**Introduction**

Rights are the reasonable claims of a person over other fellow beings, the society and the government. The claims should be such that they can be made available to others in an equal measure. Thus, a right comes with an obligation to respect other’s rights. When the socially recognised claims (rights) are written into law in a democracy, they are called democratic rights.

**Life Without Rights**

The importance of rights can be judged by the one whose life has absence of rights. The following three examples state what it means to live in the absence of rights.

**Prison in Guantanamo Bay**

About 600 people were secretly picked up by the US forces from all over the world and put in a prison in Guantanamo Bay, near Cuba. According to the American Government, they were enemies of the US and linked to the attack on New York on 11th September, 2001. As a result, there was no trial before any magistrate in the US, nor could these prisoners approach courts in their own country.

**Protest Regarding the Imprisonment**

Amnesty International, an International Human Rights Organisation reported that the prisoners were being tortured in ways that violated the US laws. Despite the provisions of international treaties, prisoners were being denied the treatment.

Many prisoners tried to protest by going on a hunger strike, They were not released even after they were declared not guilty.

Amnesty International An international organisation of volunteers, who campaign for human rights. The organisation brings out independent reports on the violation of human rights all over the world.

**Citizens’ Rights in Saudi Arabia**

Many countries like Saudi Arabia, Yugoslavia denied citizens’ rights.

The position of citizens in Saudi Arabia can be understood by the following facts

* The country is ruled over by a hereditary king and the people have no role in electing or changing their rulers.
* The king selects the Legislature as well as the Executive. He appoints the judges and can change any of their decisions.
* Citizens cannot form political parties or any political organisations. Media cannot report anything that the monarch does not like.
* There is no freedom of religion. Every citizen is required to be Muslim. Non-Muslim residents can follow their religion in private, but not in public.
* Women are subjected to many public restrictions. The testimony of one man is considered equal to that of two women.

Note There are many countries in the world where conditions like Saudi Arabia exist.

**Ethnic Massacre in Kosovo**

In Yugoslavia, Serbs were in majority and Albanians were in minority. A democratically elected Serb leader Slobodan Milosevic wanted to dominate the country. Serbs thought that the Albanians, (the Ethnic Minority Group) should leave the country or accept the dominance of Serbs.

A brutal massacre took place in Kosovo in which thousands of Albanians were killed. Finally, several other countries intervened to stop the massacre. Milosevic lost power and was tried by the International Court of Justice for crimes against humanity.  
As a result, Kosovo with the majority population of Albanians declared independence in February 2008.

**Rights In A Democracy**

In the discussed examples, the victims are the prisoners in Guantanamo Bay, women in Saudi Arabia and Albanians in Kosovo. So, in these positions, everyone would desire a system where security, dignity and fair play are assured.

Everyone wants a system where at least a minimum assurance is guaranteed to all, whether he/she powerful or weak, rich or poor, majority or minority. No one, should be arrested without proper reason and information. If it happens then he/she should have a fair chance to defend themselves. This assurance should not only be on paper. There should be someone to enforce them and to punish those who violate them. This is real spirit behind the rights.

All of us want to live happily, without fear and without being subjected to bad treatment. For this, we expect others to behave in such a way that does not harm us or hurt us. Equally, our actions should not also harm or hurt others.

* A right is possible when you make a claim that is equally possible for others.
* A right comes with an obligation to respect others’ rights.

What is recognised by society as rightful becomes the basis of rights. That is why the notion of rights changes from time to time and from society to society.

Any claim can be called a right if it has the following 3 qualities:

* The claim should be reasonable.
* The claims should be recognised by society.
* The claim should be sanctioned by law.

**Meaning of Rights**

Rights ate reasonable claims of persons recognised in society and sanctioned by law. When fellow Citizens or the government do not respect their rights, we call it violation of our rights. In such situations, citizen can approach courts to protect their rights.

**Need of Rights**

Rights are necessary for the very sustenance of a democracy. In a democracy, every citizen has to have the Right to Vote and the Right to be Elected to government.

Rights protect minorities from the oppression of majority. They ensure that majority cannot do whatever it wishes to do. Rights are like guarantees which can be used when things go wrong. Specially when some citizens may wish to take away the rights of others. In most democracies, the basic rights of the citizen are written down in the Constitution.

‘Ethnic minority group An ethnic minority group is a human population whose members usually identify each other on the basis of a common ancestry. People of an ethnic group are united by cultural practices, religious beliefs and.pistorical memories.

