

Chapter 5: Democratic Rights

Intext Questions:

Question 1: If you were a Serb, would you support what Milosevic did in Kosovo? Do you think his project of establishing Serb dominance was good for the Serbs?

Answer:

If I were a Serb, I would not support what Milosevic did in Kosovo because what he did was very narrow minded and discriminatory towards the Albanians. No, this method of establishing Serb dominance was not good for the Serbs because this action of Milosevic led to conflict and hostility between the Serbs and the Albanians. The Albanians were massacred by the army of their own country. Ultimately, Milosevic lost power and was tried by the International Court of Justice for crimes against humanity.

Question 2: . For each of the three cases of life without rights, mention an example from India. These could include the following:

- Newspaper reports on custodial violence.
- Newspaper reports on force-feeding of prisoners who go on hunger strike.
- Ethnic massacre in any part of our country.
- Reports regarding unequal treatment of women.

List the similarities and differences between the earlier case and the Indian example. It is not necessary that for each of these cases you must find an exact Indian parallel.

Answer:

(i) Indian example compared to 'Prison in Guantanamo Bay':

A news report in 'The Hindu' newspaper dated 20th October, 2006:

CBI to Probe Custodial Violence: Case According to the petitioner, there was a petty quarrel between her children and her neighbour's children on 5th February, 2004, for which the latter preferred a complaint with the police. Due to coercion from the complainant's relative, who worked at the Tamil Nadu House in New Delhi, the police summoned the petitioner and her husband, S Annakodi, to the police station on the next day. Mr Annakodi was brutally beaten up by a sub-inspector there. He was produced before the Judicial Magistrate and let out on bail the same day.

Immediately, his wife took him to a private clinic where the doctor advised her to admit him in the General Hospital. As Ms Muniyammal did not have enough money she took her husband back home where he died at 2 am on 8th February. Similarity There is custodial violence in both cases.

Differences

(a) The violence in the Indian case is in the Police Station, whereas in the first case it was in prison.

(b) In the Indian case, the person was visiting the police station on a summons, whereas in the earlier case the prisoners had been illegally detained in prison.

(ii) Indian example compared to 'Citizens' Rights in Saudi Arabia':

A news report in 'The Times of India' newspaper dated 6th August, 2012. Gender discrimination, say women candidates. Bhopal The number of women candidates who were not called for interview despite scoring higher marks than male candidates was 109; the CM added and also tabled in the assembly the list of all such women, candidates along with details of scores, ranks and addresses. "It's a typical case where men have benefitted from reservation meant for women", says one of the candidates Sunita Jain, who hails from Ratlam. She had complained to the national women's commission, state women's commission and made representation at all levels, pointing out that keeping higher cut-off marks for women candidates and lower cut-off marks for men amounted to gender discrimination.

Similarity None Difference In the Saudi Arabia case, women are subject to restrictions and also their testimony has half the value of men's testimony. In the Indian case, women were discriminated against by keeping higher cut-off marks for them compared to the men.

(iii) Indian example compared to 'Ethnic massacre in Kosovo':

A news report from Reuters dated 29th August, 2012:

Indian politician found guilty of murder for her role in bloody massacre. A former Indian state minister was found guilty on Wednesday of murder in one of the country's worst religious riots, the highest-profile conviction in a case that casts a shadow over the country 10 years on.

Human-rights groups say about 2,500 people, mostly Muslims, were hacked, beaten or burned to death in Gujarat state after a suspected Muslim mob burned alive 59 Hindu activists and pilgrims inside a train in February, 2002. Similarity In both cases, the minority people were massacred. Difference In the case of Kosovo, it was organized by the government and executed by their soldiers. In the Indian case, it was done by a mob, which was instigated by some people who were in the government.

Question 3:

A) Write a letter to Anas Jamil in UK, describing your reactions after reading his letter to Tony Blair.

Answer:

Letter to Anas Jamil

Dear Anas,

Today I read your letter. I was really disheartened by what has happened to you and your family. I want to inform you that Mr el-Banna was arrested along with friend Bisher al-Rawi, an Iraqi citizen, during a business trip to Gambia in 2002 on suspicion of links to terrorism.

