



NOTES

SOCIAL SCIENCE

(POLITICAL SCIENCE)

DEMOCRATIC RIGHTS



**REVISION NOTES
CHAPTERWISE &
TOPICWISE**

Chapter 5: Democratic Rights

Concepts Covered:

1. **Life without Rights**
 - Prison in Guantanamo Bay
 - Story
 - Citizen Rights in Saudi Arabia
 - Story
 - Ethnic massacre in Kosovo
 - Story
2. **Rights in a Democracy**
 - Meaning of Rights
 - Why do we need rights in a Democracy?
3. **Rights in the Indian Constitution**
 - Right to Equality
 - Right to Freedom
 - Freedom of Speech and Expression
 - Right against Exploitation
 - Right to Freedom of Religion
 - Cultural and Educational rights
 - How can we secure these rights?
 - Right to Constitutional remedies
4. **Expanding Scope of Rights**
 - International Covenant on Economic, Social and Cultural Rights
5. **Mind Map**
(Colourful & Interactive/ Complete All Concept Covered)
- Practice Questions (All Topics Available)**

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LIFE WITHOUT RIGHTS

Prison in Guantanamo Bay



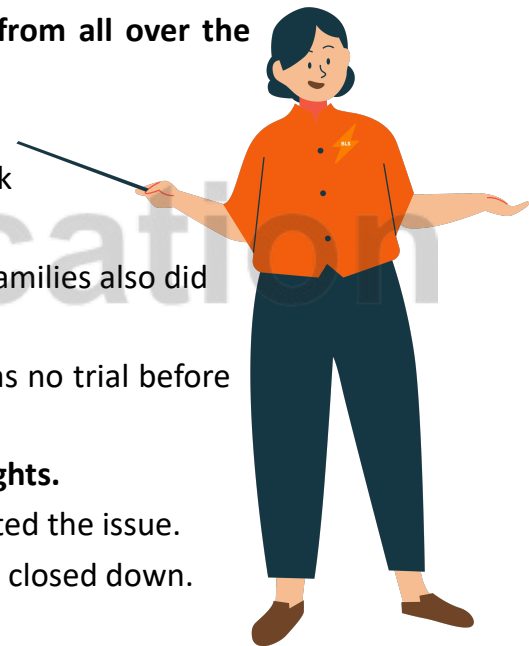
• Story

1. About 600 people secretly picked up by the U.S. forces from all over the world were kept in a prison Guantanamo Bay.

- Argument of U.S. government was that they were enemies of U.S. and linked to the attack on New York on 11 September 2001.
- Arrest was without any information or notice; their families also did not know about that.
- No one was allowed to meet the prisoners, there was no trial before any magistrate.

2. This was the clear case of infringement of Fundamental Rights.

- Amnesty International worked over this and highlighted the issue.
- U.N. secretary General said that the Prison should be closed down.
- U.S. government refuse to accept these pleas.



DEMOCRATIC RIGHTS**LIFE WITHOUT RIGHTS**

Citizen Rights in Saudi Arabia



DEMOCRATIC RIGHTS**LIFE WITHOUT RIGHTS**

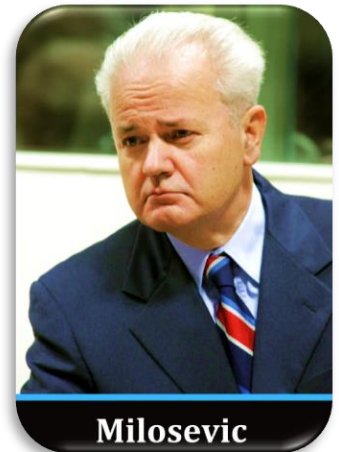
Subject to many restrictions.

**Story**

Case of Saudi Arabia and Position of the citizen with regard to their government.

- Rule of hereditary king, people have no rule in electing or changing their ruler.
- King selects the Legislature, executive and judiciary.
- Citizens cannot form political parties and media is also not free.
- No freedom of religion.
- Condition of women is worst.
 - Subject to many restrictions.
 - The testimony of one man is considered equal to that of two women.