**Why Do We Need Rights in a Democracy?**

In a democracy, every citizen has the right to vote and the right to be elected to government. Rights play a very special role in a democracy. Rights protect minorities from the oppression of the majority. Rights are guarantees which can be used when things go wrong.

**Rights In The India Constitution**

Some rights which are fundamental to our life are given a special status in Indian Constitution. They are called Fundamental Rights. These are the basic human rights, which are given to every citizen in a democracy for the development of his/her personality. These rights are guaranted by the Constitution. They promise to secure for all its citizens equality, liberty and justice. Hence, they are an important basic feature of India’s Constitution.

**The six Fundamental Rights recognised by the Constitution are**

1. Right to Equality
2. Right to Freedom
3. Right against Exploitation
4. Right to Freedom of Religion
5. Cultural and Educational Rights
6. Right to Constitutional Remedies
7. **Right to Equality**
8. The Constitution says that the government shall not deny the equality before the law or the equal protection of the laws to any person in India It means that the laws apply in the same manner to all, regardless of a person’s status. This is called the rule of law.

Right to Equality is the foundation of any democracy. It means that no person is above the law. The government shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.

Every citizen shall have access to public places like shops, restaurants, hotels and cinema halls. Similarly, there shall be no restrictions with regard to the use of wells, tanks, bathing ghats: roads, playgrounds and places of public resorts maintained by government or dedicated to the use of general public.

**Reservations**  
The Government of India has provided reservation for Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs). But these reservations are not against the Right to Equality.

Equality does not mean giving everyone the same treatment, no matter what they need. Rather it means giving everyone an equal opportunity to achieve, whatever one is capable of. Sometimes, it is necessary to give special. treatment to someone in order to ensure equal opportunity. Thus, the reservations of this kind are not a violation of the Right to Equality.

Untouchability, The principle of non-discrimination extends to social life as well. The Constitution directs the government to put an end to the practice of untouchability. It is the extreme form of social discrimination.

Untouchability does not mean refusal to touch people belonging to certain castes. Rather it refers to any belief or social practice which looks down upon people account of their birth with certain caste labels.

Such practice denies their interaction with others or access to public places as equal citizens. That’s why the Constitution made untouchability a punishable offence.

**Many Forms of Untouchability**

In 1999, P. Sainath wrote a series of news reports in ‘The Hindu’ newspaper describing untouchability and caste- discrimination that was still being practised against Dalits or persons belonging to Scheduled Castes.

P. Sainath travelled to various parts of the country and found that in many places, Tea stalls kept two kinds of cups, one for Dalits one for others.

* Barbers refused to serve Dalit clients.
* Dalit students were made to sit separately in the classroom and drink water from the separate pitcher.
* Dalit grooms were not allowed, to ride a horse in the wedding procession.
* Dalits were not allowed, to use common handpump or if they did, the handpump was washed to purify it.

**2. Right to Freedom**

Freedom means the absence of constraint (restrictions). In practical life, it means the absence of, interference in our affairs by others—be it other individuals or the: government. Under the Indian Constitution, all citizens have the right to

* Freedom of speech and expression
* Assembly in a peaceful manner
* Form associations, unions and cooperative societies
* Move freely throughout the country
* Reside in any part of the country
* Practice any profession or to Carry on any occupation, trade or business.

One cannot exercise his freedom in such a manner that violates others’ Right to Freedom. A person is free to do everything which injures or harms no one else. Freedom is not an unlimited license to do what one wants. The government can impose certain reasonable restrictions on our freedom in the larger interests of society.

**Freedom of Speech and Expression**

It is one of the essential features of any democracy. Even if a hundred people think in one way, you should have the freedom to think differently and express your views as you wish. You may express your views through pamphlets, magazines, newspapers, paintings, poetry or songs. However, you cannot use this freedom to stimulate violence against others and excite people to rebel against the government. Neither can we use it to defame others by saying false and mean things that cause damage to a person’s reputation?

**Assembly in a Peaceful**

**Manner/Form Associations**

Citizens have the freedom to hold meetings, processions, rallies and demonstrations on any issue. But such meetings should be peaceful and people participating in these should not carry weapons. Citizens also can form associations to promote their interests.

**Freedom to Travel/Choice of Occupations**

The citizen have the freedom to travel to any part of the country and are free to reside or settle in any part of the territory of India. This right allows lakhs of people to migrate from villages to towns an<f from poorer regions of the country to prosperous regions and big Cities.

The same freedom extends to choice of occupations. No one can force you to do or not do a certain job (especially women). Even people from deprived caste cannot be forced to keep their traditional occupations.