After questioning his father and al-Rawi, the pair were handed over to American security officers and transferred to Guantanamo Bay via a US air base in Bagram, Afghanistan. There have been allegations that the British security services tipped off the US that they were linked to al-Qaeda suspect Abu Qatada. But Mr el-Banna's lawyers say the evidence against him is flimsy. He was accused of having a suspicious device in his baggage but it turned out to be a battery charger bought from Argos. Mr el-Banna suffers from diabetes but Miss Teather says he has been denied the salad he needs to control his blood sugar levels "because it is too expensive", causing a severe deterioration in his sight.

Miss Teather told the Daily Mail: "What we want is basic justice. Jamil should either be charged or released but his lawyers are confident there is no evidence against him.

Therefore it was tough for you and We all are with you don't worry. Lots of love to you

Thanking you.

E-4 mansarovar enclave,

Batisha.

9 October 2017.

My friend Bindhu,

I am feeling very bad when I heard that you are also going through the same situation like I faced. Be strong.

Face the challenges bravely. I hope you will also get the justice as soon as possible and the main culprits

behind these massacres will be punished. Yours friendly Batisha

b) Write a letter from Batisha in Kosovo to a woman who faced a similar situation in India.

Answer:

E-4 mansarovar enclave,

Batisha.

9 October 2017.

My friend Bindhu,

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Face the challenges bravely. I hope you will also get the justice as soon as possible and the main culprits

behind these massacres will be punished.

Yours friendly

Batisha

c) Write a memorandum on behalf of women in Saudi Arabia to the Secretary General of the United Nations.

Explanation:

Very few rights are given to Saudi women. The situation is little different in recent years, but worst for second class citizens. I am a woman of Saudi Arabia addressing the secretary-general (though my liberty and livelihood will be in danger as a result of it), I am imploring the UN and that both the UN and its member nations pressure Saudi Arabia to enact reforms so that the country is in compliance with that Declaration.

Question 4: What are the examples of elected governments not protecting or even attacking the rights of their own citizens? Why do they do that?

Answer:

Examples of elected governments not protecting or even attacking the rights of their own citizens are:

- Ethnic massacre of Albanians in Kosovo.
- policy of apartheid in South Africa.
- Rule of PRI party in Mexico.
- Rule of Robert Mugabe in Zimbabwe.

These rulers wanted to hold power and keep the people under their control so that they would not oppose them and they could rule without problems.

Question 5: Everyone knows that the rich can have better lawyers in the courts. What is the point in talking about equality before law?

Answer:

It is true that the rich can have better lawyers in the courts but the law is the same for everyone. Being rich or having good lawyers does not mean that equality of law also changes. Whether a person is rich or poor, the law remains the same for all citizens. The judiciary follows the rule of law for all without discrimination.

Question 6:

A) Go to the playground of the school or any stadium and watch a 400 metre race on any track. Why are the competitors in the outer lane placed ahead of those in the inner lane at the starting point of the race? What would happen if all the competitors start the race from the same line? Which of these two would be an equal and fair race? Apply this example to a competition for jobs.

Answer:

Since the outer lane has a bigger circumference than the inner lane, more than 400 meters distance will be covered in one round of the track. So competitors in the outer lane are placed ahead, so that they are given an equal opportunity compared to the person in the inner lane. If all the competitors start at the same line, the outer track competitors will have to run a longer distance, which will not be fair. So in the first case, it will be a fair race. Similarly, in a competition for jobs, if the Scheduled Castes are given reservations, they can compete on an equal basis, because they are educationally and culturally backward, although they may be fit for the job for which they have applied.

B) Observe any big public building. Is there a ramp for physically handicapped? Are there any other facilities that make it possible for physically handicapped to use the building in the same way as anyone else? Should these special facilities be provided, if it leads to extra expenditure on the building? Do these special provisions go against the principle of equality?

Answer:

In many public buildings like hospitals and big offices, there are such ramps. Some airports have special toilets for the physically handicapped. These special provisions do not go against the right to equality as handicapped persons also have the same rights as normal citizens and the government must provide for them accordingly

Question 7: All these fall under the definition of untouchability. Can you think of some examples from your own area?

Many Forms of Untouchability

In 1999, P. Sainath wrote a series of newsreports 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 one for others;
- Barbers refused to serve dalit clients;
- Dalit students were made to sit separately in the classroom or drink water from separate picher;
- Dalit grooms were not allowed to ride a horse in the wedding procession; and
- Dalits were not allowed to use common handpump or if they did, the handpump was washed to purify it.

