

# *Democratic Rights Notes*

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### **Life without Rights**

Let's take 3 examples that will help you understand what it means to live in the absence of rights.

#### **1) Prison in Guantanamo Bay**

The American government secretly picked up about 600 people from all over the world and put them in a prison in Guantanamo Bay. The government said that they were enemies of the US and linked to the attack on New York on 11 September 2001.

#### **2) Citizens' Rights in Saudi Arabia**

In Saudi Arabia, the position of the citizens with regard to their government is as mentioned below:

1. The country is ruled by a hereditary king and the people have no role in electing or changing their rulers.
2. The king selects the legislature as well as the executive.
3. Citizens cannot form political parties or any political organizations.
4. There is no freedom of religion.
5. Women are subjected to many public restrictions.

#### **3) Ethnic Massacre in Kosovo**

Yugoslavia was a small province before its split. The population was overwhelmingly ethnic Albanian but Serbs were in majority in the country. A narrow-minded Serb nationalist Milosevic had won the election and his government was very hostile to the 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.

### **Rights in a Democracy**

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 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

### **Why Do We Need Rights in Democracy**

In a democracy, every citizen has the right to vote and the right to be elected to government. Rights perform 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 Indian Constitution**

You already know our Constitution provides for 6 Fundamental Rights. Let's discuss them one by one.

### **1) Right to Constitutional Remedies**

The right to constitutional remedies empowers the citizens to move to a court of law in case of any denial of the fundamental rights.

### **2) Right to Equality**

The Constitution says that the government shall not deny to any person in India equality before the law or the equal protection of the laws. 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**, which is the foundation of any democracy. It means that no person is above the law. There cannot be any distinction between a political leader, government official and an ordinary citizen.

1. The government shall not discriminate against any citizen on grounds of religion, race, caste, sex or place of birth.
2. Every citizen shall have access to public places like shops, restaurants, hotels, and cinema halls.
3. 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 the general public.

4. All citizens have equality of opportunity in matters relating to employment or appointment to any position in the government.

### **3) Right to Freedom**

Under the Indian Constitution, all citizens have the right to:

1. Freedom of speech and expression
2. Assemble in a peaceful manner
3. Form associations and unions
4. Move freely throughout the country
5. Reside in any part of the country
6. Practice any profession or to carry on any occupation, trade or business

You cannot exercise your freedom in such a manner that violates others' right to freedom.

### **4) Right Against Exploitation**

Every citizen has a right not to be exploited. The Constitution has clear provisions to prevent exploitation of the weaker sections of the society. The Constitution mentions 3 specific evils as mentioned below and declares them illegal.

1. The Constitution prohibits 'traffic in human beings'. Traffic means selling and buying of human beings, usually women, for immoral purposes.
2. Our Constitution 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**.

3. The Constitution prohibits child labour. Under this, no one can employ a child below the age of 14 to work in any factory or mine or in any other hazardous work, such as railways and ports.

### **5) Right to Freedom of Religion**

Every person has a right to profess, practice and propagate the religion he or she believes in. India is a secular state which means India does not establish any one religion as the official religion. 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 gods.

### **6) Cultural and Educational Rights**

Indian Constitution specifies the cultural and educational rights of the minorities:

1. Any sections of citizens with a distinct language or culture have a right to conserve it.
2. 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.
3. All minorities have the right to establish and administer educational institutions of their choice.

### **How can we secure these Rights?**

Right to Constitutional Remedies makes the other 5 Fundamental Rights effective. When any of our rights are violated we can seek remedy through courts. That is why Dr. Ambedkar called the Right to Constitutional Remedies, 'the heart and soul' of our Constitution.

1. Fundamental Rights are guaranteed against the actions of the Legislatures, the Executive, and any other authorities instituted by the government.
2. There can be no law or action that violates the Fundamental Rights.
3. If any act of the Legislature or the Executive takes away or limits any of the Fundamental Rights it will be invalid.

### **Expanding Scope of Rights**

Fundamental Rights are the source of all rights; our Constitution and law offer a wider range of rights. Over the years the scope of rights has expanded. From time to time, the courts gave judgments to expand the scope of rights.

1. Certain rights like the right to freedom of press, right to information, and right to education are derived from the Fundamental Rights.
2. 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.
3. Parliament has enacted a law giving the right to information to the citizens.
4. The Supreme Court has expanded the meaning of the right to life to include the right to food.

The 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. The right to vote in elections is an important constitutional right.

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