**Personal Liberty**

The Constitution says that no person can be deprived of his life or personal liberty except according to the procedure established by law. It means that no person can be killed unless the court has ordered a death sentence. It also means that a government or police officer cannot arrest or detain any citizen unless he has proper legal justification.  
Even when police arrests someone, they have to follow some procedures like.

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

**3. Right Against Exploitation**

Once the Right to Liberty and Equality is granted, it follows that every citizen has a right not to be exploited. Still the Constitution makers thought it is necessary to write down certain clear provisions to prevent exploitation of the weaker sections of the society. The Constitution mentions three specific evils and declares these illegal.

First, the Constitution prohibits ‘traffic’ in human beings. Traffic here means selling and buying of human beings, usually, women or children, for immoral purposes.

Second, our Constitution also prohibits forced labour or Begar in any form. Begar is a practice where the worker is forced to render service to the master free of charge or at a nominal remuneration. When this practice takes place on a life long basis, it is called the practice of bonded labour.

Finally, the Constitution prohibits child labour. No one can employ a child below the age of 14 to work in any factory or mine or any other hazardous work, such as railways and ports. Using child labour as a basis, many laws have been made to prohibit children from working in industries such as beed making, fire crackers and matches, printing and dyeing, etc.

**4. Right to Freedom of Religion**

Every person has a right to profess, practice and propagate the religion he or she believes in. Every religious group or sect is free to manage its religious affairs. Freedom to propagate one’s religion, does not mean that a person has right to compel another person to convert into his religion by means of force, fraud, inducement or allurement. However, a person is free to change religion on his or her own will. Freedom to practice religion does not mean that a person can do whatever he wants in the name of religion. For example, one cannot sacrifice animals or human beings as offerings to supernatural forces or Sods.

**Secularism**  
It is based on the idea that the country is concerned only with relations among human beings. India is a secular state. A secular state is one that does not establish any one religion as official religion. In India no privilege or favour is provided to any particular religion.

The government cannot compel any person to pay any tax for the promotion or maintenance of any particular religion or religious institution. There shall be no religious instruction in the government educational institutions. In educational institutions managed by private bodies, no person can be compelled to take part in any religious instruction or to attend any religious worship.

**5. Cultural and Educational Rights**

The working of democracy gives power to majority. Thus, it is the language, culture and religion of minorities that need special protection. Otherwise, they may get neglected or undermined under the impact of the language, religion and culture of the majority.  
The following cultural and educational rights for minorities are specified by our Constitution

* Any section of citizens with a distinct language or culture have a right to conserve it.
* Admission to any educational institution maintained by the government or receiving- government aid cannot be denied to any citizen on the grounds of religion or language.
* All minorities have the right to establish and administer educational institutions of their choice.

**6. Right to Constitutional Remedies**

The Fundamental Rights in the Constitution are important because they are enforceable. We have a right to seek the enforcement of these mentioned rights. This is called the Right to Constitutional Remedies. This right makes other rights effective. When any of the Fundamental Rights are violated, then citizens can directly approach the Supreme Court or the High Court. Both courts have the power to writs (Habeas corpus, Manclamus, prohibition, Quo warranto and Certiorari) for the. enforcement of the rights. That’s why Dr Ambedkar called the Right to Constitutional Remedies the heart and soul of our Constitution.

**Right to Property**

The Constitution originally provided for the Right to Property under Articles 19 and 31. But the 44th Amendment Act of 1978 abolished this right from the list of Fundamental Rights. The Amendment made it a legal right under Article 30-A in the Constitution. This right states that no person shall be deprived of his property.

**Right to Education**

Under Article 21-A, India joined a group of few countries in the world to make education a Fundamental Right of every child. It came into force on 1st April 2010. The Article 21-A says that state shall provide free and compulsory education to all children of the age of six to fourteen years. Thus, this provision makes elementary education a Fundamental Right.

**Securing The Fundamental Rights**

There can be no law or action that violates the Fundamental Rights. If any act of the Legislature or the Executive takes away or limits any of the Fundamental Rights, it will be invalid. Citizens can challenge such laws in courts which enforce the Fundamental Rights against private individuals and bodies.

Any person can go to court against the violation of the Fundamental Right. If it is of social or public interest, it is called Public Interest Litigation (PIL). Under the PIL, any citizen or group of citizens can approach the Supreme Court or a High Court for the protection of public interest against a particular law or action of the government.