Answer:

In my area there are instances like:

1. Dalit boy beaten to death for plucking flowers
2. Dalit tortured by cops for three days
3. Dalit 'witch' paraded naked
4. Dalit killed in lock-up at Kurnool
5. 7 Dalits burnt alive in caste clash
6. Dalit woman gang-raped, paraded naked
7. Police egged on mob to lynch Dalits.
8. Dalits are not allowed to drink from the same wells, attend the same temples, wear shoes in the presence of an upper caste, or drink from the same cups in tea stalls

Question 8: Should the freedom of expression be extended to those who are spreading wrong and narrow minded ideas? Should they be allowed to confuse the public?

Answer:

No, the freedom of expression should not be extended to those who are spreading wrong and narrow minded ideas, since it is harmful for society and democracy. No, they should not be allowed to confuse the public because it would be wrong to do so. Spreading wrong information for personal gains is wrong.

Question 9: Are these cases instances of violation of right to freedom? If yes, which constitutional provision does each of these violate?

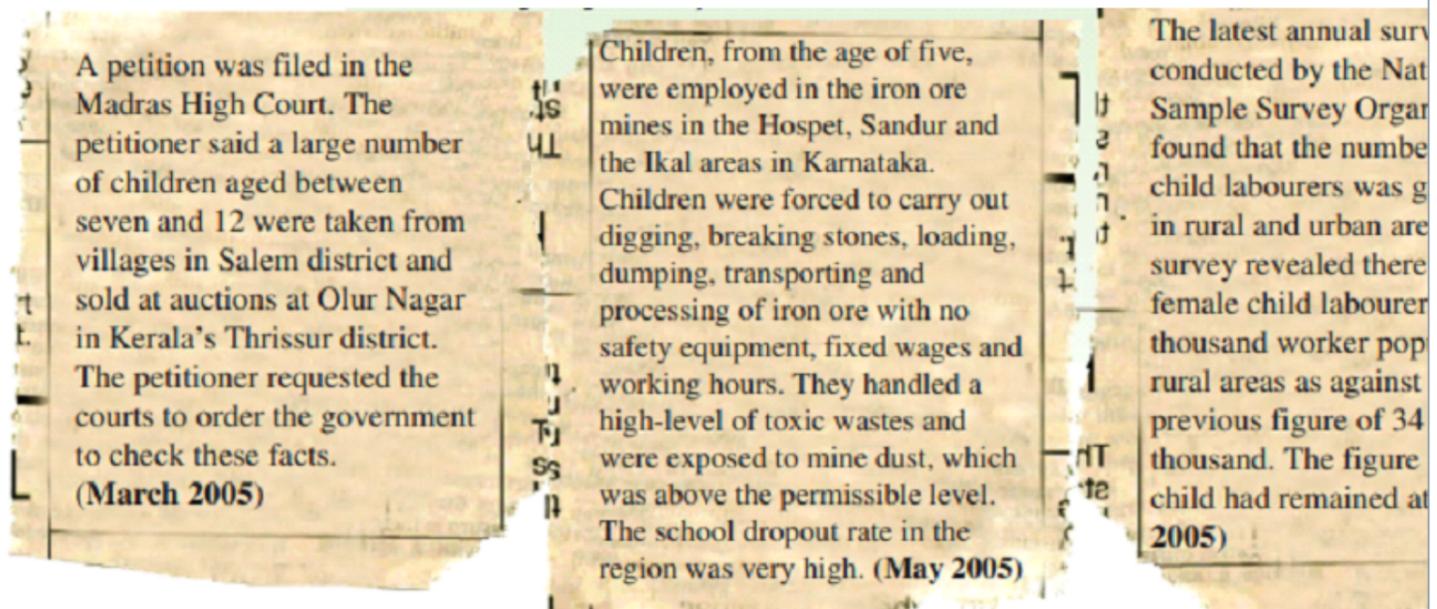
- The government of India banned Salman Rushdie's book *Satanic Verses* on the ground that it was disrespectful to Prophet Mohammed and was likely to hurt the feelings of Muslim community.
- Every film has to be approved by the Censor Board of the government before it can be shown to the public. But there is no such restriction if the same story is published in a book or a magazine.
- The government is considering a proposal that there will be industrial zones or sectors of economy where workers will not be allowed to form unions or go on strike.

- City administration has imposed a ban on use of public microphones after 10 p.m. in view of the approaching secondary school examinations.

