



4.1 LAW

4.1.1 Introduction

Law is the prescription of rules and regulations sanctioned by the sovereignty for the state. Law as, Bodin said, is the command of the sovereign. Similarly Aristotle has rightly pointed out that if there is no law even man will behave like a beast. In order to preserve society and protect the progressive nation, law has become an integral part of the system world over. The enormous power of law could not be a complete solution to maintain an order in the society due to the limitations it is framed with. Law is a tyrant for criminal and a guardian for its citizen.

There is always an intense debate that happens on, why the law is lenient in some part of the world and so powerful in another part of the world. The question of leniency and powerful the law is, ascertained by its functions especially the punishment it involves. For example, law in a democratic country is much different and concerned than the law in a totalitarian state. And more, how the law unfurls freedom for its citizens matters a lot while executing and exercising it. Ignorance of law is not an excuse anywhere in the world. Hence it is pertinent to introduce the concept of law to the young minds to understand it as the basic rules and regulations as sanctioned by our constitution.



Learning Objectives

- ❖ Understanding the essence of law brings students closer to the thoughts of Justice.
- ❖ Classification of law helps students to know the different kinds of law and its application and its implication to our society
- ❖ Sources of law gives students a broad understanding on the origin of law
- ❖ The interconnection between State, Law and Morality are highlighted for enabling students to understand how well they are connected to society through the law of the State.

4.1.2 Meaning of Law

The term 'Law' was derived from an old Teutonic root 'lag' "which means something which lies fixed or evenly. Without law life may witness utter chaos and confusion and in fact it is law that regulates life. The word law is used to denote 'uniform'. There are two kinds of laws. They are: physical and human law. Physical law regulates nature where as human law regulates human life. The term law in political science is used to mean body of rules to guide human action. The function of state is done through

government and the government in turn interprets the will of the state through law.

❖ Law in relation to justice

- the aim is to attain justice in society.
- Justice? It is an abstract idea of right and wrong, fairness and equality.
- therefore, the doing of what is right or just in a particular of circumstances.

Views On Law

- ❖ “Law is the command of the sovereign” according to **John Austin**
- ❖ “Law is the collection of rules which the state recognizes and applies in the administration of Justice” said **Salmond**

What are the purposes of Law?

- ❖ Protect basic human rights
- ❖ Promote fairness
- ❖ Help resolve conflicts
- ❖ Promote justice
- ❖ Promote order and stability
- ❖ Promote desirable social and economic behaviour
- ❖ Represent the will of the majority (on some issues)
- ❖ Protecting the rights of minorities

4.1.3 Classification of Laws.

i. Private laws

The relationship of citizens and the regulation of relations among one another are determined by private laws.

**Quotable
note**

In private laws the parties concerned are private individuals above and between whom stands the state as an impartial arbiter.

- Holland

ii. Public laws

The laws that determine the relation of citizens to the state are public laws. Public law perceives state as an arbiter as well as one of the parties interested in it.

iii. Constitutional laws

Constitutional laws are the basic laws according to which the government in a state conducts itself. The laws that define interpret and regulate the functions of the government are known as constitutional laws. For example, the election of President, the powers and functions of the Supreme court and method of the appointment of the governor are constitutional affairs.

iv. Statute Laws

Statute laws are the laws which are framed by the Legislative Assembly or by the Parliament. Democratic Government being popular in most of the countries, the laws of those government are framed mostly by the Parliaments in those countries.

v. Ordinances

Ordinances are generally issued by the executive branch of the government as per the law of the state. Ordinances are temporary by nature and are issued by the President in the absence of parliament, especially to face the emergency.

vi. Common Laws

Common laws are those laws which rest on customs but are enforced by the courts like statute law. Common laws are popular in England.

vii. Administrative Laws

The office and responsibilities of government servants are interpreted and governed by Administrative law. It is the

Administrative law that enable the public officers to separate law and procedure from private individuals. These laws also make an attempt to interpret the privileges of government officials. When any dispute arises between a citizen and government servant the administrative court resolves the issue with administrative laws.



viii. International Laws

The rule that determine the conduct of the civilized states in their relation with other states in international arena is otherwise called International law. There are no such framed laws that govern international relations but backed by public opinion and the rule of UNO as an international body matters for any nation