**National Human Rights Commission (NHRC)**

It is an independent commission established in 1993. The Commission is appointed by the President. The Commission focuses on helping the victims to secure their human rights. These include all the rights granted to the citizens by the Constitution.  
The Commission also considers the Human Rights mentioned in the UN sponsored international treaties that India has signed. The NHRC makes an independent and credible inquiry into any case of violation of human rights. The Commission presents its findings and recomrpendations to the government.

**Expanding Scope Of Rights**

Demands for many new Fundamental Rights have been coming up time to time. Some of these demands have been included under the scope of Fundamental Rights.

For example, Right to Freedom of Press, Right to Education and Right to Information.  
According to the Right to Education, every child has the right to get elementary education. According to Right to Information, anybody can demand information regarding the functions of a government department or official. Constitution provides many more rights, which may not be Fundamental Rights.: e.g. the-Right to Property, Right to Vote in Election are not Fundamental Rights, but these are Constitutional Rights.

**Human Rights**

Sometimes, the expansion of rights takes place in human rights. Human rights are universal moral claims that may or may not have been recognised by laws. With the expansion of democracy, all over the world, there is greater pressure on governments to accept these claims. Some international covenants have contributed to the expansion of rights. Thus, the scope of rights has been expanding and new rights are evolving over time. New rights emerge as societies develop or as new Constitutions are made. For example, the Constitution of South Africa guarantees its citizens several kinds of new rights.

**These are**

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

Many people in our country think that the Right to Work, Right to Health, Right to Minimum Livelihood and Right to Privacy should be made as Fundamental Rights in India.

**International Covenant on**

**Economic, Social and Cultural Rights**

The international covenant recognises many rights that are not directly a part of the Fundamental Rights in the Indian Constitution.

This has not yet become an international treaty. But human right activists all over the world see this as a standard of human rights.

**These include**

* Right to work i.e. an opportunity to everyone to earn a livelihood by working.
* Right to safe and healthy working conditions, fair wages that can provide a decent standard of living for the workers and their families.
* Right to an adequate standard of living including adequate food, clothing and housing.
* Right to social security and insurance.
* Right to health i.e. medical care during illness, special care for women during childbirth and prevention of epidemics.
* Right to education i.e. free and compulsory primary education, equal access to higher education.

Claim Demand for legal or moral entitlements, a person makes on fellow citizens, society or the government.

Covenant Promise made by individuals, groups or countries to uphold a rule or principle. It is legally binding on the signatories to the agreement or the statement.

**Question** An international human rights organisation who collected information on the condition of the prisoners in Guantanamo Bay (US) was \_\_\_\_\_\_\_ .

**Answer** Amnesty International

**Question** A person who is arrested and detained shall be produced before the nearest magistrate within a period of\_\_\_\_\_\_\_ of arrest.

**Answer** 24 hours

**Question** Claims of a person over other fellow beings, over the society and over the government are called their\_\_\_\_\_\_\_ .

**Answer** Rights

**Question** In a democratic country like India, some rights are given a special status. They are called\_\_\_\_\_\_\_ .

**Answer** Fundamental Rights

**Question** According to our constitution, the laws apply in the same manner to all, regardless of a person’s status. This is called\_\_\_\_\_\_\_ .

**Answer** Rule of law

**Question** Begar is a practice where the worker is forced to render service to the master without any charge or at a nominal remuneration. If it continues for life-long, this practice is called\_\_\_\_\_\_\_ .

**Answer** Bonded labour

**Question** Which three evils have been declared illegal by the constitution?

**Answer** Traffic in human beings, bonded labour and child labour.

**Question** An order issued by a court asking a person to appear before it, is\_\_\_\_\_\_\_ .

**Answer** Summon

**Question** It refers to the demand for legal or moral entitlements a person makes on fellow citizens?

**Answer** Claim

**Question** What was the reason given by America for imprisoning people at Guantanamo Bay?

**Answer** America considered them as enemies of the US and linked them to the attack on New York on 11th September, 2001.

**Question** In which year was the National Human Rights Commission set up?

**Answer** 1993.

**Question** What is the full form of NHRC?

**Answer** National Human Rights Commission.

**Question** What does FIL stand for?

**Answer** Public Interest Litigation.

**Question** Who appoints the National Human Rights Commission?

**Answer** The President of India appoints the National Human Rights Commission.

**Question** What is secular state?

**Answer** A secular state is one that does not establish any one religion as official religion.

**Question** Name the person who wrote a series of news reports in The Hindu describing untouchability and caste discrimination.