Answer:

- (i) Yes, this violates the right to freedom of thought and expression.
- (ii) Yes, this violates the right to freedom of thought and expression.
- (iii) Yes, this violates the right to freedom to form associations and unions.
- (iv) No, this is not a violation of the right to freedom because the Constitution guarantees freedom to a group of people as long as that freedom does not affect or hamper any other freedom of anyone else. Also the ban is imposed in the larger interests of the people.

Question 10: On the basis of these news reports write a letter to the editor or a petition to a court highlighting the violation of right against exploitation:



Answer:

Letter to the Editor

Dear Sir,

This is to bring to the notice of all concerned that many children are being exploited and forced to work for food and shelter. Instances which have come to my knowledge are

- (i) A large number of village children between the ages of 7 to 12 years of Salem district in Tamil Nadu has been sold in Kerala to work as child labour.
- (ii) Many children in Karnataka, even down to the age of 5 years, have been employed in digging, breaking stones, loading and processing iron ore in the mines there. The work is very hazardous and they are not using any safety measures.

(iii) Female child labour is also being utilized in many places. In fact, the number of female child labourers has increased in recent times, both in urban as well as rural areas.

By this letter, I wish to bring these facts to the notice of the Government, so that they can take suitable action against the people who are violating the Right against Exploitation of these children. I hope that my plea will create a proper response from the government to bring these malpractices to an end.

Question 11: Do you know what the minimum wages in your state are? If not, can you find out? Speak to five people doing different types of work in your neighbourhood and find out if they are earning the minimum wages or not. Ask them if they know what the minimum wages are. Ask them if men and women are getting the same wages.

Answer:

Minimum wages in our state for daily labourers per day are Rs.297/-

I spoke to 5 different persons with different occupations each. They don't know the real meaning of minimum wages. Unskilled are getting wages below the minimum wage of the state whereas semi skilled and skilled are getting salaries above the minimum wages in the state. All of them opined that men and women are not getting same wages. Below are the wages of the 5 persons.

- Watchman- 338/- per day
- Labourers (threshing work) – 281/- per day
- Receptionist- 9827/- per month
- Accountant/ Sales executive- 13,028/- per month
- Manager- 26,430/- per month

Question 12: The Constitution does not give people their religion. Then how can it give people the right to practice their religion?

Answer:

It is true that the Constitution does not give the people their religion. However, it does not prevent the Constitution from giving the people the right to practice their religion, because the Constitution contains Principles that are meant for the welfare of the citizens. The Constitution therefore provides conditions to the citizens under which they can follow and practice their religion with freedom.

Question 13: Read these news reports and identify the right that is being debated in each of these cases:

- An emergency session of the Shiromani Gurdwara Parbandhak Committee (SGPC) rejected the proposal to form a separate body to manage the affairs of Sikh shrines in Haryana. It warned the government that the Sikh community would not tolerate any interference in their religious affairs. (June 2005)
- The Allahabad High Court quashed the Central law, which gave Aligarh Muslim University its minority status, and held illegal the reservation of seats for Muslims in its postgraduate medical courses. (January 2006)
- The Rajasthan Government has decided to enact an anti-conversion law. Christian leaders have said that the Bill would aggravate the sense of insecurity and fear in the minds of minorities. (March 2005)

Answer:

(i) Here it is the Right to Freedom of Religion.

(ii) Here it is the Right to Equality.

(iii) Here it is the Right to Freedom of Religion.

Question 14: Can the President of India stop you from approaching the Supreme Court to secure your fundamental rights?

Answer:

No, the President of India cannot stop me from approaching the Supreme Court to secure my Fundamental Rights because the Fundamental Rights have been enshrined in our Constitution. This means that our Constitution provides and protects these rights and they cannot be taken away or violated by any person or government action or law, which also includes the President of India. The Right to Constitutional Remedies is a Fundamental Right, according to which we have the right to approach the Supreme Court in case of violation of rights by any person or government law. So, nobody can stop us from going to court to secure our Fundamental Rights.

Question 15:

National Human Rights Commission

Do you notice references to the National Human Rights Commission (NHRC) in the news collage on this page? These references reflect the growing awareness of human rights and struggles for human dignity. Many cases of human rights violations in diverse fields, for instance, Gujarat riots, are being brought to the public notice from across India. Human rights organisations and the media often criticise government agencies for not seriously pursuing these cases or catching the culprits.

