

RIGHTS IN THE INDIAN CONSTITUTION

1. Write true or false against each of these statements:
 - (a) A Bill of Rights lays down the rights enjoyed by the people of a country.
 - (b) A Bill of Rights protects the liberties of an individual.
 - (c) Every country of the world has a Bill of Rights.
 - (d) The Constitution guarantees remedy against violation of Rights.
1. (a, b, d)
2. Which of the following is the best description of Fundamental Rights?
 - (a) All the rights an individual should have.
 - (b) All the rights given to citizens by law.
 - (c) The rights given and protected by the Constitution.
 - (d) The rights given by the Constitution that cannot ever be restricted.
2. (c)
3. Read the following situations. Which Fundamental Right is being used or violated in each case and how?
 - (a) Overweight male cabin crew are allowed to get promotion in the national airlines but their women colleagues who gain weight are penalised.
 - (b) A director makes a documentary film that criticises the policies of the government.
 - (c) People displaced by a big dam take out a rally demanding rehabilitation.
 - (d) Andhra society runs Telugu medium schools outside Andhra Pradesh.
3. (a) In this situation, Right to Equality is being violated on the ground of discrimination whereas nobody should be discriminated under the Right to Equality on behalf of Caste, Sex, Religion, Race, etc.
(b) In the second situation the Right to Freedom of Speech and Expression is being used.
(c) People displaced by a big dam take out a rally demanding rehabilitation. Though our Constitution grants right to reside and settle in any part of India in the Right to Freedom. But people have Right to Freedom of speech and expression also. In this case, the government can impose some restrictions to maintain law and order. _____
(d) This case refers to the rights of linguistic minorities to set up their own educational institutions to preserve their culture. Hence, Andhra Pradesh can enjoy the right to run Telugu medium schools outside Andhra Pradesh.
4. Which of the following is a correct interpretation of the Cultural and Educational Rights?
 - (a) Only children belonging to the minority group that has opened educational institution can study there.



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- (b) Government schools must ensure that children of the minority group will be introduced to their belief and culture.
- (c) Linguistic and religious minorities can open schools for their children and keep it reserved for them.
- (d) Linguistic and religious minorities can demand that their children must not study in any educational institution except those managed by their own community.
4. (c) The statement of the above options is the correct interpretation because:
- Article 29(i) protects the interest of minorities in India to preserve their own languages, script and culture.
 - Article 30 provides that all minorities shall have the right to establish and administer educational institutions of their choice.
5. Which of the following is a violation of Fundamental Rights and why?
- (a) Not paying minimum wages
- (b) Banning of a book
- (c) Banning of loudspeakers after 9 pm
- (d) Making a speech
5. (a) Not paying minimum wages is a violation of Fundamental Right because:
- This act comes under Right against Exploitation.
 - Begar, forced labour, bonded labour or not paying minimum wages come under the Right against Exploitation.
 - It has now been declared a crime and a punishable offence.
6. An activist working among the poor says that the poor don't need Fundamental Rights. What they need are Directive Principles to be made legally binding. Do you agree with this? Give your reasons.
6. The most basic necessities of poor people are food, cloth and shelter. Hence, we can say that the activist is partly correct in saying that the poor don't need Fundamental Right. Directive principles contain various non-justiciable rights on which livelihood of poor depends:
- Right to adequate livelihood.
 - Equal pay for equal work.
 - Right against economic exploitation.
 - Right to work.
- But, we cannot ignore Fundamental Rights which are important to guarantee the Right to Life, Employment and Right against Exploitation.
7. Several reports show that caste groups previously associated with scavenging are forced to continue in this job. Those in positions of authority refuse to give them any other job.



