q.20. “Right to constitutional remedies is the heart and soul of the constitution.” Justify. [2011 (T-2)]

- Ans.** This right makes other rights effective when any of our rights are violated we can seek remedy through courts. If it is a Fundamental Right we can directly approach the Supreme Court. That is why Dr Ambedkar called it “the heart and soul of our constitution”.

D. LONG ANSWER TYPE QUESTIONS [4 MARKS]

Q.1. Explain the correctness of the following statement, “Rights are necessary for the very sustenance of a democracy.”

- Ans.** It is absolutely correct to say that rights are necessary for the very sustenance of a democracy. Rights are the heart and soul of democracy. In a democracy, every citizen has the right to vote and the right to be elected to government. For democratic elections to take place, it is necessary that citizens should have the right to express their opinion, form political parties and take part in political activities.

Rights also perform a very special role in a democracy. They protect minorities from the oppression of the majority. They ensure that interests of the minorities are protected and majority does not act as per its whims and fancies. Rights are guarantees which can be used when things go wrong. Things may go wrong when some citizens may wish to take away the rights of others. Generally, the majority wants to dominate the minority. The government should protect the citizens’ rights in such a situation. Sometimes elected governments may not protect or even attack the rights of their own citizens (as happened in Yugoslavia under Milosevic). Therefore, some basic rights of the citizens are written down in the constitution of most democracies.

Q.2. What is a secular state? In which way does our constitution make India a secular state? [V. Important]

Ans. A secular state is one that does not confer any privilege or favour on any particular religion. It does not punish or discriminate against people on the basis of religion they follow. It implies that the government cannot compel any person to pay any taxes for the promotion or maintenance of a particular religion or religious institution. There shall be no religious instruction in the government educational institutions. In private institutions, no person can be compelled to take part in a religious activity. A secular state is one that does not establish any one religion as official religion.

Indian secularism practises an attitude of principled and equal distance from all religions. The Preamble to Indian constitution declares India to be a secular nation. There is no official religion in India. The Indian state is neutral and impartial in dealing with all religions. Right to freedom of religion is a Fundamental Right. Every citizen of India has a right to profess, practise and propagate the religion he/she believes in. Every religious group or sect is free to manage its religious affairs.

Q.3. State the provisions of the Cultural and Educational Rights. [Important]

Ans. For the simple reason that the working of democracy gives power to the majority, it is the language, culture and religion of minorities that needs special protection. Therefore, the cultural and educational rights of the minorities are specified in the constitution.

- (i) Any section of citizens with a distinct language or culture has a right to conserve it.
- (ii) Admission to any educational institution maintained by government or receiving government aid cannot be denied to any citizen on the ground of religion or language.
- (iii) All minorities have the right to establish and administer educational institutions of their choice.
- (iv) Full compensation has to be paid if the state seeks to acquire the property of a minority educational institution.

Q.4. Explain what is meant by the 'Right to Constitutional Remedies'.

Ans. Rights guaranteed by the constitution are useless if there are no special provisions to guarantee them. The Fundamental Rights in the constitution are enforceable. We have the right to seek the enforcement of these rights by moving to the High Courts or the Supreme Court. This is called the Right to Constitutional Remedies which is provided by Article 32 of the constitution. This itself is a Fundamental Right. This right makes other rights effective. It is possible that sometimes our rights may be violated by fellow citizens, private bodies or by the government. When any of the rights are violated we can seek remedy through a court. If it is a Fundamental Right we can directly approach the Supreme Court or the High Court of a state. Dr. Ambedkar called the Right to Constitutional Remedies (Article 32) the 'heart and soul' of our constitution. There can be no law or action that violates the Fundamental Rights. Such a law can be declared null and void by the Supreme Court.

Q.5. What can a person do in case of the violation of Fundamental Rights? What is PIL and how does it work? [Important]

Ans. In case of any violation of Fundamental Right, the aggrieved person can approach the High Court or the Supreme Court for remedy. Moreover any person can go to court against the violation of the Fundamental Right, if it is of social or public interest. It is called the Public Interest Litigation (PIL).

Under this any citizen or group of citizens can approach the Supreme Court or the High Court for the protection of public interest against a particular law or action of the government. One can write to the judges even on a postcard. The court will take up the matter if the judges find it in public interest. Even a newspaper article or report can be treated as a PIL by the court.