ACTIVITY



ALANGANALLUR – THE BULL – TAMING SPORT

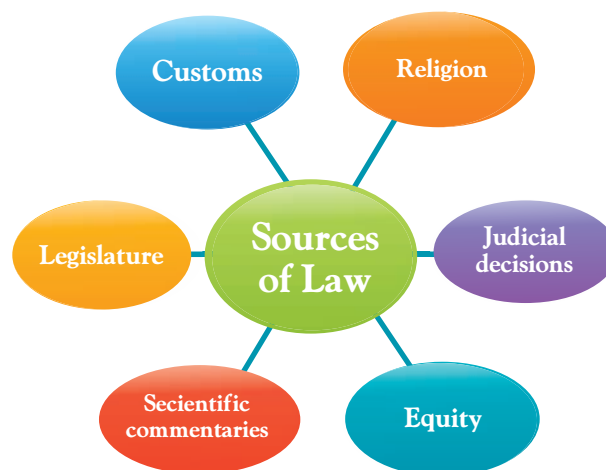


to enjoy its sovereign status. There are also laws such as Sea law, where there are International borders and as well Air law that demands aircraft of other nation to fly with permission of respective nations.

4.1.4 The sources of Law

i. Customs

Customs play an important role in the framing of the laws. Most of the laws that came from customs are recognized by state later. State cannot actually ignore the customs of the country. The common law of England for example sprang mainly from customs.



For example Bull-Taming sport culture of Tamils of India resulted into the creation of Jallikattu Law in 2017. (Read the box for more information about Jallikattu Law of 2017)

tradition but in this case of jallikatu there is a tussle between cultural rights and animal rights.

As per the constitution of India Article 29(1) is a fundamental right guaranteed under part III which protects the educational and cultural rights.

The 2014 judgement of the supreme court asserts that animals as sentient beings have the fundamental right to life under Article 21 of the constitution.

These contradictions have made several interpretations in formalizing this sport.

ii. Religion

The religion practiced by Primitive communities played a decisive role in evolving the laws of the state later. Religion was a basis of law for most of the nation. The origin of Hindu law can be traced in the code of Manu. The origin of Mohammedian law can be traced in Shariat law. Divine law is a law revealed through man from God. God is the ultimate source of divine law. For Christians Ten Commandments were the first law given by the Lord Almighty to his people and was considered as the basis of law.

iii. Judicial decisions

The function of the Judiciary is to interpret and declare the law. The main function of the judiciary creates new laws. The laws later gets recognized by the state. Judicial decisions thus became an another source of law. Some time the verdict of High Court and Supreme Court are treated as laws.

iv. Equity

When laws are ambiguous and do not fit in, the principles of equity are applied and cases are decided according to commonsense and fairness. In English Law, equity means that body of rules originally enforced only by the court of chancery.

v. Scientific commentaries

Another source of law are scientific commentaries. when the commentary appears it is understood only as an argument, later on its authority is recognized as more authoritative than the Judicial decision.

“The opinion of learned writers on law have often been accepted as correct law: in England , for instance the opinions of Coke and Blackstone in America of story and kent , in India of Vijnaneswara and Apararka” - **A. Appadurai**

vi. Legislature

Most of the laws in the modern times are framed by legislature and it is one of the most important source of law. Indian constitution is a classical example where the best provisions of other constitutions are borrowed and made it available for the best of our nation

Sources Of The Indian Constitution

- i) **Government of India Act 1935**
- ii) **UK Constitution**
- iii) **US Constitution**

4.1.5 How law is related to state and morality?

Law and morality are complimentary to each other. Ethics reveals its citizens the

code of conduct. Similarly the laws framed by state also aim to achieve the same goal.

“The best state is that which is nearest in virtue to the individual. If any part of the body politic -suffers, the whole body suffers”.
-Plato

A bad state will have bad citizens and a good state will have good citizens. So it is the sole function of the state to keep a good standard of morality.

Quotable quote

Morality is concerned with the moral duties whereas the laws of the state are concerned with the legal duties.

Distinction between Law and Morality:

- ❖ Laws are enforced by the state, if not obeyed to the commands of law, he is likely to be punished by the state.
- ❖ The severe punishment one can be awarded to a person for not observing the scruples of morality is the social boycott.
- ❖ Morality is concerned with both internal and external affairs of man whereas law is concerned only with the external affairs of man. Hence, law punishes only those persons who violate laws by their external actions.

Public Opinion: Opinion held by people for the common welfare

What is Moral law?

A law framed with a purpose of eliminating evils such as drinking of wine, gambling, theft, dacoity and murder are moral laws. The laws

which are based on morality remain permanent

4.1.6 How Law and Public opinion are related to each other?

The power of democracy lies in the participation of people in the democratic exercise of electing their representatives. People are not directly involved in the framing of laws, yet they could elect their representatives to legislature. The elected body are just expected to represent the will of the public.