Ethnic massacre in Kosovo

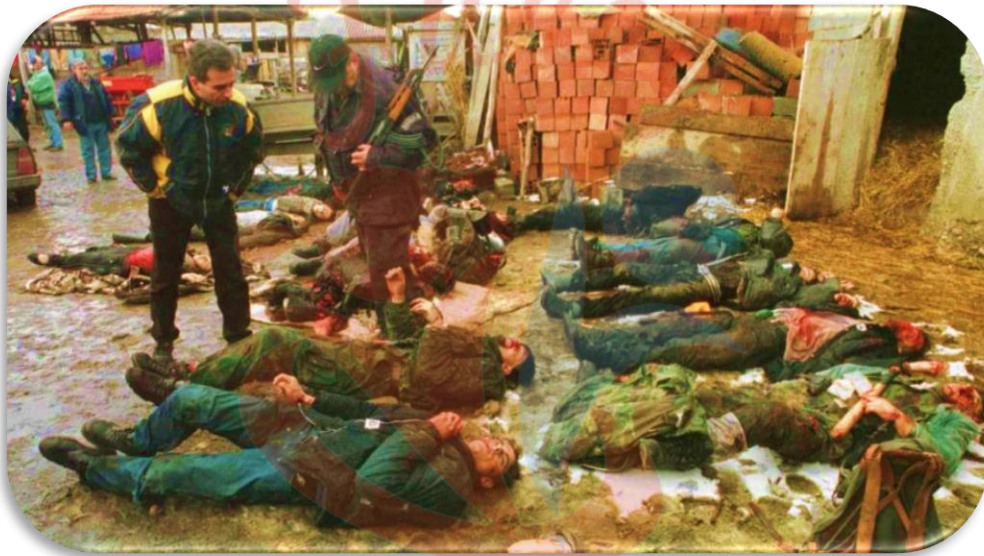
Story

1. Kosovo was province of Yugoslavia; the population composition of the province was majority Albanians but in country Serbs were in majority.
2. Narrow minded Serbs nationalist leader Milosevic won the election.
3. Hostile towards Albanians of Kosovo.
 - They had a viewpoint that Albanians should either leave the country or accept the dominance of the Serbs.

Story of an Albanian Family in a town in Kosovo.

- There was a massacre of Albanians carried out by the army of their own country.
- All this was happening under the leadership of a democratically elected leader.



DEMOCRATIC RIGHTS**LIFE WITHOUT RIGHTS**

- Infringement of rights can happen anywhere and by anyone.
- Case in Guantanamo Bay, Saudi Arabia, and Kosovo.

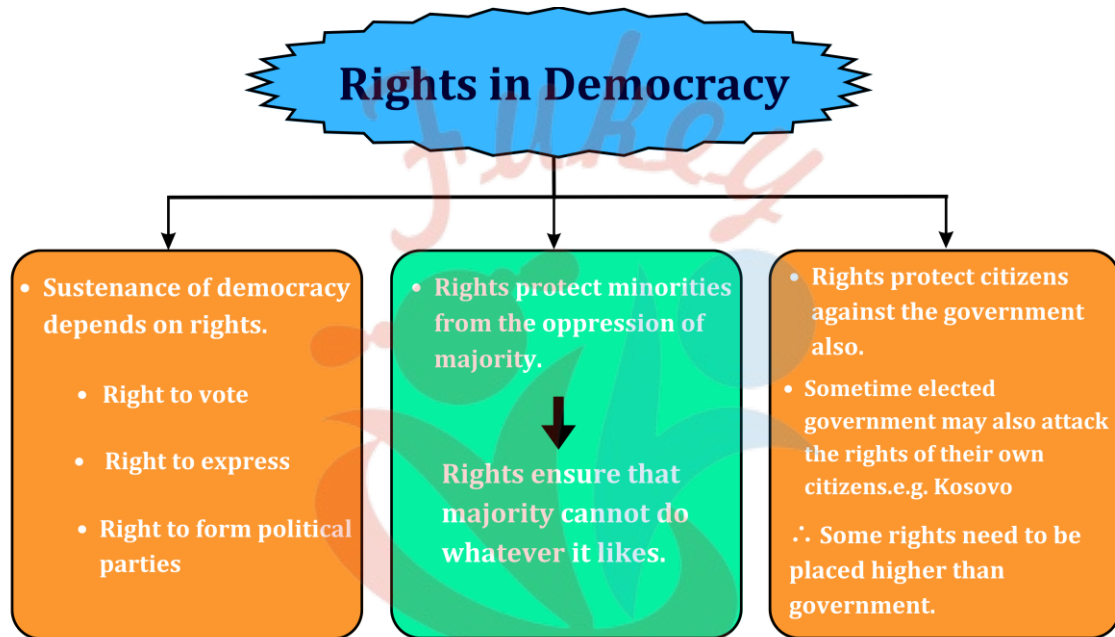
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RIGHTS IN A DEMOCRACY

