

Long Answer Questions

Q.1. What are 'rights'? How can we claim a right?

Ans. 'Rights' are claims of a person over other fellow beings, the society and the government.

(i) A right is possible when we make a claim that is equally possible for others. You cannot have a right that harms or hurts others.

(ii) The Serbs in Yugoslavia could not have claimed the whole country for themselves.

(iii) The claims we make should be reasonable. They should be such that they can be made available to others in equal measure.

(iv) A right comes with an obligation to respect others' rights.

Q.2. Why do we need rights in a democracy?

Ans. (i) Rights are necessary for the very sustenance of a democracy.

(ii) In a democracy, every citizen has to have the right to vote and the right to be elected to the government.

(iii) For democratic elections, it is necessary that citizens should have the right to express their opinion, form political parties and take part in political activities.

(iv) Rights protect the minorities from the oppression of the majority.

(v) Rights are a guarantee which can be used when things go wrong. Things may go wrong when some citizens may wish to take away the rights of others.

So, rights perform a very special role in democracy.

Q.3. What are the main features of 'Right to equality?'

Ans. (i) Every citizen, from the Prime Minister to a small farmer in a remote village, is subject to the same laws.

(ii) Under Right to equality, the government shall not discriminate against any citizen on the grounds of religion, ethnicity, sex or place of birth.

(iii) Every citizen shall have access to public places like shops, restaurants, hotels and cinema halls.

(iv) All citizens have equality of opportunity in matters relating to employment or appointment to any position in the government. No citizen shall be discriminated against or made ineligible for employment on any grounds.

(v) Equality means giving everyone an equal opportunity to achieve whatever one is capable of. Sometimes, it is necessary to give special treatment to someone in order to ensure equal opportunity.

Q.4. What is Secularism? How did the Indian Constitution make India a secular state?

Ans. Secularism does not confer any privilege or favour on any particular religion. All religions are treated equally by the law.

(i) Secularism is based on the idea that the state is concerned only with relations among human beings and not with the relation between human beings and God.

(ii) A secular state is one that does not establish any one religion as the official religion.

(iii) Indian secularism keeps equal distance from all religions.

(iv) The state has to be neutral and impartial in dealing with all religions.

Q.5. How does the constitution protect our rights?

Ans. (i) Fundamental Rights are guaranteed against the actions of the Legislature, the Executive and any other authority instituted by the government.

(ii) There can be no law or action that violates the Fundamental Rights.

(iii) Courts also enforce the Fundamental Rights against private individuals and bodies.

(iv) The Supreme Court and High Courts have the power to issue orders or 'writs' for the enforcement of the Fundamental Rights.

(v) They can also award compensation to the victims and punishment to the violators.

In case of any violation of a Fundamental Right, the aggrieved person can go to a court for remedy.

Q.6. Write a short note on the National Human Rights Commission.

Ans.

- NHRC is an independent commission set up by the law in 1993.
- Like the Judiciary, the commission is independent of the government.
- The commission is appointed by the President and includes retired judges, officers and eminent citizens.
- It does not bear the burden of deciding 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.
- The NHRC cannot punish the guilty. That is the responsibility of the courts.
- 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.

Q.7. How are the scope of rights expanded?

Ans. (i) Certain rights like right to freedom of press, right to information, and right to education are derived from the Fundamental Rights.

(ii) Now school education has become a right for Indian citizens. The governments are responsible for providing free and compulsory education to all children up to the age of 14 years.

(iii) Parliament has enacted a law giving the right to information to the citizens. This Act was made under the Fundamental Right to freedom of thought and expression.

(iv) Constitution provides many more rights, which may not be Fundamental Rights. For example, the right to property is not a Fundamental Right, but it is a constitutional right.

(v) Sometimes, the expansion takes place in what is called human rights. There are universal moral claims that may or may not have been recognised by law.

Q.8. What are Fundamental Rights? Mention the six Fundamental Rights provided in the Indian Constitutions. Which Fundamental Right protects the rest of the Fundamental Rights?

Ans. Some rights which are fundamental to our life are given a special status in the Constitution. They are called Fundamental Rights.

The Constitution provides six Fundamental Rights:

(a) Right to Equality

(b) Right to Freedom

(c) Right to Freedom of Religion

(d) Cultural and Educational Rights

(e) Right against Exploitation

(f) Right to Constitutional Remedies.

Right to constitutional remedies protects the rest of the Fundamental Rights.