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- Their children are discouraged from pursuing education. Which of their Fundamental Rights are being violated in this instance?
7. In this instance, the following Fundamental Rights are being violated:
- Right to Freedom: Under the situation given here the Right to freedom of profession of an Indian citizen has been violated due to force to continue in their jobs and to be refused the other jobs.
 - Culture and Educational Rights: The cultural and educational rights are also violated due to discourage of their children from pursuing education because every child has the right to get admission to any government or government aided educational institution.
 - Right to Equality: The Untouchability has also been abolished and everyone has the right to equal opportunities in employment because all the citizens are equal before law. Hence, right to equality is also violated.
8. A petition by a human rights group drew attention of the court to the condition of starvation and hunger in the country. Over five crore tonnes of food grains was stored in the godowns of the Food Corporation of India. Research shows that a large number of ration cardholders do not know about the quantity of food grains they can purchase from fair price shops. It requested the court to order the government to improve its public distribution system
- (a) Which different rights does this case involve? How are these rights interlinked?
(b) Should these rights form part of the right to life?
8. (a) This case involves the following rights:
- Right to Equality where everybody is equal before law and enjoys equal protection of law. This case refers that a large number of ration card holders do not know about quantity of food grains from ration shops.
 - Right against exploitation due to ration shop owners exploit these ignorant people who are not having equal protection of law.
 - Right to life due to some of the people do not have knowledge about how much quantity can be purchased from ration shops, hence may starve in want of food.
 - Right to Constitutional Remedies is also involved because human rights group drew attention of the court to condition of saturation and hunger in the country.
- (b) Yes, all these rights should form the part of the right to life.
9. Read the statement by Somnath Lahiri in the Constituent Assembly quoted in this chapter. Do you agree with him? If yes, give instances to prove it. If not, give arguments against his position.
9. After reading Somnath Lahiri's statement (on page 36 NCERT Textbook). We agree with Lahiri's views because a police constable vigil over unlawful activities to maintain law and order into the society. Maximum fundamental rights work under this framework



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only as if, these are violated and requires remedial order by the court later on. These rights do not include:

- Right to adequate livelihood
- Equal pay for equal work
- Right to work
- Right against Economic Exploitation

These are substantive to human life and should be incorporated as fundamental rights of people.

10. Which of the Fundamental Rights is in your opinion the most important right? Summarise its provisions and give arguments to show why it is most important.

10. In my opinion, the Right to Constitutional Remedies is considered as the 'heart and soul' of Constitution, hence important, because:

A citizen can approach to the Supreme court or High court under this right, in case of violation of any of the fundamental rights.

The court can issue some special orders for the enforcement of these fundamental rights under the title of:

- Habeas corpus
- Mandamus
- Prohibition
- Quo Warranto
- Certiorari

Under the above mentioned writs, the fundamental rights are defendable.

11. What do you mean by rights?

11. Rights are conditions of social life to be given by society and recognized by the state to promote welfare of the people.

12. What does 'duty' stand for?

12. Duty is the performance towards others, i.e. towards people, or nation or society, etc.

13. What are 'Fundamental Rights'?

13. 'Fundamental Rights' are granted by the Constitution of India to its citizens to be mandatory for the development and progress of the people.

14. Why Fundamental Rights are important?

14. Fundamental Rights are important because:

- These Rights ensure all those freedoms which make one's life worth living.
- Fundamental rights provide equality of status and opportunity as well as protect individuals from any type of exploitation.