The Modern state appeals to morality, to religion, and to natural law as the ideological foundation of its existence. At the same time it is prepared to infringe any or all of these in the interest of self-preservation.



J.M. Coetzee

In democracy laws are framed only based on the support of public opinion. People carry out peaceful demonstrations to express their opinion or resentment. Common welfare of the people and social progress are the primary considerations of public opinion.

Quotable quote

Law and order exist for the purpose of establishing justice and when they fail in this purpose they become the dangerously structured dams that block the flow of social progress.



Martin Luther King, Jr



4.2 CITIZENSHIP

4.2.1 Introduction

In political theory, citizenship refers not only to a legal status which means the ruled are full and equal participants in the political process. Democracy and citizenship go hand in hand. Citizenship focuses on the attributes of individual citizens. Citizens have certain rights that differ from one country to another.

Natural citizens are the citizens by virtue of their birth but naturalised citizens are the ones who acquire citizenship.

Aristotle defined citizenship with reference to the birth place, family lineage and culture.

4.2.2 Citizenship and the City-state:

Citizenship was an important theme in the ancient Greek and Roman

Republics but they disappeared from the feudal systems. This was later revived as a desirable aspect of civic humanism during the Renaissance. Citizenship was considered only as participation of duties during the ancient Athens.

4.2.3 Marshall's Analysis

According to Marshall, a liberal-social democrat links citizenship to social class in the context of capitalism. citizenship has three essential divisions: civil, political and social. Every individual requires a right for freedom and that is what is in as civil component. As a citizen we have the right to participate in political decision-making process.

Aristotle

Defines citizenship as “he who has the power to take part in the deliberative or judicial administration of any state.”



The Maintenance and welfare of Parents and Senior Citizens Act was passed in 2007 by to provide maintenance and support to elderly parents and senior citizens.

What the Act states ...

- ❖ The Act established the Maintenance Tribunal to provide speedy and effective relief to elderly person.
- ❖ Maintenance, according to the Act, pertains to “provision for food, clothing, residence and medical attendance and treatment”.
- ❖ The only condition for claiming maintenance under this Act is that the persons must be unable to maintain themselves from their own earnings and property.
- ❖ The Act mandates that the maximum maintenance paid will be ₹ 10,000/- per month. The maintenance amount is determined by the needs of the claimant and the aim is provide maintenance for the person to lead a normal life.
- ❖ Parents or senior citizens can avail the services of the State government appointed maintenance officer to represent their interests during proceedings before the Maintenance Tribunal. Lawyers are not allowed to present cases before the Tribunal according to the Act.
- ❖ Any person who is responsible for the protection and care of a senior citizen and intentionally abandons the senior citizen completely is liable to pay a fine of ₹ 5000/- or be imprisoned for three months or both.



Greeks enjoyed the privilege of being governed by democracy; their government was made up of commoners, and they were allowed freedom of speech to a large extent through public speaking rights.

Standard of living and they have all the rights to enjoy the fruits of this. Hence, **Marshall** stresses upon the social services.

4.2.4 Citizenship in India

The Indian Constitution attempted to provide full citizenship to all irrespective of whichever groups they belonged to.

Prepare a chart on your idea on the qualities of a good citizen and share it with your teacher and friends.

The provisions about citizenship are found in Part II and in the subsequent laws passed by the Parliament Citizenship can be acquired by birth, descent, registration, naturalisation or inclusion of territory. There is also a provision in the Constitution that the state should

not discriminate against citizens on the grounds of race, caste, sex, place of birth, etc. The rights of religious and linguistic minorities are also protected.

4.2.5 Global citizenship and National citizenship

National citizenship assumes that our state can provide us with protection and rights we need to live. However, states today are to tackle a lot of problems and hence individual rights are guaranteed to protect the safety of the people. Global citizenship on the other hand, deals with the importance of citizenship across the national boundaries. Here, one may need the cooperative action by the people and the governments of many states.

Therefore, citizenship for all can resolve many socio-economic inequalities. Moreover, global citizenship reminds us that we live in a world where the states are interconnected with each other and strengthening the links is most important.

4.3 RIGHTS AND DUTIES

4.3.1 Introduction

Rights are so common in our world that we might suppose that they are woven into a fabric of human rights. The significance of rights in the modern era is not limited to their entrenchment in the constitutions and their announcement in international declarations. If all human beings possess rights merely in virtue of being human, then all humans possess rights merely in virtue of being human, then all humans possess a certain equality of moral standing which cuts across differences of class, caste or race or religion.