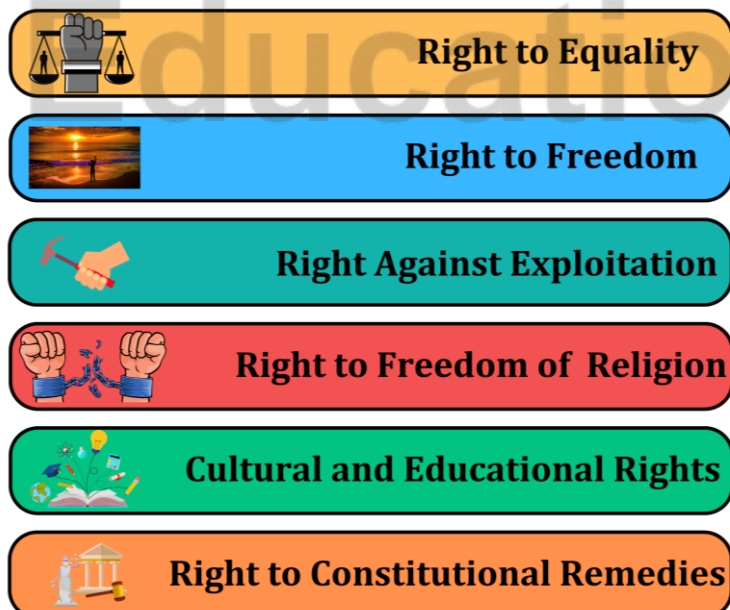
Meaning of Rights

Relation of Rights and Democracy. Assurance, not only on paper but in reality. Where at least a minimum is guaranteed to everyone. Basic spirit of rights.

Why do we need rights in a Democracy



If we go by the definition. Rights are "... Sanctioned by law" Rights are mentioned in the constitution. We respect them. Some rights are fundamental to our life are given special status. They are called as Fundamental Rights.



RIGHTS IN THE INDIAN CONSTITUTION

Right to Equality

- Law applies in the same manner to all; it means that no person is above the law.
- All citizens are subject to same law.
- **Example:** Prime Minister facing trial Right to Equality.
- Under right to equality government should not discriminate against any citizen on ground only of religion, race, caste, sex, or place of birth.
- Every citizen shall have equal access to public places like shops, restaurants, hotels, and cinema halls and there shall be no restrictions with regard to their use.
- Equality should be there in case of public jobs.
- Banning the practice of untouchability.



Are Reservation Against the Right to Equality

Equality doesn't mean giving everyone the same treatment. Sometimes it is necessary to give special treatment to someone in order to ensure equal opportunity.

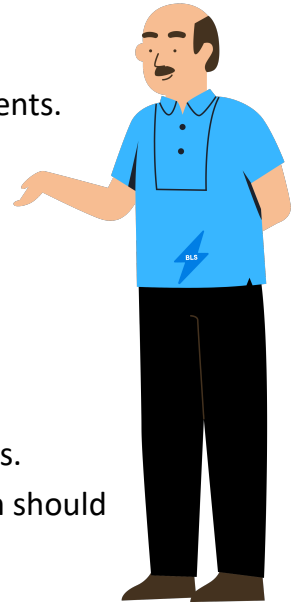


"Equals should be treated equally, and unequal should be treated unequally" We can say that reservation of this kind is not a violation of the Right to equality.