**Answer** R Sainath

**Question** Name the book written by Salman Rushdie which was banned by the government of India.

**Answer** Satanic Verses.

**Question** How was the Massacre of Albanians finally stopped?

**Answer** Several countries intervened to stop the Massacre.

**Question** The government is responsible for providing free and compulsory education to all the children up to the age of :

**Answer** 14 years

**Question** What does the word ‘begar’ mean?

**Answer** It is a practice where the worker is forced to render service to the ‘master’ free of charge or at a nominal remuneration.

**Question** What did Dr. Ambedkar refer to the ‘Right to Constitutional Remedies’ as?

**Answer** Dr. Ambedkar called the Right to Constitutional Remedies, ‘the heart and soul’ of our Constitution.

**Question** What is meant by the term ‘writ’?

**Answer** A formal document containing an order of the court to the government issued only by High Court or the Supreme Court.

**Question** Cultural and Educational Rights are safeguarded mainly for :

**Answer** Minorities

**Question** What do you understand by rights?

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

**Question** What is meant by ‘Rule of Law’?

**Answer** Its means equality before the law and that no person is above the law.

**Question** Why are rights necessary for the very sustenance of a democracy?

**Answer** In a democracy, every citizen must have 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.

**Question** What are Fundamental Rights?

**Answer** Some rights which are fundamental to our life are given a special status. They are called Fundamental Rights. ”

**Question** What is meant by ‘traffic in human beings’?

**Answer** It means selling and buying of human beings, usually women, for immoral purposes.

**Question** What are Human Rights?

**Answer** Human Rights are universal moral claims that may or may not have been recognised by law. Every human being has the right to live and enjoy his life and should not be tortured by any means.

**Question** In what way does the child labour prohibit by the Indian Constitution?

**Answer** The constitution prohibits child labour. No one can employ a child below the age of fourteen to work in any factory or mine or in any other hazardous work, such as railways and ports.

**Question** How were the prisoners treated in Guantanamo Bay?

**Answer** The treatment of prisoners in Guantanamo Bay was very humiliating.

* There was no trial before any magistrate in the US. They were tortured in the ways that violated the laws.
* This place was not located in the US. It was an area near Cuba controlled by American Navy, so nobody knew the location of the prison.
* Families of prisoners, media or even the UN representatives were not allowed to meet the prisoners.

**Question** What was the basic reason for the ethnic massacre in Kosovo?

**Answer** Kosovo was a province of Yugoslavia before its split. 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. His government was very hostile to the Kosovo Albanians. He wanted the Serbs to dominate the country. Many Serb leaders thought that Ethnic minorities like Albanians should either leave the country or accept the dominance of the Serbs. This massacre was being carried out by the army of their own country, working under the direction of a leader who came to power through democratic elections. This was one of the worst instances of killings based on ethnic prejudices in recent times. Finally, several other countries intervened to stop this massacre. Milosevic lost power and was tried by an International Court of Justice for crimes against humanity.

**Question** Describe the citizen’s Rights in Saudi Arabia.

**Answer** The country is ruled by a hereditary king and the people have no role in electing or changing their rulers.

* The king selects the legislature as well as the executive. He appoints the judges and can change any of their decisions.
* Citizens cannot form polfflcal parties or any political organisations. Media cannot report anything that the monarch does not like.
* There is no freedom of religion. Every citizen is required to be Muslim. Non-Muslim residents can follow their religion in private, but not in public.
* Women are subjected to many public restrictions. The testimony of one man is considered equal to that of two women. (Any three)

**Question** According to our Constitution, what are the three evils?

Or  
What is “Right against Exploitation”?

**Answer** Every citizen has a right not to be exploited. There are clear provisions in the ‘ constitution that prevent exploitation of the weaker sections of the society. The constitution mentions three specific evils and declares these illegal.

* First, The Constitution prohibits ‘traffic in human beings’. Traffic here means selling and buying of human beings, usually women, for immoral purposes.
* Second, Our Constitution also prohibits forced labour or begar in any form. ‘Begar’ is a practice where the worker is forced to render service to the ‘master’ free of charge or at a nominal remuneration. When this practice takes place on a life-long basis, it is called the practice of bonded labour.
* Third, The Constitution also prohibits child labour. No one can employ a child below the age of fourteen to work in any factory or mine or in any other hazardous work, such as railways and ports. Using this as a basis, many laws have been made to prohibit children from working in industries such as beedi-making, firecrackers and matches, printing and dyeing.