Learning Objectives

- ❖ The meaning of rights and its features.
- ❖ Differences between rights and responsibilities.
- ❖ Different types of rights.
- ❖ Directive Principles of State Policy.
- ❖ Political Obligations of the citizens.
- ❖ Citizenship
- ❖ Theoretical aspects of Property.

"Rights are powers necessary for the fulfilment of man's vocation as a moral being..."
T.H. Green

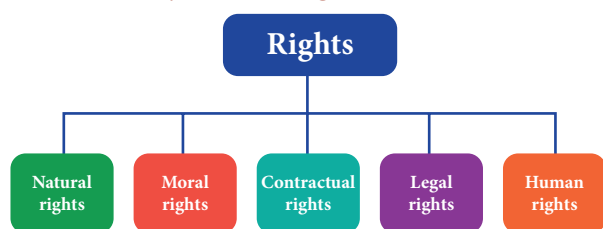
Do you know about rights?

They are the common claims of the people which every culture's society recognizes as essential claims for their development and which are therefore enforced by the state.

Features

- ❖ Rights are important for the societal development.
- ❖ They are available to all the people irrespective of caste, creed, race or gender bias.
- ❖ Rights and duties are interrelated to each other. "No duties, no rights."
- ❖ Rights are justiciable.
- ❖ It is the duty of the state to protect the rights of the people.

Different types of Rights.



i. Natural Rights

These rights are parts of human nature and reason. Political theory explains that an individual has certain basic rights and the government cannot deny these rights.

ii. Moral Rights

Moral rights include rules of good conduct, courtesy and moral behaviour. Moral Rights include rules of good conduct, courtesy and of moral behaviour and stand for moral perfection of the people.

iii. Legal Rights

Legal rights are equally available to all the citizens and they follow without any discrimination. Legal rights are those which are accepted and enforced by the state. Legal rights are of three types:

- ❖ **Civil Rights:** These are the rights which provide opportunity to each person to lead a civilized social life and that which are protected by the state. Right to life, liberty and equality are civil rights.
- ❖ **Political Rights:** These are the rights by virtue of which the people get a share in the political process. These rights include the right to vote, right to get elected, right to hold public office, etc.
- ❖ **Economic Rights:** These are the rights which provide the economic security to the people.

Legal rights are what the law says there are, insofar as the law is enforced. They gain importance through legislation or decree by a legally authorized authority.

iv. Contractual Rights

These rights originate from the practice of promise – keeping. They apply to particular individuals to whom contractual promises have been made.

v. Human Rights

Human Rights are the rights of highest order. They are protected and supported by international and national laws and treaties.

Have you heard of Bill of Rights and Fundamental Rights?

The Bill of Rights, in the United States, was adopted as a single unit on December 15, 1791, and they constitute a collection of mutually reinforcing guarantees of individual rights and limitations on federal and state governments.



James Madison proposed the Bill of Rights. Bill of Rights was influenced by George Mason's 1776 Virginia Declaration of Rights & 1689 English Bill of Rights. The Bill of Rights derives from the Magna Carta (1215), the English Bill of Rights (1689), - **James Madison**

FUNDAMENTAL RIGHTS

FREEDOM OF EXPRESSION AND CYBER CHALLENGE

I. Mention the Fundamental Rights which is violated/supported in each of the following case:

No.	Cases	Support/Violation of Rights
1.	A women is prohibited from a visiting art gallery on the ground of her sex.	
2.	The Minorities can establish and administer educational institutions of their choice	
3.	Shreya Singhal, a 21-year-old girl from Delhi, filed a public interest petition in the Supreme Court challenging the Section of 66A of the IT Act.	
4.	Cartoonist Aseem Trivedi, who was charged with sedition by the Maharashtra government for his caricatures on the Internet.	
5.	A girl from north-eastern India is not allowed to settle in Chennai.	
6.	The increasing curbs on social media through controversial legal provisions pose a grave challenge to civil society.	
7.	Pakistani activist Malala Yousafzai who was shot in the head by the Taliban last October 2012 for advocating girl's education.	

Fundamental Rights

Part-III of the Indian Constitution contains Fundamental Rights.

The Constituent Assembly took 2 years 11 months and 20 days to frame the Constitution.

Right to Equality

Right to Equality guarantees equality before law to all the people irrespective of their caste, creed, gender and race, etc.