Right to Freedom

1. Freedom of Speech and Expression

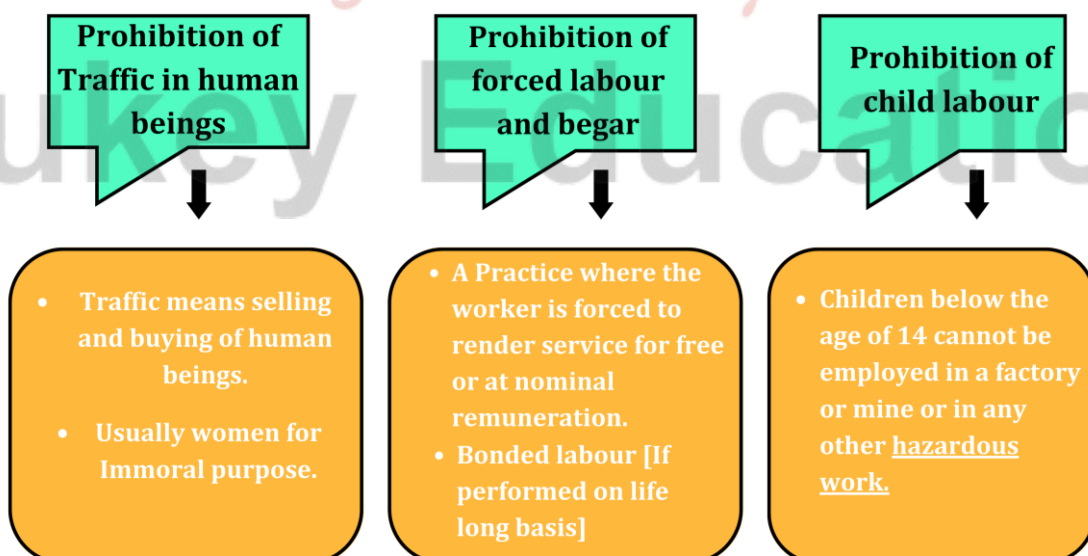
- a) Freedom means absence of constraints. Be it individual or the governments.
- b) Under Indian Constitution all citizens have the right to –
 - Freedom of speech and expression.
 - Assembly in a peaceful manner.
 - Form associations and unions.
 - Move freely throughout the country.
 - Reside in any part of the country.
- c) Practice any profession, or to carry on any occupation, trade, or business.
 - Freedom is not unlimited licence to do what one want. Your freedom should not cause public nuisance or disorder



Everyone's idea of thinking is different, and he/she should have the freedom to express them. You may disagree with a policy of government or activities of an association, and you are free to Criticise them. One may publicise his/her views through a pamphlet, magazine, or newspaper etc.

Right against Exploitation

Right to equality and liberty explains that no one should be exploited. Yet the constitution makers thought it was necessary to write down certain clear provisions to prevent exploitation of the weaker section of the society.

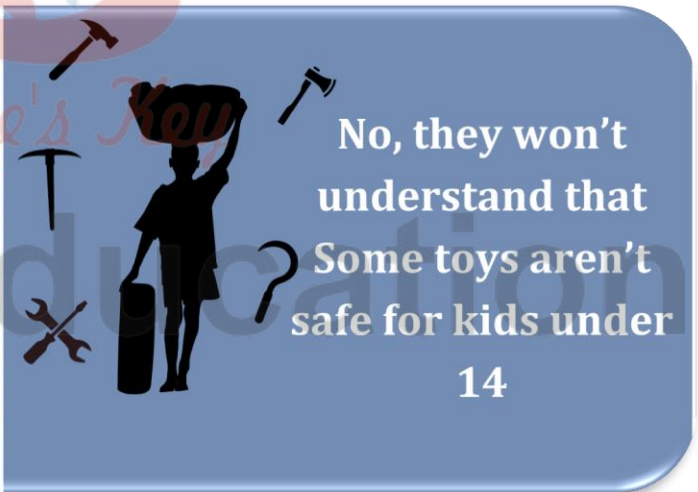


DEMOCRATIC RIGHTS

RIGHTS IN THE INDIAN CONSTITUTION



**I'M NOT FOR
SALE**



Right to Freedom of Religion

1. Right to freedom include right to freedom of religion as well.
2. Constitution say that India is a secular state.

Indian Secularism Practices an attitude of a principled and equal distance from all religion.