Q.6. Mention four new rights which the constitution of South Africa has guaranteed to its citizens. [Important]

Ans. The scope of rights has been expanding and new rights are evolving over time. They are the result of the struggle of the people. New rights emerge as societies develop or as new constitutions are made.

The constitution of South Africa guarantees its citizens several kinds of new rights.

- (i) Right to privacy, so that citizens or their home cannot be searched, their phones cannot be tapped, their communication cannot be opened.
- (ii) Right to an environment that is not harmful to their health or well-being.
- (iii) Right to have access to adequate housing.
- (iv) Right to have access to health care services, sufficient food and water; no one can be refused emergency medical treatment.

Q.7. The Right to Freedom of Speech and Expression does not come without qualifications. Explain. [CBSE 2010]

Ans. Freedom of speech is one of the essential features of any democracy. Our ideas and personality develop only when we are able to freely communicate with others. You may disagree with a policy of government, you are free to criticise the government. You may publicise your views through pamphlet, magazine or newspaper. However, you cannot use this freedom to instigate violence against others. You cannot incite people to rebel against the government, nor can you use it to defame others by saying false and mean things that cause damage to a person's reputation. This is called freedom of speech with qualifications.

Q.8. Discuss the provisions included in the Right against Exploitation [CBSE 2010]

Ans. Once the right to liberty and equality is granted it follows that every citizen has a right to not to be exploited yet the constitution makers thought it was necessary to write down certain clear provisions to prevent exploitation of the weaker sections of the society. The constitution mentions three weaker sections of the society. The constitution mentions three evils and declares these as illegal. First, the constitution prohibits traffic in human beings, i.e., selling and buying of human beings. Secondly, it prohibits “begar” or forced labour in any form. Finally the constitution prohibits child labour. No one can employ a child below the age of fourteen to work in a factory or mine.

II. FORMATIVE ASSESSMENT

A. PROJECT

- Topic Covered** : Rights in a democracy
Objective : To develop critical awareness of importance of rights in a democracy
Skills Developed : Analytical understanding of democratic form of government

Time Required : 1–2 days

Method : (a) Give examples of violation of human rights in Guantanamo Bay; citizens' rights in Saudi Arabia; ethnic massacre in Kosovo
(b) Explain what rights are.
(c) Explain why we need rights in a democracy.
(d) Give a brief description of Fundamental Rights in the Indian constitution.
(e) In conclusion, give your own opinion about rights.

B. ACTIVITIES

- (1) If you were a Serb, would you support what Milosevic did in Kosovo? Do you think his plan of establishing Serb dominance was good for the Serbs? What was the repercussion of his activities on his country?
- (2) Write a memorandum on behalf of the women in Saudi Arabia to the Secretary General of the United Nations.
- (3) Read the following cases of violation of rights. For each of these, mention an example of Fundamental Rights in India. These are : (a) newspaper reports on custodial violence (b) Newspaper reports on force feeding of prisoners who go on hunger strike (c) Ethnic massacre in any part of our country (d) Reports regarding unequal treatment of women.

C. GROUP DISCUSSION

When Anamika went to the property registration office, the Registrar told her, “You can't write your name as Anamika Singh d/o A.K. Singh. Now you are married, so you must add your husband's title to your name. Your husband's title/surname is 'Kapoor' so your name should be Anamika Kapoor.” She protested. She argued, “If my husband's name has not changed after marriage, why should mine?”

Hold a group discussion on the topic, ‘Who is right in this controversy? Why?’

D. DRAWING WEBCHART

Draw a webchart presenting all the Fundamental Rights given in Indian constitution. (All the rights should be properly presented, connected, and related).

E. NEWSPAPER BASED ACTIVITIES

- (a) Write a letter to the editor, throwing light on a case of human rights violation.
- (b) Prepare a press release by a human rights organisation.
- (c) Write a newspaper headline and a news item concerning a Supreme Court order related to Fundamental Rights.
- (d) Write an editorial on growing incidents of custodial violence/death.
- (e) Assemble these together and make a newspaper for your school notice board. Then paste it on your school noticeboard.