Right to Freedom

This article assures freedom of speech and expression, freedom to assemble peacefully and without arms,

freedom to form associations and to move freely throughout India.

What do you infer from this given cartoon? (The Hindu/5.12.2012)



Section 66 A of the Information Technology Act deals with _____

Right to Life and Personal Liberty

No citizen can be denied of his personal liberty. This means no person can be detained without informing the grounds of his arrest. An arrested person has also the liberty to consult and be defended by a lawyer of his choice. Besides this, he is not to be kept under custody beyond 24 hours and must be produced before the Magistrate.

Preventive Detention

Preventive Detention is considered as a check on the actions of the miscreants which is actually the dire need of the hour. If the State feels that a person can be a threat to law and order as well as to peace and security of the nation, it can arrest or detain that person.

Right against Exploitation

The Constitution has provided with the Right against exploitation, wherein trafficking in human beings and beggary

are forms of forced labour. It also prohibits the children below the age of 14 years from employment in any factory or mine or any kind of hazardous labour.

Right to Freedom of Religion

In India, all the people have the right to choose their own religion and faith. Article 26 allows establishing

Democracy and Women Empowerment

Agree and Disagree

Arrange the statements given below in these two sections, according to what you think is appropriate for the section. (I Agree and I Disagree)

1. When women and girls are educated, they accelerate development in their families and communities.
2. Women always depend on male companies like father, husband, brother and son.
3. Providing education for women and girls our economies grow. Health improves. Nation rise.
4. Women are exclusively for managing the house and cooking purpose only.
5. Girls and women are good at dance, painting and cooking.
6. Education is the pathway to saving lives, building peace and empowering girls and women.
7. Malala Yousufzai, 17-year-old Pakistani muslim girl supports girls' education.

I agree _____

I disagree _____



and maintaining institutions related to religious affairs and charitable purposes also. You can own a movable or an immovable property and administer the property in accordance with law.

Cultural and Educational Rights

There are certain non-political rights of religious, cultural and linguistic minorities, groups or sections of people. Constitution guarantees these rights for them.

No citizen is denied the admission to the State or the State aided educational institutions owing to caste, creed, gender, etc. The citizens have their right to get educated in any schools or colleges of their choice. If in case the institutions are found to practise discrimination, the government will not extend aid to such institutions. Moreover, the State should not dictate the pattern of education to these institutions too and must allow them to decide in order to preserve our culture.

ACTIVITY



1. Find out how many languages, scripts and dialects are there in India?
2. What are the official languages of India?

Right to Constitutional Remedies

Article 32 provides the remedies to the citizens at the Supreme Court while Article 226 by the High Court. The courts can issue writs or orders in the nature of Habeas Corpus, Mandamus, Certiorari, Quo Warranto and Prohibition or Injunction.

New Rights

Right to Information

Right to Information Act of 2005 as mandate of posing queries to the working of the Government. This is to empower

the citizens and initiate transparency and accountability. An informed citizen is kept more vigil on the instruments governing the functions of the government thereby making them accountable.

Right to Privacy

Right to privacy is moreover an integral part of human dignity. "The right to privacy is protected as an intrinsic part of the right to life and personal liberty under Article 21 and as a part of the freedoms guaranteed by Part III of the Constitution"

Rights of Transgenders

Transgenders are different from how men and women are supposed to be. Today they are addressed as the third gender. The Supreme Court has infact directed the Union and the State Governments to grant legal recognition of their gender identity.

4.4 Political Obligation

Political obligation binds a person to the performance of duties as mentioned in the Constitution. An individual has to follow the rules and regulations in the society for his own welfare and the society's welfare. When the State is responsible towards the citizen, the citizen must also reciprocate to the Government.

4.4.1 Political Obligation and Political Authority

When the state has a political authority, it has the right to compel the non-compliers. For example if anything within the State's authority to levy the taxes, then the State has all the rights to compel the non-compliers to pay the taxes. However, even if the State does not enforce its authority, still it is the moral duty of the citizens to comply with the laws.