**Question** Why does the Constitution specify the cultural and educational rights of the minorities?

**Answer** The constitution specify the cultural and educational rights of the minorities because :

* Any section of citizens with a distinct language or culture have a right to conserve it.
* 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.
* All minorities have the right to establish and administer educational institutions of their choice. 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 the neighbouring state of Karnataka. Sikhs constitute a majority in Punjab. But, they are a minority in Rajasthan, Haryana and Delhi.

**Question** Are the reservations provided to the Scheduled Castes, Scheduled Tribes and OBCs against the Right to Equality?

**Answer** These reservations are not against the Right to Equality. In a broader sense, equality does not mean giving the same treatment to everyone, 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 the reservations of this kind are not a violation of the Right to Equality.

**Question** Explain the ‘Right to Equality’ enjoyed by the citizens of India.

**Answer** All citizens irrespective of caste, colour, region, religion, ethnicity, sex or place of birth are equal before the law. Every citizen shall have the access to public places like shops, restaurants, hotels, and cinema halls. There shall be no restriction with regard to the use of wells, tanks, bathing ghats, roads, playgrounds and places of public resorts maintained by the government or dedicated to the use of public. All citizens shall have equal opportunity in matters of employment.

**Question** According to Dr. Ambedkar—‘The Right to Constitutional Remedies is called the heart and soul of our Constitution’. Explain.

**Answer** 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.

**Question** Explain the ‘Right to Freedom of Religion’.

**Answer** India is a secular state. A secular state is one that does not establish any one religion as official religion. Indian secularism practices an attitude of a principal and equal distance from all religions. The state must be neutral and impartial in dealing with all religions. Every person has a right to profess, practice and propagate any religion that he or she believes in.

There shall be no religious instruction in the government educational institutions. In educational institutions managed by private bodies, no person shall be compelled to take part in any religious instruction or to attend any religious worship.

**Question** Explain the meaning of ‘Freedom of Speech and Expression’.

**Answer** A person’s ideas and personality develop only when he can freely communicate with others. Even if a hundred people think in one way, one should have the freedom to think differently and express their views accordingly.  
Freedom of Speech and Expression means :

* You are free to criticise the government or the activities of the association in your conversations with parents, friends and relatives.
* You may publicise your views through a pamphlet, magazine or newspaper. You can do it through paintings, poetry or songs.
* You cannot use this freedom to instigate violence against others. You cannot use it to incite people to rebel against government.

**Question** Why do we need rights in a democracy?

**Answer** We need rights in a democracy because of the following reasons :

* Rights protect minorities tern the oppression of majority. They ensure that the majority cannot do whatever it likes. 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. This usually happens when those in majority want to dominate those in minority.
* The government should protect the citizens’ rights in such a situation. But, sometimes elected governments may not protect or may even attack the rights of their own citizens. That is why some rights need to be placed higher than the government, so that the government cannot violate them. In most democracies, the basic rights of the citizens are written down in the Constitution.

**Question** How are the Fundamental Rights guaranteed?

**Answer** The Fundamental Rights are guaranteed by the following ways :  
(a) The Fundamental Rights are guaranteed against the actions of the Legislature, the Executive, and any other authorities instituted by the government. There can be no law or action that violates the Fundamental Rights.

(b) If any act of the Legislature or the Executive takes away or limits any of the Fundamental Rights, it will be invalid. We can challenge such laws of the central and state governments, the policies and actions of the government or the governmental organisations like the nationalized banks or electricity boards.

(c) Courts also enforce the Fundamental Rights against private individuals and private bodies. The Supreme Court and High Courts have the power to issue directions, orders or writs for the enforcement of the Fundamental Rights. They can also award compensation to the victims and punishment to the violators.

**Question** State the new rights granted by the Constitution of South Africa to its people.

**Answer** The Constitution of South Africa guarantees its citizens several kinds of new rights :

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

**Question** Which extreme form of social discrimination is forbidden by the Indian Constitution?

**Answer** The Constitution mentions one extreme form of social discrimination, the practice of untouchability, and clearly directs the government to put an end to it. The practice of untouchability has been forbidden in any form. Untouchability here does not only mean refusal to touch people belonging to certain castes.

It refers to any belief or social practice which looks down upon people on account of their birth with certain caste labels. Such practice denies them interaction with others or access to public places as equal citizens. So, the Constitution made untouchability a punishable offence.

**Question** How can you say that India is a secular state?

**Answer** A secular state is one that does not establish any one religion as official religion. Most people in India, like anywhere else in the world, follow different religions. Indian secularism practices an attitude of a principled and equal distance from all religions. The state must be neutral and impartial in dealing with all religions. Every person has a right to profess, practice and propagate the religion he or she believes in. Every religious group or sect is free to manage its religious affairs. India is a secular state.

