

Democratic Rights

Short Answer Questions

1. How were prisoners tortured by the US army in Guantanamo Bay prison?

Ans. (i) The prisoners were being tortured in ways that violated the US laws.
(ii) They were being denied the treatment that even prisoners of war must get as per the international treaties
(iii) Prisoners were not released even after they were officially declared 'not guilty'.

2. What was the background in which the ethnic massacre took place Kosovo?

Ans. (i) Kosovo was a province of Yugoslavia before it split. In this province, the Serbs were in minority and Albanians were in majority, while it was the other way round in the rest of the country.
(ii) A narrow-minded Serb nationalist Milosevic had won the elections. His government was hostile to the Kosovo Albanians.
(iii) He wanted the Serbs to dominate the country.
Many Serb leaders thought that ethnic minorities like the Albania should either leave the country or accept the dominance of the Serbs.

3. How does society affect the implementation of rights?

Ans. Every society makes certain rules to regulate one's conduct. They tell us what is right and what is wrong. What is recognised by the society as rightful becomes the basis of rights.
(i) The notion of 'right' changes from time to time and society to society.
(ii) When the socially recognised claims are written into law, they acquire real force. Otherwise, they remain merely as natural or moral rights.
(iii) When law recognises some claims, they become enforceable. We then demand their application. When fellow citizens or the government do not respect these rights, we call it violation of our rights.

4. Which three qualities are required for calling any claim, a right?

Ans. (i) Rights are reasonable claims of persons.
(ii) Rights are recognised by the society.
(iii) Rights are sanctioned by law.

5. What is meant by 'Rule of Law'?

Ans. (i) The constitution says that the government shall not deny to any person. in India, equality before the law or the equal protection of the laws.
(ii) It means that the laws apply in the same manner to all, regardless of a person's status. This is called Rule of Law.
(iii) Rule of Law is the foundation of any democracy. It means that no person is above the law. There cannot be any distinction between a politico leader, government official and an ordinary citizen.

6. How or why is the 'Right to Freedom' called a cluster of several rights?

Ans. Under the Indian Constitution, all citizens exercise a number of freedoms which are all covered in the right to freedom. So every citizen has the rights to all of the following freedoms:
(i) Freedom of speech and expression
(ii) Freedom of assembly in a peaceful manner
(iii) Freedom to form associations and unions
(iv) Freedom to move freely throughout the country
(v) Freedom to reside in any part of the country
(vi) Freedom to practise any profession, or to carry on any occupation, trade or business.

7. How can you say that freedom of speech and expression is one of the essential features of any democracy?

Ans. (i) Our ideas and personality develop only when we are able to freely communicate with others. Even if hundred people think in one way, you should have the freedom to think differently and express your views accordingly.
(ii) You may disagree with a policy of the government or activities of an association. You are free to criticise the government in your conversation with parents, friends and relatives.
(iii) You may publicise your views through a pamphlet, magazine or newspaper. You can do the same through paintings, poetry or songs.

8. How can citizens exercise their freedom to hold rallies and demonstrations?

Ans. (i) Citizens have the freedom to hold rallies and demonstrations in our country guaranteed by the constitution.
(ii) But such meetings have to be peaceful.
(iii) They should not lead to public disorder or breach of peace in society.
(iv) Those who participate in these activities and meetings should not carry weapons with them.
(v) Citizens can also form associations like workers in a factory can form a workers' union to promote their interests.

9. Can an Indian citizen enjoy the freedom to travel in any part of the country?

Ans. (i) Citizens are free to reside and settle in any part of India.
(ii) This right allows lakhs of people to migrate from villages to towns and from poorer regions of the country to prosperous regions and big cities.
(iii) For example, a person who belongs to Assam wants to start a business in Hyderabad. He may not have any connections with that place or people there, he may have not seen it ever. Yet as a citizen of India, he has the right to set up base there.

10. What procedure should a citizen follow to get proper legal justification, if he or she is arrested?

Ans. (i) A person who is arrested and detained in custody will have to be informed of the reasons for such arrest and detention.
(ii) A person who is arrested and detained shall be produced before the nearest magistrate within a period of 24 hours of arrest.
(iii) Such a person has the right to consult a lawyer or engage a lawyer for his defence.