Hence, every human being is subject to political obligation owing to the omnipresence of the modern nation state. Political obligation otherwise involves three major aspects:

The identifiable authority to which political obligation is rendered

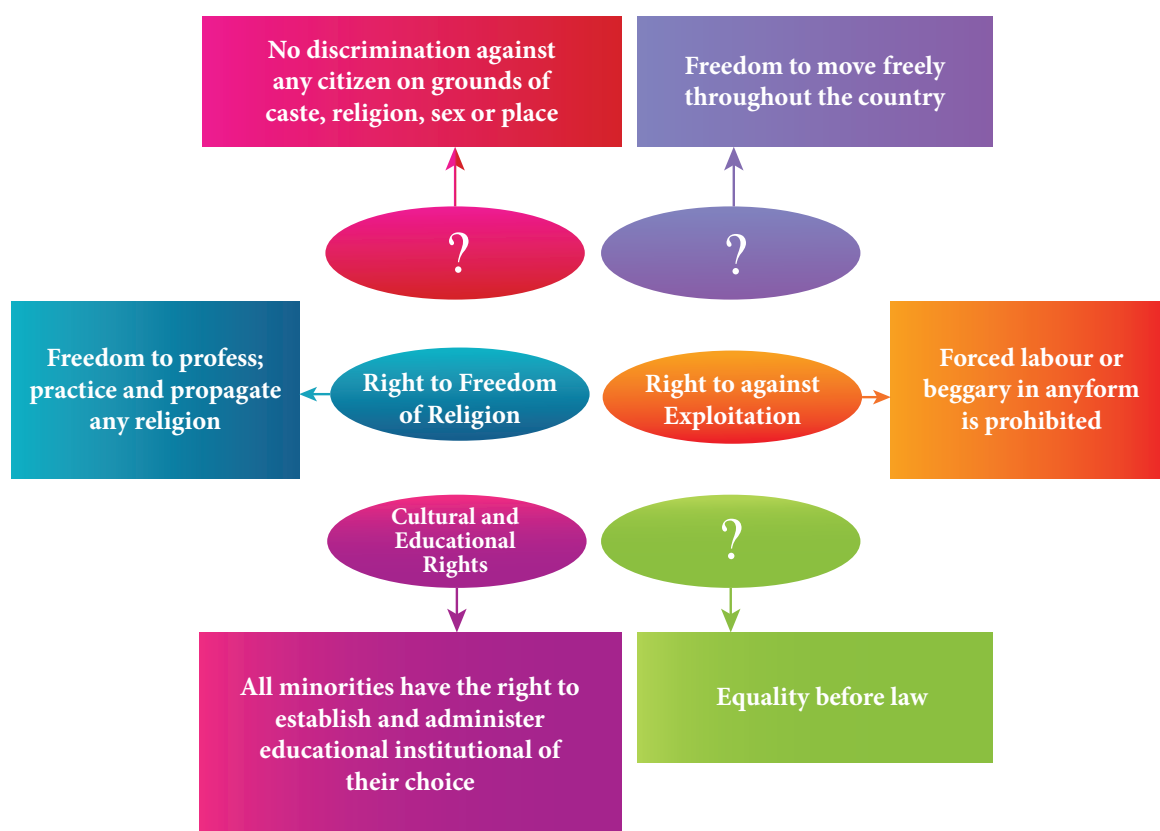
To what extent political obligation can be rendered

The basis of Political Obligation

Features of Political Obligation

- ❖ There prevails a source of political spirit and social service
- ❖ Honesty and integrity are the essential aspects when it comes to the performance of public duty.
- ❖ There must prevail political legitimacy and effectiveness
- ❖ The citizens also have the responsibility of guarding their guardians

Fundamental Rights



Kinds of Political Obligations

Political Obligations are of four kinds.



i) Moral Obligation: Are you hospitable to the guests who come to your house? Do you help the poor? Will you not take care of your parents in their old age? These are your moral obligations. They do not legally bind the community and the individuals and if you do not behave within the moral obligations, you can also not be punished.



ii) Legal Obligation: Our nation is a welfare state where the Government focuses on providing us with the infrastructural facilities. Roads, health centres, hospitals, education, etc are few of the examples of concern.

iii) Positive Obligation: There are certain rules made by the state which cannot be disobeyed and hence they are considered as the positive obligation. For examples, paying tax and serving the defence.

iv) Negative Obligation: This is the direct opposite of positive obligation. Here, an individual is not permissible to do what the government prevents him from doing so. Commission of crime is also a negative obligation.

Which are your obligations to the state?

- ❖ Playing with your friends.
- ❖ Cast votes during the election time.
- ❖ Teaching your sister.
- ❖ Payment of taxes to the state.
- ❖ To join the Public Service.
- ❖ To serve the army during emergency time.

The Constitution and important obligations

There are situations where some laws are framed by the Government which are harmful and yet they get a support, which is called the Steam roller legislature. It is the duty of the citizen to resist such laws too. Hence, the concept of political obligation not only informs people to obey the rules and regulations of the authority of power but also informs to resist if the laws are found not to be good for the society.