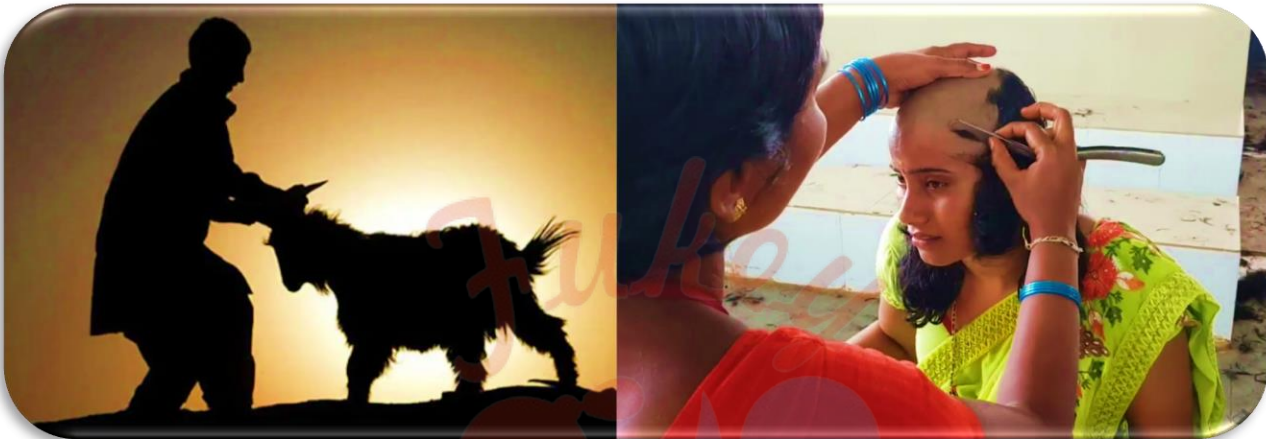
3. Every citizen has a right to profess, practice and propagate the religion of his/ her choice.

DEMOCRATIC RIGHTS

RIGHTS IN THE INDIAN CONSTITUTION

- A person is free to change religion on his or her own will. But no one should compel another person to convert. [By force, fraud inducement or allurements]
4. Under the freedom to practice religion one cannot do whatever he/she wants.

Example: Sacrifice animals or humans, discrimination with women.



5. Government's work on being secular.
- No favour and no discrimination toward any religion.
 - No religious instructions in government educational institutions.
 - What about private educational institutions. = No person shall be compelled.

Cultural and Educational rights

- Constitution specifies the cultural and educational rights of the minorities. The Constitution specifies the cultural and educational rights of the minorities:
- Any section of citizens with a distinct language or culture has 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 [In relative terms] have the right to establish and administer educational institution of their choice.



How can we secure these rights

1. Right to Constitutional remedies

- a) Because of the Enforceable nature of fundamental rights, they are so important. We can say seek enforcement of fundamental rights in case of their violation. In case of the violation of

DEMOCRATIC RIGHTS**RIGHTS IN THE INDIAN CONSTITUTION**

the fundamental right we can seek remedy through courts. We can directly approach the supreme court or the high court in the case of violation of fundamental rights.

- b) Dr. Ambedkar called the right to constitutional remedies as 'The heart and the Soul' of our constitution.
- c) Actions of Legislatures, the executive and authorities connected with government. Courts also enforce the Fundamental rights against private individual and bodies.
- d) Courts issue direction order or writs for enforcement of fundamental rights.
- e) PIL [Public Interest Litigation] as a right to constitutional remedies.



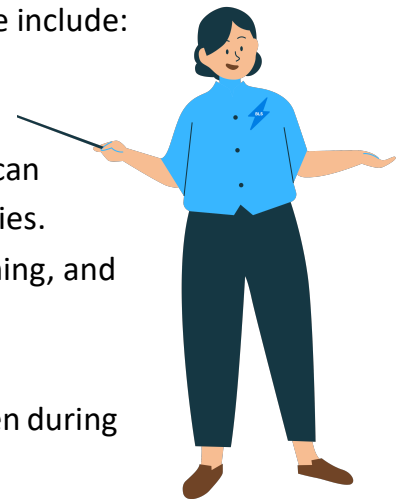
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EXPANDING SCOPE OF RIGHTS

International Covenant on Economic, Social and Cultural Rights

This 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 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 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.



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DEMOCRATIC RIGHTS

MIND MAP