A secular state is one that does not confer any privilege or favour on any particular religion. Nor does it punish or discriminate against people on the basis of religion they follow.

**Question** What are the Fundamental Rights? How many Fundamental Rights are given in our Constitution?

**Answer** In India, like most other democracies in the world, the rights are mentioned in the Constitution. Some rights which are fundamental to our life are given a special status. They are called Fundamental Rights. Our Constitution provides us six Fundamental Rights.

These are :

* Right to Equality
* Flight to Freedom
* Right against Exploitation
* Right to Freedom of Religion
* Cultural and Educational Rights
* Right to Constitutional Remedies

They are an important basic feature of India’s Constitution.

**Question** Which types of issues are raised through Public Interest Litigation (PIL)?

**Answer** Any person can go to the court against the violation of the Fundamental flight, if it is of social or public interest. It is called Public Interest Litigation (PIL). Under the PIL, any citizen or group of citizens can approach the Supreme Court or a 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.

**Question** What are rights? How are they related to the society?

**Answer** (i) Rights are claims of a person over other fellow beings, over the society and over the government. The claims should be reasonable. They should be such, that can be made available to others in an equal measure. Thus, a right comes with an obligation to respect other rights.

(ii)

* Every society makes certain rules to regulate our conduct. They tell us what is right and what is wrong. What is recognised by the society as rightful becomes the basis of rights. That is why the notion of rights changes from time to time and society to society.
* When law recognises some claims, they become enforceable. We can then demand their application.
* So, if we want to call any claim a right, it has to have these three qualities. Rights are reasonable claims of persons recognised by society and sanctioned by law.

**Question** Why is the ‘Right to Freedom’ called a cluster of several rights?

**Answer** Under the Indian Constitution, all citizens exercise several freedoms which are covered in the right to freedom. So, every citizen has the right to all the following freedoms :

* Freedom of speech and expression
* Freedom to assemble in a peaceful manner
* Freedom to form associations and unions
* Freedom to move freely throughout the country
* Freedom to reside in any part of the country, and
* Freedom to practise any profession, or to carry on any occupation, trade or business.

**Question** Explain the expanding scope of rights.

**Answer** From time to time, the courts gave judgments to expand the scope of rights. Certain rights like right to freedom of press, right to information, and right to education are derived from the Fundamental Rights.

* Now, school education has become a right for Indian citizens. The governments are responsible for providing free and compulsory education to all children up to the age of 14 years.
* Parliament has enacted a law giving the right to information to the citizens. This Act was made under the Fundamental Right to freedom of thought and expression. We have a right to seek information from government offices.
* Recently, the Supreme Court has expanded the meaning of the right to life to include the right to food. Also, rights are not limited only to Fundamental Rights as enumerated in the Constitution.
* Constitution provides many more rights, which may not be Fundamental Rights.  
  For example, the right to property is not a Fundamental Right, but it is a constitutional right. Right to vote in elections is an important constitutional right. Sometimes, the expansion takes place in what is called human rights.
* These are universal moral claims that may or may not have been recognized by law. In that sense, these claims are not rights. With the expansion of democracy all over the world, there a greater pressure on governments to accept these claims.

**Question** What is the role of National Human Rights Commission in securing the human rights? How does it Work?

**Answer** The National Human Rights Commission is an independent commission set up by law in 1993. The Commission is appointed by the President and includes retired judges, officers and eminent citizens.

* The National Human Rights Commission (NHRC) focuses on helping the victims in securing 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. It 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.

**Question** List the rights subjected to International Covenant on Economic, Social and Cultural Rights.

**Answer** International Covenant on Economic, Social and Cultural Rights recognises many rights that are not directly a part of the Fundamental Rights in the Indian Constitution. This has not yet become an international treaty. But, human right activists all over the world see this as a standard of human rights.

These include :

* Right to work: opportunity to everyone to earn livelihood by working.
* Right to safe and healthy working conditions, fair wages that can provide decent standard of living for the workers and their families.
* Right to adequate standard of living including adequate food, clothing and housing.
* Right to social security and insurance.
* Right to health: medical care during illness, special care for women during childbirth and prevention of epidemics.
* Right to education: free and compulsory primary education, equal access to higher education.

**Question** If the government or Police arrest anybody on the basis of the prevailing laws, what rules do they have to follow?

**Answer** (i) The Constitution says that no person can be deprived of his life or personal liberty except according to procedure established by law. It means that no person can be killed unless the court has ordered a death sentence.