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- 15.** What does the Right to Equality stand for?
- 15.** Right to Equality stands for:
- All citizens of India are equal before law.
 - This is an important right to abolish inequality among people of different castes and religion as well as between man and woman.
- 16.** Who has the power to amend the Fundamental Rights?
- 16.** The Parliament has the right to amend the Fundamental Right.
- 17.** Why Right to Freedom of Religion is an important right?
- 17.** The Right to Freedom of Religion is important because:
- Religion is a matter of faith, relates to conscience of a person.
 - Citizens are free to adopt any religion.
 - Citizens can opt any mode of worship as per choice.
 - Citizens are free to manage their own religious affairs.
- 18.** What is the importance of Article 21 of Indian Constitution?
- 18.** Article 21 provides protection of life and personal liberty, i.e. no person shall be deprived of one's life except according to the procedure established by law of India.
- 19.** What do you mean by 'Right to Freedom'?
- 19.** Right to Freedom implies:
- Freedom of speech and expression.
 - To assemble peacefully and without arms.
 - To form associations and unions.
 - To move freely inside territory of country.
- 20.** What does the 'Right to Life' stand for?
- 20.** Right to Life stands for:
- To live up without fear, injury and external danger.
 - Even the individual himself does not possess the right to take away his own life, i.e. to commit suicide is also a crime before law.
- 21.** What do you mean by the 'Right to Work'?
- 21.** Right to work includes:
- It is the duty of the state to provide a work to all citizens to earn one's own livelihood.
 - There should be efforts to remove unemployment from the society.



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- Every state is responsible to make its citizens mentally and morally fit for struggle of life.
- 22.** What do the Fundamental Duties refer in Indian Constitution?
- 22.** The Fundamental Duties were inserted in Constitution by 42nd Amendment in 1976:
- To remind its citizens, though they enjoy basic fundamental rights but they are supposed to observe certain basic norms of democratic conducts and behavior.
 - A set of ten fundamental duties of citizens have been enumerated by the amendment.
- 23.** What are Directive Principles of State Policy?
- 23.** Directive Principles of State Policy are guidelines only to the government which are 'non-justiciable'. It implies:
- The goals and objectives that we as a society should adopt.
 - Certain rights that an individual should enjoy apart from Fundamental Rights.
 - Certain policies that the government should adopt.
- 24.** Are there some exceptions to the Right to Equality? Explain.
- 24.** Yes, there are two exceptions to the Right to Equality:
- Right to Equality refers to making special provisions for women and children, SCs and STs, OBCs.
 - Right to Equality emphasises not to discriminate against anyone in the matter of employment but special provisions have been made for the reservation of post for backward classes.
- 25.** Mention any two discrimination's against women in our society.
- 25.**
- Normally women are low paid workers rather than a man as well as women are not economically independent.
 - Women are illiterate in our society which is the main reason for the backwardness of women. Mostly parents prefer education of a boy- child rather than a girl-child.
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- 26.** Mention the features of the writ of mandamus.
- 26.**
- This is issued by the Supreme Court to Lower Court, an official or an association.
 - It protects the right of a petitioner and gets some duty done by the authority to whom writ is issued.
 - The Supreme Court issues the writ to protect fundamental rights but the high court is empowered to issue it for other purposes also except safeguarding the Rights only.



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27. What do you mean by the writ Quo Warranto?

27.

- Quo warranto issued to an individual who has usurped a public office.
- It is issued only if there is no other way to come out of grievances.
- In reply to Quo warranto the person concerned has to legally prove his right to hold the office, otherwise the court can get office vacated.

28. Mention the six Fundamental Rights granted by the Constitution of India along with importance of these rights.

28. The Constitution of India guarantees six Fundamental Rights as follows:

- Right to Equality
- Right to Freedom
- Right against Exploitation
- Right to Freedom of Religion
- Cultural and Educational Rights
- Right to Constitutional Remedies These rights are of great importance because:
 - These rights assure a man for his overall development.
 - Without these rights, one's life cannot be made worth living.
 - If these rights are violated, the court is responsible to justice.

29. Which fundamental rights of Constitution protect the interest of minorities?

29. The following Fundamental Rights especially protect the interests of minorities:

Right to Freedom of Religion The minorities have been given the right and freedom to follow any of the religions as per their choices.

Cultural and Educational Right

- Minorities have right to protect and preserve their own culture, language, etc.
- The minorities can establish their own educational institutions for preserving their own culture.