Someone had to intervene on behalf of the victims. This is where the National Human Rights Commission stepped in. This is an independent commission set up by law in 1993. Like judiciary, the Commission is independent of the government. The Commission is appointed by the President and includes retired judges, officers and eminent citizens. Yet it does not have the burden of deciding court cases. So it can focus on helping the victims secure 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. That is the responsibility of courts. The NHRC is there to make independent and credible inquiry into any case of violation of human rights. It also inquires into any case of abetment of such violation or negligence in controlling it by any government officer and takes other general steps to promote human rights in the country. The Commission presents its findings and recommendations to the government or intervenes in the court on behalf of the victims. It has wide ranging powers to carry out its inquiry. 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.

Any citizen of India can write a letter to this address to complain against the violation of human rights: **National Human Rights Commission**, G.P.O. Complex, INA, New Delhi 110023. There is no fee or any formal procedure to approach the NHRC. Like NHRC, there are State Human Rights Commissions in 26 states of the country (as on 10 December 2018). For more details, visit <http://www.nhrc.nic.in>

Are these rights only for adults? Which of these rights are available for children?

Answer:

No, these (Fundamental Rights) are not only for the adults, they are available to all the citizens of the country without any discrimination. Right against exploitation is specially devoted to children because it protects the children from exploitation.

- This right 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 right as a basis, many laws have been made to prohibit children from working in industries such as beedi making, firecrackers, matches, printing and dyeing.

Question 16: Is there a State Human Rights Commission in your state? Find out about its activities.

Answer:

After Bifurcation, Andhra Pradesh has set up State Human rights commission in Visakhapatnam in March, 2021. A state human rights commission is a statutory body with three or more members headed by a retired high court judge and two other (judicial and non judicial) members. The commission is responsible for the protection and promotion of human rights, related to life, liberty, equality and dignity of individuals as guaranteed under the Indian Constitution and Protection of Human Rights Act of 1993.

Write a petition to the NHRC if you know any instances of human rights violation in your area.

Answer:

To

The National Human Rights Commission,
Manav Adhikar Bhavan Block-C,
New Delhi, 110023.

Details: Name- K.Vijay Kumar

Age- 30

Place- Kakinada

Victim- G. Naresh

Place of incident- Kakinada

I, K.Vijay Kumar, residing in Kakinada city have witnessed grave violation of Human rights in my neighbourhood. Victim named G.Naresh is one of my neighbours belonging to a scheduled caste. He was brutally thrashed and killed in the day light by upper caste people of our locality because of petty issue arose during cricket match between G. Naresh and one upper caste guy. Even though Scheduled caste people raised complaint in police station and State Human rights commission no action was taken yet. The culprits are still roaming freely without any guilt.

So, I kindly request the National Human Rights Commission Chairman to look into the issue and deliver justice to the victims family.

Exercises

Question 1: Which of the following is not an instance of an exercise of a fundamental right?

- (a) Workers from Bihar go to 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 2: 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:

(d) Freedom to oppose the central values of the Constitution

Question 3: 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 4: Name the Fundamental Right under which each of the following rights falls:

Freedom to propagate one's religion

Right to life

Abolition of untouchability

Ban on bonded labour

Answer:

Right to Freedom of Religion

Right to Freedom

Right to Equality

Right against Exploitation

Question 5: 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:

(a) Every country that is a democracy gives rights to its citizens.

Reasons:

Rights are necessary for the very existence of democracy. In a democracy, every citizen has the right to vote.

Question 6: Are there restrictions on the Right to Freedom justified? Give reasons for your answer.

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

Answer:

It is justified. The security of the country is the first duty of a government, and this cause can stop the people from visiting the border areas.

This action is also justified. The local population may not be financially strong to protect its interests. Outsiders can take away their rights in their own area, so such a step of the government is correct.

Not justified. The publication of a book can only be banned if it disturbs the peace and hurts the sentiments of a section of people, and not on grounds of protecting the ruling party's prospects in the next election.

Question 7: 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 are being violated in this instance.

Answer:

In Manoj's case, two fundamental rights are being violated.

Right to Equality. Everyone is equal in the eyes of law. No one can be denied admission on the grounds of his birth. The person is also practising untouchability which is a punishable offence. His right to opportunity is also being violated.

Right to Freedom. Manoj has the right to apply for any job anywhere as long as he is qualified for it. No one can force him to do a certain job against his wishes.