(ii) A government or police officer can arrest or detain any citizen unless he has proper legal justification. Even when they do, they have to follow some procedures :

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

**Question** How can the judiciary protect the Fundamental Rights of citizens?

**Answer** The judiciary protect the Fundamental Rights of citizens on the following ways :

* It is possible that sometimes our rights may be violated by fellow citizens, private bodies or by the government. 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 or the High Court of a state.
* Fundamental Rights are guaranteed against the actions of the Legislatures, the Executive, and any other authorities instituted by the government. There can be no law or action that violates the Fundamental Rights.
* If any act of the Legislature or the Executive takes away or limits any of the Fundamental Rights, it will be invalid. We can challenge such laws of the central and state governments,
* Courts also enforce the Fundamental Flights against private individuals and bodies. The Supreme Court and High Courts have the power to issue directions, orders or writs for the enforcement of the Fundamental Rights.
* They can also award compensation to the victims and punishment to the violators.

**Question** What is Amnesty International? State the condition of prisoners according to the report of Amnesty International in Guantanamo Bay.

**Answer** It is an international organisation of volunteers who campaign for human rights. This organisation brings out independent reports on the violation of human rights all over the world and collected information on the condition of the prisoners in Guantanamo Bay.

* The prisoners were being tortured in ways that violated the US laws.
* They were being denied the treatment that even prisoners of war must get as per international treaties.
* Many prisoners had tried protesting against these conditions by going on a hunger strike.
* Prisoners were not released even after they were officially declared not guilty.

**Question** What do you mean by ‘Untouchability’? What did Sainath find while travelling to the various parts of the country?

**Answer**  It refers to any belief or social practice which looks down upon people on account of their birth with certain caste labels. Such practice denies them interaction with others or access to public places as equal citizens. So, the Constitution made untouchability a punishable offence.

In 1999, R Sainath wrote a series of news reports in The Hindu describing untouchability and caste discrimination that was still being practiced against Dalits or persons belonging to Scheduled Castes. He travelled to various parts of the country and found that in many places :

* Tea stalls kept two kinds of cups, one for Dalits and one for others.
* Barbers refused to serve Dalit clients.
* Dalit students were made to sit separately in the classroom or drink water from separate pitcher.
* Dalit grooms were not allowed to ride a horse in the wedding procession.
* Dalits were not allowed to use common handpump or if they did, the handpump was washed to purify it.

**Question** Which of the following is not an instance of an exercise of a fundamental right?

(a) Workers from Bihar go to the 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

**Answer** (d) Parents’ property is inherited by their children

**Question** Which of the following freedoms is not 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

**Answer** (b) Freedom to participate in armed revolution

**Question**  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

**Answer:**(c) Right to protect one’s culture

**Question** Name the Fundamental Right under which each of the following rights falls:

1. Freedom to propagate one’s religion
2. Right to life
3. Abolition of untouchability
4. Ban on bonded labour

**Answer**

1. Right to freedom of religion
2. Right to freedom
3. Right to equality
4. Right against exploitation

**Question** 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 it is not necessary for a democracy.

**Answer** The most valid statement is (a).

This is because every country that is democratic is a system wherein the government is elected by the people. Therefore, it is essential for it to provide rights to its citizens.

**Question** Are these restrictions on the right to freedom justified? Give reasons for your

**Answer**.

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

**Answer**

1. This statement is justified as the citizens are protected from loss of life or property.
2. This statement is not justified as it infringes on the right to freedom of citizens from other parts of the country.
3. This statement is not justified as it violates the right to freedom of speech and expression.

**Question** 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 is being violated in this instance? Spell these out in a letter from Manoj to the district collector.

**Answer** In this case, the Right to Freedom and Right to Equality is being violated.

**Letter**

To,  
The District Collector,

ABC District

Sub: Redressal required for a violation of my Right to Equality

Dear Sir/Madam,

I, XYZ wished to inform you that my admission for pursuing a course leading to an MBA degree in a college in your district has been refused. It was done by a clerk of the college who remarked that “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”. This is a total violation of my rights and it is unfair. I am fully qualified to apply for the course having completed my graduation.

Kindly look into the matter at the earliest.

Thanking You,

Sincerely,  
XYZ

**Question** 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?

**Answer** In this dispute, Madhurima’s opinion is correct as Madhurima has got all the right to retain her maiden name to ensure gender equality. In a democratic country like India, every citizen enjoys the right to equality. Therefore, whether it is the marital status or unmarried a girl has all the right to retain her father’s name