30. Mention some Fundamental Duties of Indian Citizens.

In 1976, by 42nd Amendment of the Constitution, ten fundamental duties were inserted. Some of them are as follows:

- (i) To safeguard the sovereignty and integrity of the nation.
- (ii) To protect the country and even to serve whenever needed.
- (iii) To protect and safeguard those great ideals with which we succeeded in the national struggle.
- (iv) To abide by the Constitution and to respect its ideals, National flag and National Anthem.

30. (i) The Fundamental Rights are not absolute because some restrictions can be imposed in the interest of public order, decency or morality.



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- (ii) These rights are justiciable.
- (iii) The state cannot make a law which may violate the Fundamental Rights.
- (iv) Some rights are available to all as the Right to Life and personal liberty and some rights are available to only citizens as the Right to Freedom of speech and expression.

31. Write a note on “National Human Rights Commission”.

31. National Human Rights Commission (NHRC) is composed of:

- A former chief justice of Supreme Court of India.
- A former Judge of Supreme Court.
- A former Chief Justice of a High Court.
- Two other members who have knowledge and practical experience in the matters relating to human rights.

The commission’s functions are to receive complaints of:

- Custodial deaths
- Custodial rape
- Disappearance
- Police excesses
- Failure in taking action
- Indignity to women

The commission’s most significant intervention has been in the case of disappeared youth in Punjab and investigation and trial of Gujarat riot cases. The commission does not have the power of prosecution, it can merely make recommendations.

32. What do you mean by Right to Property and Work?

32.

- In 1978, by 44th Amendment to the Constitution the ‘Right to Property’ was removed from the list of Fundamental Rights and scheduled as a legal right under article 300 A.
- Right to Property provides citizens with incentives to work to achieve their desired goals.
- Property may be immovable like houses, farms or movable like cash, jewellery and furniture.
- Right to Work is another right to be possessed by citizens.
- It is the duty of society to provide every citizen with work, adequate means of livelihood and reasonable hours of work.

33. “Rights and Duties are interrelated with each other”. Justify the statement.

33. Rights and Duties go hand in hand:



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- Rights help to develop one's personality while duties help others to develop their personalities.
 - We own rights but we owe duties.
 - Duties are our obligations towards others whereas Rights are other's obligations towards us.
 - Rights are incomplete without duties whereas duties are meaningless without rights. Hence, it can be concluded that Rights and Duties are the two sides of the same coin.
- 34.** Discuss the importance of the Article 16 of the Constitution in reference of fulfillment of the Right to Equality of opportunity?
- 34.**
- Our Constitution mentions Equality of Status and Equality of Opportunity.
 - The government is supposed to implement special schemes and measures to improve the conditions of certain sections of society.
 - There is provision for reservations in jobs and admissions for children, women and socially and educationally backward classes despite we follow the principle of equality.
 - Article 16 (4): explicitly clarifies that a policy of reservation will not be seen as a violation of Right to Equality. If we try to find out the spirit of Constitution this is required for the fulfillment of the Right to Equality of opportunity.
 - Article 16 (4): nothing in this article shall prevent the state from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of State, is not adequately represented in the services under the State.
- 35.** What do you mean by Right against Exploitation?
- 35.**
- The Constitution prohibits 'traffic', i.e. selling, letting or disposing of men and women like goods, especially women and girl for immoral purposes.
 - The Constitution prohibits Begar or bonded labour, i.e. to make a person to work against his will and not to pay him genuine wages also.
 - No child under the age of 14 years shall be employed in any factory or hazardous work.
 - Children are the asset of a nation, hence they should be protected from abuse and exploitation.

Passage 1

Read the passage (NCERT Textbook, page 29) given below carefully and answer the questions that follow:



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Bill of rights in the South African Constitution The South African Constitution was inaugurated in December 1996. Its creation and promulgation took place at a time when South Africa still faced the threat of a civil war after the dissolution of the Apartheid government. The South African Constitution says that its “Bill of Rights is a cornerstone of democracy in South Africa”. It forbids discrimination on the grounds of “race, gender, pregnancy, marital status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, language and birth”. It grants perhaps the most extensive range of rights to the citizens. A special constitutional court enforces the rights enshrined in the constitution.

