

20. Human Rights and Fundamental Rights

Improve your learning

1. Question

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. Religious minority set up a chain of schools
- c. Men and women government employees get the same salary
- d. Parents' property is inherited by their children

Answer

The correct answer is d. Parents' property is inherited by their children. Inheriting property by the children does not fall under the category of fundamental rights. A person can decide on his own that who will inherit his property. It is not necessary to give the property to one's own children.

2. Question

Which of the following freedoms is not available to an Indian citizen?

- a. Freedom to criticize 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

- a. The following freedoms are not available to an Indian citizen:
- 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

3. Question

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

Statement 'a' is more valid as compared to other 2 statements. Every country that gives rights to its citizens may not be a democracy. But it is important to every democracy to give rights to its citizens.

4. Question

Are these restrictions on the right to freedom justified? Give reasons for your answer.

- a. Indian citizens need permission to visit 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

Reason 'a' is justified that Indian citizens need permission to visit some border areas of the country for reasons of security. This is done to ensure minimum risk related to loss of life and property.

Reason 'b' is not justified as it curtails the right to freedom

Reason 'c' is not justified as it prevents the freedom of speech.

5. Question

Look through this chapter and the previous one and make a list of the six Fundamental Rights in the Constitution.

Answer

The constitution of India has given fundamental rights which are considered as the basic human rights of all the citizens, irrespective of their age, gender, caste, creed or religion. These are very important parts of the constitution which were developed with great integrated efforts. There are six fundamental rights. They are Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, and Right to Constitutional Remedies. 1) Right to equality: According to this right all the person are considered equal by the law. It ensures the equal right for everyone. It prohibits inequality on the basis of religion, race, gender, place of birth or caste. The State can not discriminate anyone in matters of employment on the above grounds. 2) Right to freedom: This provides the

citizen with various other rights. It includes the freedom of speech, freedom of assembly without arms, freedom of movement within the territory of India, freedom to practice any profession, freedom to reside in any part of the country and freedom of expression.3) Right against exploitation: Right against exploitation condemns human trafficking, child labour in factories and mines and any other kind of forced labor. All of these acts are punishable by law and are considered a serious offence.4) Right to freedom of religion: According to this right, a person has the right to practice, profess and propagate the religion of his own choice. It ensures religious freedom and secularity in the country. All the religions must be treated equally, without any parcel treatment. The state also does not have any official religion.5) Cultural and educational right: It protects the right of the cultural, and linguistic minority. Which enables them to conserve did heritage and protect them against any form of discrimination. They have the right to set up their own educational institution. This right also ensures education for everyone irrespective of their caste, gender, and religion.6)Right two constitutional remedies: According to this right every Indian citizen can go to the Supreme Court of India to ask for enforcement of the fundamental right or protection against violation of any of the fundamental right.

6. Question

Are the Fundamental Rights being violated in each of the following cases? If so, which Fundamental Right or Rights? Discuss with your classmates.

- a. Suppose a person is kept in a police station for 4 days without being told which law was broken?
- b. Suppose your neighbour tries to claim some of your lands as her own.
- c. Suppose your parents do not allow you to go to school. They make you take up a job in a match factory instead because they cannot afford to feed you properly.
- d. Suppose your brother refuses to give you the land that you have inherited from your father.

Answer

- a. Yes, the fundamental right is being violated. According to the right to freedom, Article 22: Protection against arrest and detention in certain cases, when any person is arrested and is taken to the police station, the authority must communicate to the person, the grounds on which he is being arrested and shall also give him the earliest opportunity of making a representation against the order.
- b. Yes, a right is being violated. According to the right to property, Article 31,' no person shall be deprived of his property saved by authority of law.' So if a person is trying to claim a land of the of their own, a case can be filed on them under this act
- c. Yes, the fundamental right is being violated. According to the right to education, article 21A, every child between 6 to 14 years in India is entitled

to free and compulsory education. The local authority will identify the children who are not going to school and admit them in classes according to their age. Moreover, no child is allowed to work in any factory as it is hazardous to his life.

d. Yes, the fundamental right is being violated. According to the right to property, article 31,' no person shall be deprived of his property saved by authority of law.' So if a person is trying to claim a land of the of their own, a case can be filed on them under this act.