Theories of Political Obligation

All of us have some theories, values in life. In the same way, theories are applicable for political obligations too. There are different types of theories of political obligation.

i. The Divine theory

In the olden days, people thought that the God created the state and the king was his representative. But this theory could be popular only during the ancient and middle ages but not during the modern era.

ii. The Consent Theory

This theory proposes that the authority of the state is based on the people's consent. **Hobbes, Locke and Rousseau** justified this theory on the grounds that the authority of power was dependent on the people's consent. But, later it could not be accepted because it treated state as an artificial organisation.

iii. The Prescriptive Theory

This theory states that political institutions are continuous from the past, this idea has been supported by **Edmund Burke**. But over a period of time, it lost its effect due to its overemphasis on the respect for the well-established practices.

iv. The Idealistic Theory





This theory regards man and the state as two entities. “Man” is regarded as a political and rational creature while “state” is considered as a self-sufficing community. This idealistic theory propounds that when the individual receives his rights from the state, he can have no rights that can conflict with the state. However, this theory proved to be quite abstract and which could not be understood by man.

v. The Marxian Theory

The Marxian theory has been classified into three stages:

Pre-Revolutionary Stage- This stage explains political non-obligation

Revolutionary Stage- It is an eventual change from political non-obligation stage to a stage of total political obligation.

Post-Revolutionary Stage- This stage is a complete transition from total political obligation to social development.

The Marxian theory of politics explains the state as an instrument of power in the hands of the proletariat. Towards the success of the revolution to consolidate the socialist order, it may lead to what is called as ‘withering away’ of the state. However, this theory was also considered to be illogical since it made man subservient to the state.

Why should we obey the state? Is it necessary?

Though the theories mention about the political obligation, yet some seem to be abstract while some are illogical too. what are the reasons that make an individual to obey the state?

i. Fear of Punishment: Do you fear being punished by your teacher with an imposition if you go to school with an incomplete homework? Does your father obey the traffic signals properly fearing being penalised? Yes, Fear is always there if we do not perform our tasks properly. In the same way, individuals perform their functions fearing punishments. In other ways, it is actually the coercive authority of the state that compels a man to conform to the system of regulations.

ii. Patriotism: Why do we stand up for our National Anthem? It is because of patriotism. We love our nation. So, the members of the state are conscious about the state they live as without that they cannot live as civilized human beings. The members develop a binding towards the state.

iii. Fear of disorder and anarchy: It is a general principle that human beings always wish for peace and order. They not only obey the laws but also look upon the ones who do not obey.

iv. Habits and traditions: We are all brought about to follow good habits like being courteous, honest, discipline and obedient. This is what our traditional values instilled. Hence, in a nation, even the citizens wish to establish good traditions, and obedience to the state, that which becomes a habit.

Therefore, let us understand that political obligations are necessary for the citizen to maintain a good system nationwide. Every individual hence has to abide by the laws for a good reciprocation from the state as well.

DEBATE



Critical Debate on Property inequality

In most parts of our country, a son has a right by birth to a share in the undivided family property equal to the father's while a daughter can claim no such right. The Hindu Succession Act of 1956 granted daughters equal inheritance rights with sons in their father's share of the undivided family property.

Critical Debate: Teacher can form two groups. Each group consists of threemembers and one moderator. Team A will support the Hindu Succession Act of 1956 and Team B will oppose the Act.

4.5 Property

Property is considered as a natural right which is necessary for human dignity, freedom and dignity of life. Property refers to the legal relations between the persons with respect to specific things which may be material or abstract.

4.5.1 Locke and the Utilitarian Justification

According to **Locke**, the Government's main function is to guarantee every citizen the protection of their individual rights and secure conditions to enjoy their properties peacefully. Humans need property which is also the necessary means of life.

Hence, the utilitarian's state that the system of property rights is necessary if the individuals is to achieve a sense of happiness. If at all the governments want to promote the happiness of it people,

productivity must be encouraged by protecting individual's property rights. No government should take away the property from the people who are expected to possess and enjoy.

4.5.2 Feminist Perspectives

With the advent of women empowerment in the 20th century, women too claim equal status. Feminist scholars state that an important condition for the subjugation of women has been owing to denial of access of women to resources to income, such as land. This is owing to the prevailing patterns of male ownership and control of such resources. Owing to this, status of women has been one of the dependence on men. This dependent status has actually led to their rights to own and claim property.