Some of the Rights included in the constitution of South Africa include:

- Right to Dignity
- Right to Privacy
- Right to fair labour practices
- Right to healthy environment and right to protection of environment
- Right to adequate housing
- Right to health care, food, water and social security
- Children’s rights .
- Right to basic and higher education
- Right of cultural, religious and linguistic communities
- Right to information

36. Which rights are common between Constitution of Indian and South Africa?

36. Right to dignity

Right to fair labour practices.

Children’s rights

Right to basic education

Right to cultural, religious and linguistic communities

Right to information

37. Which rights are available in South Africa but not in India?

37. Right to healthy environment and right to protection of environment.

Right to adequate housing

Right to health care, food, water and social security Right to higher education.

38. Mention the rights which are clearly granted in South Africa but implicit in the Indian Constitution.

38. Right to privacy

Right to fair labour practices

Right to healthy environment and right and protection of environment,

Children’s rights.



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Passage 2

Read the passage (NCERT Textbook, page 33) given below carefully and answer the questions that follow:

You Are The Judge:

You have received a post card from Hadibandhu, who identifies himself as a “member of the dalit community” in Puri district in Orissa. Men from this community refused to follow a custom that required them to wash the feet of the groom and guests of the ‘upper caste’ during marriage ceremonies. In revenge, four women from this community were beaten up and another was paraded naked. The post card writer says “Our children are educated and they are not willing to do the customary job of washing the feet of upper caste men, clear the left-overs after the marriage feast and wash the utensils.”

39. Does the above mentioned case involve violation of Fundamental Rights?
39. Yes, the cases and above involves violation of Fundamental Rights, i.e. Right to Dignity (Honour) is being violated.

40. What would you order the government to do in this case?
40. As a judge, I would order the government to conduct inquiry through CBI or magistrate or Human Rights Commission and to punish properly as per the law.

41. Who wrote the letter to judge and what was his identity?
41. “Hadibandhu” who identified himself as the “member of dalit community” wrote letter to judge.

42. “The Right to Freedom is a cluster of several rights”. Explain.
42. The Right to Freedom guarantees various freedoms to the citizens of India:
 - Freedom of Speech and Expression: Every citizen of India enjoys the Right to Freedom of Speech and Expression of his views/ideas freely either orally or in written form.
 - Freedom to form Unions and Associations: Citizens of India enjoy the freedom to form unions or associations to safeguard the interests to secure justice and equal opportunities.
 - Freedom to Assemble Peacefully: Citizens of India can assemble at a place peacefully without arms to interact with each other.
 - Freedom to reside in any part of India: Indian citizen may reside in any part of India which may be limited only for the sake of public order.
 - Freedom to move freely within the territory of India: Citizens of India are free to move freely within the territory of India subject to the restrictions imposed in the interest of public order or to safeguard the interest of ST’s.