11. Which three evils are tackled by right against exploitation?

Ans. The Constitution mentions three specific evils and declares them illegal.
(i) Traffic in human beings: Traffic here means selling and buying of human beings, usually women, for immoral purposes.
(ii) Begar: Our constitution also prohibits forced labour or begar in any form. It is a practice where the worker is forced to render service to the 'master', free of charge or at a nominal salary. When this practice takes place on a lifelong basis, it is called 'bonded labour'.
(iii) Child labour: The Constitution also prohibits child labour. No can employ a child below the age of 14 years to work in any factory or mine or in any other hazardous work such as in the railways and ports. Many laws have been made to prohibit children from working industries such as beedi making, firecrackers and matchbox, printing and dyeing.

12. How does a person exercise his right to freedom of religion?

Ans. (i) Every person has a right to profess, practise and propagate the religion he or she believes in.
(ii) Every religious group or sect is free to manage its religious affairs.
(iii) A right to propagate one's religion, however, does not mean that a person has the right to compel another person to convert into his religion by means offeree, fraud, inducement or allurements.

13. What are the provisions of cultural and educational rights?

Ans. The Constitution specifies the cultural and educational rights of minorities.
(i) Any section of citizens with a distinct language or culture have a right conserve it.
(ii) Admission to any educational institution maintained by the government or receiving government aid cannot be denied to any citizen on the grounds of religion or language.

(iii) All minorities have the right to establish and administer educational institutions of their choice. Here, minority does not mean only religious minority at the national level.

14. Why did Dr. Ambedkar call the Right to Constitutional Remedies 'the heart and soul' of our constitution?

Ans. (i) Right to Constitutional Remedies is a fundamental right. This right makes other rights effective.
(ii) It is possible that sometimes our rights may be violated by fellow citizens, private bodies or by the government. When any of our rights is violated, we can seek remedy through courts.
(iii) If it is a Fundamental Right, we can directly approach the Supreme Court or the High Court of a state. That is why Dr. Ambedkar called the Right to Constitutional Remedies 'the heart and soul' of our constitution.

15. What is PIL? How does it work?

Ans. (i) In case of any violation of a Fundamental Right, the aggrieved person can go to a court for remedy.
(ii) But now, any person can go to court against the violation of a Fundamental Right, if it is of social or public interest. This is called Public Interest Litigation (PIL).
(iii) Under the PIL, any citizen or group of citizens can approach the Supreme Court or the High Court for the protection of public interest against a particular law or action of the government.

16. How were prisoners treated in Guantanamo Bay?

Ans. Treatment of prisoners in Guantanamo Bay was very humiliating.
(i) There was no trial before any magistrate and US law was completely violated.
(ii) This place is not located in US but an area near Cuba controlled by American Navy, so nobody knows the location of the prison.
(iii) Families of prisoners, media or even UN representatives were not allowed to meet the prisoners.

17. What did Amnesty International do to get Guantanamo Bay prison closed?

Ans. (i) Amnesty International, an international human rights organisation, collected information on the condition of the prisoners in Guantanamo Bay and reported that prisoners were being tortured in ways that violated the US laws.
(ii) They were being denied the treatment that even prisoners of war must get as per international treaties. Prisoners were not released even after they were officially declared not guilty.
(iii) The UN Secretary General said that the prison in Guantanamo Bay should be closed down. The US government refused to accept these pleas.

18. What happened in Kosovo (Albania) in 1999?

Ans. (i) A massacre was being carried out by the army of their own country, working under the directions of a leader, Milosevic, who came to power through democratic election.
(ii) This was one of the worst instances of killings based on ethnic lines in recent time.
(iii) Finally, several other countries intervened to stop the massacre. Milosevic lost power and was tried by an International Court of Justice for crimes against humanity.

19. Why do some rights need to be placed higher than the government?

Ans. (i) Things may go wrong when some citizens may wish to take away the rights of others. This usually happens when those in majority want to dominate in the minority.
(ii) The government should protect the citizens' rights in such a situation. But sometimes elected governments may not protect or may even attack the rights of their own citizens
(iii) That is why some rights need to be placed higher than the government so that the government cannot violate them.

20. Why has constitution made untouchability a punishable offence?

Ans. (i) The constitution mentions an extreme form of social discrimination, practice of untouchability and clearly directs the government to put end to it.
(ii) The practice of untouchability has been forbidden in any form.

- (iii) Untouchability, here does not only mean refusal to touch people belonging to certain castes. It refers to any belief or social practice which looks down upon people on account of their birth with certain caste labels.
- (iv) Such practice denies them interaction with others or access to public places as equal citizens. So the constitution made untouchability a punishable offence.