

6. Democratic Rights

Question 1.

What are rights?

Answer:

Rights are reasonable claims of persons over other fellow beings over the society, and over the government recognised by society and sanctioned by law.

Question 2.

Define Fundamental Rights.

Answer:

The Fundamental Rights are those basic conditions which are considered essential for the overall development of a person. These are guaranteed under the Constitution.

Question 3.

'Some rights need to be placed higher than the government'. Give reason.

Answer:

Thought it is the duty of each democratic government to protect the citizen's rights 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 these.

Question 4.

Define the rule of law. Do you think the rule of law prevails in India?

Answer:

It means that the laws apply in the same manner to all, regardless of a person's status. Yes, the rule of law prevails in India. All are equal in the eyes of law.

Question 5.

Mention any one exception to the Right to Equality as a Fundamental Right. Give reasons also.

Answer:

The State may make any special provision for women and children.

It is necessary to give special treatment to some weaker sections of the society in order to ensure equal opportunity.

Question 6.

Mention any two freedoms provided under Right to Freedom.

Answer:

- Freedom of speech and expression.
- Assembly in a peaceful manner.

Question 7.

What is a secular state?

Answer:

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

Question 8.

What is Public Interest Litigation?

Answer:

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 9.

What are Human Rights?

Answer:

Human Rights are those rights, which are inherent in our nature. Without these rights, we cannot live as human beings. Human rights allow us to fully develop and use our human qualities, intelligence, talents and conscience. They allow us to satisfy our spiritual and other needs.

Question 10.

Mention any other two rights of the Indian citizens except the Fundamental Rights.

Answer:

- Right to freedom of press.
- Right to information.

Question 11.

Mention any two rights which the Constitution of South Africa guarantees to its citizens.

Answer:

- 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.

Question 12.

Mention any two exceptions to the Right to Equality.

Answer:

- The State may make any special provision for women and children.
- The State may reserve some posts for members of backward class.

Question 13.

Mention any two limitations of freedom of speech and expression.

Answer:

- No one can use this freedom to instigate violence against others.
- No one can use it to incite people to rebel against government.

Question 14.

Mention the three evils which have been declared illegal under Right Against Exploitation.

Answer:

- Traffic in human beings.
- Forced labour or begar in any form.
- Child labour.

Question 15.

'India is a secular state'. Justify by giving examples.

Answer:

- People of India are free to follow any religion.
- India doesn't have any official religion.
- Every religious group or sect is free to manage its religious affairs.

Question 1.

Write any four features of the Right to Equality as a Fundamental Right.

Answer:

- According to this law, the government shall not deny to any person in India equality before the law or the equal protection of the laws.
- The government shall not discriminate against any citizen on the grounds of religion, caste, ethnicity, sex or place of birth.
- All citizens shall have equality of opportunity in matters relating to any position in the government.
- The principle of non-discrimination extends to social life as well.

Question 2.

Write a short note on the following fundamental rights:

(a) Right to Freedom of Religion.

(b) Cultural and Educational Rights.

Answer:

(a) Right to Freedom of Religion: Right to freedom of religion provides religious freedom to all the citizens of India. All religions are equal before the state and no religion will be given preference over the other. Citizens are free to practise their respective religions. Foremost objective of this right is to sustain the principle of secularism in the country. No state-run institution can give religious education. Religious communities can set up charitable institutions of their own.

(b) Cultural and Educational Rights: India is multi-religious, multi-lingual and multi-cultural, each having its own identity and characteristics. To preserve these diversities, it is natural to grant the following Cultural and Educational Rights to the minorities and other communities.

- Right to Conserve the Language, Script and Culture Under this Right minorities have the right to conserve their distinct language, script or culture and to join state-owned or state-aided institutions without discriminations.
- Right to Establish Educational Institutions: Under this each minority group has a right to establish and administer educational institutions of its choice. The State shall not discriminate between minorities, while granting aid to their educational institutions.

Question 3.

"Right to Constitutional Remedies is a very special right". What is so special about this right?

Or

Dr Ambedkar called the Right to Constitutional Remedies, "the heart and soul of our constitution". Give reason.

Answer:

- It is through this Right that all other Fundamental Rights are safeguarded and arbitrary action of the state is checked.
- Under this Right, a citizen is entitled to move the Supreme Court or any High Court or any other courts so authorised, if his/ her Fundamental Right (or Rights) is encroached upon, abridged or snatched away by the State, an individual or a body of persons. The courts are empowered to issue orders, directions and writs to the concerned to protect the rights of the complainant.