The Indian Constitution does not recognize property right as a fundamental right. In the year 1978, the 44th amendment eliminated the right to acquire, hold and dispose of property as a fundamental right. However, Article 300 (A) was inserted in another part of the Constitution. This was to affirm that no person shall be deprived of his property save by authority of law. Hence, this has become a statutory right now.

Glossary



Justiciable: Subject to trial in a court of law.

Liberty: The state of being free within society from oppressive restrictions imposed by authority one's behaviour or political views.

Democracy: The practice or principles of social equality.

Obligation: Duty or commitment.

Patriotism: Vigorous support for one's country.

Acquisition: Buying or obtaining of assets



Evaluation

I Choose the correct answer



1. Which right is the one that entitles an individual to voice their opinions publicly?
 - a. Right to liberty
 - b. Right to education
 - c. Right to free expression
 - d. Right to religion
2. The right to life, liberty and equality are called as
 - a. Political Rights
 - b. Civil Rights
 - c. Legal Rights
 - d. Natural Rights
3. The rights that are protected and supported by international and national laws and treaties are
 - a. Fundamental Rights
 - b. The Bill of Rights
 - c. Natural Rights
 - d. Human Rights
4. The drafting committee of the Constituent Assembly was under the chairmanship of
 - a. Dr. B.R. Ambedkar
 - b. Pandit Jawaharlal Nehru
 - c. Sardar Vallabhai Patel
 - d. Rajendra Prasad
5. Equality and freedom of liberty are the two kinds of rights necessary for
 - a. Communism
 - b. Democracy
 - c. Monarchy
 - d. Communalism
6. The detention of a person to protect the law and security of the nation is called as
 - a. Habeas Corpus
 - b. Mandamus
 - c. Preventive Detention
 - d. Prohibition
7. Which Article provides the Constitutional Remedies to the citizens at Supreme Court?
 - a. Article 21
 - b. Article 32
 - c. Article 15
 - d. Article 18
8. A uniform civil code can be obtained through
 - a. Fundamental Duties
 - b. Fundamental Rights
 - c. Directive Principles
 - d. Human Rights



II Answer the following questions very shortly

1. What is natural Law?
2. What is natural citizen ship?
3. What are the fundamental rights that are available to us?
4. What are the constitutional remedies available for the citizens of India?

III Answer the following questions shortly

1. Explain the divine theory of political obligation.
2. What does citizenship mean in the political theory?
3. What are the different ways where citizenship can be acquired in India?
4. Explain Locke's definition on Utilitarian justification.

IV Answer the following questions in detail

1. Explain the difference between the Bill of Rights and the Fundamental Rights.
2. What are the different kinds of laws? Explain.
3. What do you mean by political obligation and what are the features of political obligation?

Reference books



1. Rajeev Bhargava, Ashok Acharya, "Political Theory- An Introduction", Pearson India Education Services Pvt.Ltd., Uttar Pradesh, 2017.
2. Biswaranjan Mohanty, "Dynamics of Political Theory- The Current Analysis" Atlantic Publishers and Distributors (P) Ltd., New Delhi, 2010.
3. Sushila Ramaswamy, " Political Theory – Ideas and Concepts", Macmillan India Ltd., Chennai, 2009.



ICT Corner

BASIC CONCEPT OF POLITICAL SCIENCE PART-II

Through this activity you will
learn about citizenship.



CITIZENSHIP - Procedure:

- Step - 1** Use the URL or QR code to open the citizenship activity page.
- Step - 2** An activity window will open, click the 'Explore' button at the bottom right to start the activity.
- Step - 3** Use the navigation key to know the features of Citizenship.
- Step - 4** Explore back and forth by clicking the navigation key at the bottom.

CITIZENSHIP URL:

<http://mocomi.com/what-is-citizenship/>



ICT Corner

BASIC CONCEPT OF POLITICAL SCIENCE PART-II

Through this activity you will
learn about the Fundamental
Duties



FUNDAMENTAL DUTIES OF INDIAN CITIZEN - Procedure:

- Step - 1** Use the URL or QR code to open the Fundamental Duties activity page.
- Step - 2** An activity window will open, click the navigation key on the top right corner of the activity window.
- Step - 3** After a small introduction story, an explanation of fundamental duties will start.
- Step - 4** Explore the different aspects of the fundamental duties by clicking the forward navigation button.

FUNDAMENTAL DUTIES URL:

<http://mocomi.com/indian-fundamental-duties/>

*Pictures are indicative