Question 8: 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 is correct. She is entitled to right to equality and therefore she can choose to use either her maiden name or her husband's surname. Forcing her to use to her husband's surname will result in infringement of her right.

Question 9: Thousands of tribals and other forest dwellers gathered at Piparia in Hoshangabad district in Madhya Pradesh to protest against their proposed displacement from the Satpura National Park, Bori Wildlife Sanctuary and Panchmarhi Wildlife Sanctuary. They argue that such a displacement is an attack on

their livelihood and beliefs. Government claims that their displacement is essential for the development of the area and for protection of wildlife. Write a petition on behalf of the forest dwellers to the NHRC, a response from the government and a report of the NHRC on this matter.

Answer:

(a) The petition should be as follows

- We the tribal and the forest people have been living in and near the forests for hundreds of years and have earned our livelihood from the forests. The forests are our home and place of work.
- It is wrong to displace us from our traditional homes. By doing so you are taking away our livelihood and traditions because we know no other work.
- We request the NHRC to take up our cause and prevent our displacement from the forest due to the setting up of the wildlife sanctuaries.

(b) The Response of the Government

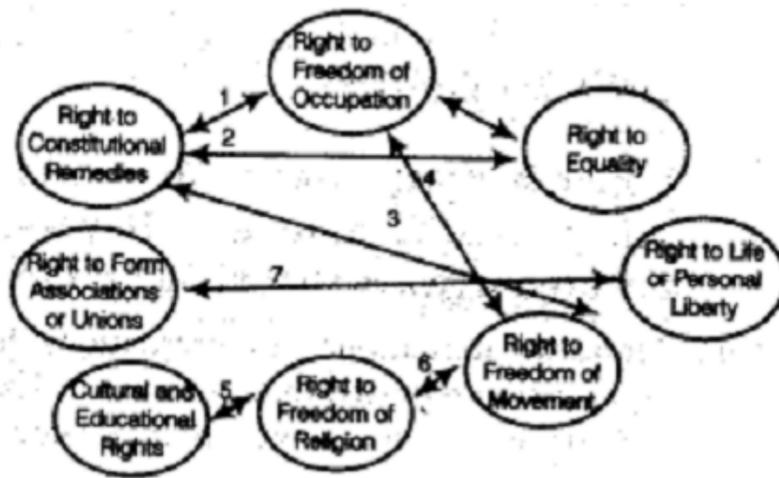
- The government, in order to protect the wildlife which is nearing extinction, has decided to set up wildlife parks and wildlife sanctuaries and provide natural habitats to the endangered species and other animals.
- For doing this, human interference has to be stopped and so the tribals and the forest dwellers are to be displaced from these areas.
- However, keeping in mind the welfare of the tribals and ensuring a future for the tribals will be rehabilitated in some other suitable place.

(c) NHRC Report

- The National Human Rights Commission gave its report on the proposed displacement of the tribals and the forest dwellers from the wildlife parks and sanctuaries like the Satpura National Park, Bori Wildlife Sanctuary and Panchmarhi Wildlife Sanctuary.
- NHRC said that the tribals and the forest dwellers have since ages lived in the forests and also earned their livelihood from the forests.
- However, realising the importance of the forests in their lives they have taken care not to harm it or damage it in any manner.
- They have co-existed in the forests with all the flora and fauna and they have many beliefs and traditions which intact protect the forests and the animals.
- Finally, they are not a threat to the flora and the fauna and they can help to protect, preserve and conserve the forest flora and fauna so they should be allowed to live in the forests as a part of the forest.

Question 10: Draw a web interconnecting different rights discussed in this chapter. For example right to freedom of movement is connected to the freedom of occupation. One reason for this is that freedom of movement enables a person to go to place of work within one's village or city or to another village, city or state. Similarly this right can be used for pilgrimage, connected with freedom to follow one's religion. Draw a circle for each right and mark arrows that show connection between or among different rights. For each arrow, give an example that shows the linkage.

Answer:



The arrow labels details are given below:

1. In case somebody is not allowed to work in a particular job even though selected, he can approach the court for restoring this right.
2. If somebody is not allowed access to a public place because of his caste, he can approach the court for restoring this right.
3. If a person is accused for a crime, he can engage a lawyer to defend him.
4. Freedom to work anywhere in the country.
5. Establishing an educational institution for a minority community.
6. Somebody going for a pilgrimage.
7. We can conduct a peaceful demonstration in a group against some government policies which affect us adversely.