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- Freedom to Practice any Profession or Occupation: Every citizen has the freedom to choose one's profession as per choice as well as enjoy the right to change the profession according to will and circumstances.
- 43.** What are the provisions of the Right to Equality?
- 43.** 'Right to Equality' refers that all citizens of India are equal before law, not to be discriminated on the grounds of caste, colour, religion, language, race, sex or place of birth, etc.
- Right to Equality has been included under Articles 14 to 18 of Indian Constitution:
- Article 14: Guarantees equality before law and equal protection of law to persons living within territory of India without any discrimination on the ground of caste, colour, race, religion, language, sex, etc.
 - Article 15: Guarantees social equalities, i.e. no discrimination on any ground as well as equal access of each and every person to the public places and facilities. And state cannot be prevented from making any special provision for women and children.
 - Article 16: Guarantees equal opportunities for all citizens in the matters of employment or appointment to any office under the state without any discrimination means employment and appointments should be on the basis of merit.
 - Article 17: Abolishes untouchability and its practices in any of the form are also forbidden.
 - Article 18: Abolishes titles except the degrees and titles concerned with military and education. Even foreigners who are serving in India are not entitled to receive any title from foreign government without the consent of the President of India.
- 44.** Mention the Fundamental Duties of a Citizen in Constitution of India.
- 44.** By the 42nd Amendment in 1976, ten Fundamental Duties of Citizens of India were incorporated under Article 51A of the Constitution of India:
- To abide by the Constitution and respect its ideals and institutions, national flag, and national anthem.
 - To cherish and follow the noble ideals which inspired our national struggle for freedom.
 - To uphold and protect sovereignty, unity and integrity of India.
 - To defend the country and render national services whenever required.
 - To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce those practices which seem to be indignified towards women.
 - To value and preserve the rich heritage of our composite culture.
 - To protect and improve the natural environment including forests, lakes, rivers and wildlife as well as to have compassion towards all living creatures.



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- To safeguard public property.
 - To develop scientific temper and the spirit of inquiry and reform.
 - To strive towards excellence in all spheres of individual or collective activities to reach the nation to the higher levels of endeavours and achievements.
45. Throw some light on the relationship between the Fundamental Rights and Directive Principles of State Policy.
45. The Fundamental Rights are guaranteed to the individuals but the Directive Principles are the instructions to the State:
- The Fundamental Rights are justiciable means in case of their violation, it can be challenged either in the High Court or Supreme Court that, oars a duty to safeguard the rights. Whereas Directive Principles of State Policy are not justiciable, these are only to remind to central and state governments about their duties.
 - Fundamental Rights are directly concerned with each and every individual whereas Directive Principles of State Policy are directly concerned with the State only, where a State is expected to implement and also to achieve the goal of Welfare State.
 - Fundamental Rights may be suspended during the case of emergency by the President including the Right to Constitutional Remedies also whereas Directive Principles of State Policy cannot be suspended even during these circumstances.
 - Fundamental Rights concern with the overall development of an individual whereas Directive Principles of State Policy concern with society as a whole which have been mentioned in Article 38 to create a society by the State where all enjoy social and economic justice.
46. What is the importance of the Right to Constitutional Remedies? Explain.
46. 'Right to Constitutional Remedies' is the 'Heart and Soul' of Indian Constitution to protect the rest of the Fundamental Rights of the Citizens under Article 32 and 226. This right contains various writs to be issued by the Supreme Court and High Court from time to time:
- The Writ of Habeas Corpus:
- The Court orders that the arrested person should be presented before it.
 - Court can order to set free an arrested person if the grounds of arrest are unlawful.
- Mandamus:
- When the court finds that the particular office holder is not performing legal duty.
 - Thereby, he is infringing on the right of an individual.
- Prohibition:
- It is issued by a higher court to a lower court on considering a case to go beyond its jurisdiction.
 - Higher court orders to stop the proceedings of certain case.
- Quo Warranto:



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- If the court finds that a person is holding office but is not entitled to hold that office.
- This restricts that person from acting as an office holder.

Certiorari:

- The Court orders a lower court or another authority to transfer a matter pending before it to the higher authority or court.

Study the picture (NCERT Textbook, page 37) given below and answer the questions that follow.



47. Name the Fundamental Rights whose violation is depicted in this photograph.
47. Right against Exploitation.
48. What is the provision under Right against Exploitation regarding the same picture?
48. The Constitution forbids employment of children below the age of 14 years in dangerous jobs like factories and mines along with making child labour illegal.
49. Name any other form of exploitation mentioned under the Right against Exploitation except mentioned above.
49. Begar or bonded labour or forced labour or 'Trafficking' of human beings, especially women and girls are the other forms of exploitation mentioned under the Right against Exploitation.