7. Question

Suppose you are an advocate. How would you argue the case for a group of people who come to you with the following request:

“The river in our area is getting very polluted by the factories upstream. We get our drinking water from the river. People in our villages keep falling ill because of the polluted water. We have complained to the government, but there has been no action from their side. This is surely a violation of our Fundamental Rights.”

Answer

It is an unfortunate story of India that most of the rivers are polluted beyond the acceptable norms. It also contaminates the groundwater surrounding it. Rivers and any water body for that matter have the right not to be polluted. They are of scientific and biological importance. In the above-mentioned case, there are a few rights laid down by the Indian Constitution. According to the right of life, 'no person shall be deprived of his life or personal liberty except according to procedure established by law.' In view of this write the environment ecologically, water is violated in Article 21 of the Indian Constitution. The right to receive clean drinking water is also included in the same right. In the above case, the 'Right to life' is being violated. The name of the river, the location of the river along with the injury caused by the pollutant must be carefully noted down. The concerned factory can be held liable for harming, and adequate compensation can be paid.

8. Question

Read the paragraph under the heading 'Abolition of Title' and answer the following question.

The Awards can't be used by the recipient as a title. Why?

Answer

According to Article 18 in The Constitution Of India 1949, the abolition of titles includes the following: a) no citizen of India shall accept any title from any foreign country b) no title shall be conferred by the state, excluding the academic or military ones c) no Indian citizen shall accept any title from any foreign country, without the consent of the president, while he holds any office of profit or trust under the State. d) no Indian citizen shall accept any present, emolument, or office of any title from any foreign country, without

the consent of the president, while he holds any office of profit or trust under the State. During independence, there were many individual kingdoms. The kings of these kingdoms were referred to as Lord, Raja, etc. If the usage of these titles had continued for a longer period, the concept of equality would be in danger. Thus, the Government of India introduced the above-mentioned Article in the Indian constitution. It is also observed that the title of Mahatma Gandhi i.e., 'father of the Nation,' was not given to him by the state officials. In fact, it was Subhas Chandra Bose who had used this term for him. Thus, the awards cannot be used by the recipient of the same as a title.

9. Question

Analyze an incident you know about where the Fundamental Rights are violated.

Answer

The fundamental rights were included in the constitution because they were considered essential for the development of the personality of every individual and to preserve human dignity.

The fundamental rights are:

1. right to equality,
2. right to freedom,
3. right against exploitation,
4. the right to freedom of religion,
5. cultural and educational rights, and
6. right to constitutional remedies

The rights are fundamental because no state /government/institution can decline any of the above to the citizens. Violation of the above rights is a punishable offense.

Example: If any person is not allowed to practice his/her religious ritual or is prohibited from entering any religious place then he/she may file a petition before the Supreme Court against it.

Discussion

10. Question

We have been observing news related to suicides in Newspaper and in our surrounding. Everyone has a problem. Is suicide a solution to the problem? Discuss.

Answer

In recent years the death rate due to suicide and mental illness has considerably increased. Reasons behind such high rates:

1) Unemployment and financial constraints. 2) Farmer distress: failure of crops, debt burden. 3) Lack of professional assistance in case of suicidal tendencies. 4) Emotional distress due to fragmented modern families.

Measures to curb suicide rates:

1. Counselling and professional assistance at school, college and professional levels.

2. Addressing the stigma against seeking professional help in case of depression and suicidal tendencies.

3. Open forums to discuss mental illness.

4. Special training to doctors related to causes and emotional situations leading to suicide and other mental illness