Question 4.

Mention three major Constitutional provisions for the protection of women and children in India.

Or

Write three Constitutional provisions for the protection of women and children in India.

Answer:

- The Right to Equality: Under this the State can make special provisions for women and children.
- Right Against Exploitation: Under this traffic in human beings, especially women and children, shall be an offence punishable in accordance with the law.
- Right Against Exploitation: Under this no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Question 1.

'The Right to Freedom is actually a cluster of several rights.' Discuss.

Answer:

- Freedom to live in any part of India: All citizens are free to live in any part of India but State can put restrictions keeping in mind the welfare of local people.
Freedom to practice any profession or occupation: All citizens have the right to practice any profession or to carry on any occupation, trade or business.
- Right to Free Movement: Every citizen of India has been granted freedom to move throughout the Indian territory.
- Freedom to Assemble Peacefully: Indian citizens have been given the right to assemble without arms.
- Freedom of Speech and Expression: Democracy is a government by citizens. Freedom of speech and expression works as a barometer of public opinion.
- Right to Form Associations or Unions: The Constitution guarantees the right to form associations and unions to every citizen of India.

Question 2.

What was the Amnesty International's report regarding the prisoners in Guantanamo Bay? State the condition of prisoners according to the report of Amnesty International in Guantanamo Bay.[CBSE March 2013]

Answer:

Amnesty International which is an international human rights organisation, collected information in Guantanamo Bay and reported:

- Families of prisoners, media or even UN representatives were not allowed to meet these prisoners. The US army arrested them, interrogated them and decided whether to keep them there or not.
- There was no trial before any magistrate in the US. Nor could these prisoners approach courts in their own country.
- The prisoners were being tortured in ways that violated United States Laws.
- They were being denied the treatment that even prisoners of war must get as per international treaties.
- Prisoners were not released even after they were officially declared not guilty.

Question 1.

"Saudi Arabia is not a democratic country". Justify. Mention any two rights which are enjoyed by the Indian citizens but not by citizens of Saudi Arabia.

Or

Compare the situation of India and Saudi Arabia in terms of right to freedom in both the countries.

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 political parties or any political organisations.

Rights enjoyed by Indians but not by Saudi Arabians-

- 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.

Question 2.

State any three rights guaranteed by the Constitution of South Africa.

Answer:

- 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.

Question 3.

Which fundamental right is being violated under the following circumstances.

(a) A student belonging to SC category is not being allowed to use a public park.

- (b) Citizens are not being allowed to hold a meeting.
- (c) A woman was sold to a rich landlord.
- (d) You are being denied admission to a government college on the basis of your religion.

Answer:

- (a) Right to Equality.
- (b) Right to Freedom.
- (c) Right against Exploitation
- (d) Cultural and Educational Right

Question 1.

Why do we need rights in a democracy? Answer:

- Fundamental Rights provide the conditions which are essential for the development of the inherent qualities in man and to secure his all round growth.
- These are necessary to preserve human dignity and promote social progress in an atmosphere of freedom.
- These provide civil liberties, without which democracy cannot be even conceived.
- These are a significant check on the arbitrary use of power by the government.
- Rights protect minorities from the oppression of majority.

Question 2.

Explain the Right against Exploitation

Mention the provisions of Fundamental Right against exploitation.

Answer:

- Prohibition of Traffic in Human Beings and Forced Labour: Under this traffic in human beings and “begar” or any other form of forced labour is prohibited. This means that sale and purchase of women, men and children and making a person work against their will without payment is banned.
- Prohibition of Employment of Children in Factories: No child below the age of 14 years shall be employed in a factory or mine and in other hazardous work. Thus child labour is banned, because this is considered as an exploitation, and as such it is illegal.

Question 3.

Mention any three rights of a detained person.

Answer:

- To be informed of the reason of arrest and detention.
- To be produced before the nearest magistrate within 24 hours of arrest.
- Right to consult a lawyer or engage a lawyer for his defence.

Question 4.

Mention the restrictions that can be imposed on various forms of freedoms granted by the Constitution.

Answer:

- Freedom of speech and expression — reasonable restrictions can be imposed on this freedom.
- Restriction on freedom to hold meetings, processions, rallies and demonstrations and reasonable restriction in the interest of public order.
- Restrictions on freedom to form associations and unions in the interest of public order, morality of sovereignty or integrity of India.