



**3. Right Against Exploitation:** Once the Right to Liberty and Equality is granted, it follows that every citizen has a right not to be exploited. Still the Constitution makers thought it is necessary to write down certain clear provisions to prevent exploitation of the weaker sections of the society. The Constitution mentions three specific evils and declares these illegal.

- First, the Constitution prohibits 'traffic' in human beings. Traffic here means selling and buying of human beings, usually, women or children, for immoral purposes.
- Second, our Constitution also prohibits forced labour or Begar in any form. Begar is a practice where the worker is forced to render service to the master free of charge or at a nominal remuneration. When this practice takes place on a lifelong basis, it is called the practice of bonded labour.
- Finally, the Constitution prohibits child labour. No one can employ a child below the age of 14 to work in any factory or mine or any other hazardous work, such as railways and ports. Using child labour as a basis, many laws have been made to prohibit children from working in industries such as beedi making, fire crackers and matches, printing and dyeing, etc.

**4. Right to Freedom of Religion:** Every person has a right to profess, practice and propagate the religion he or she believes in. Every religious group or sect is free to manage its religious affairs. Freedom to propagate one's religion, does not mean that a person has right to compel another person to convert into his religion by means of force, fraud, inducement or allurements. However, a person is free to change religion on his or her own will. Freedom to practice religion does not mean that a person can do whatever he wants in the name of religion. For example, one cannot sacrifice animals or human beings as offerings to supernatural forces or Gods.

**Secularism:** It is based on the idea that the country is concerned only with relations among human beings. India is a secular state. A secular state is one that does not establish any one religion as official religion. In India no privilege or favour is provided to any particular religion. The government cannot compel any person to pay any tax for the promotion or maintenance of any particular religion or religious institution. There shall be no religious instruction in the government educational institutions. In educational institutions managed by private bodies, no person can be compelled to take part in any religious instruction or to attend any religious worship.

**5. Cultural and Educational Rights:** The working of democracy gives power to majority. Thus, it is the language, culture and religion of minorities that needs special protection. Otherwise, they may get neglected or undermined under the impact of the language, religion and culture of the majority.

The following cultural and educational rights for minorities are specified by our Constitution

- Any section of citizens with a distinct language or culture have a right to conserve it.
- Admission to any educational institution maintained by government or receiving government aid cannot be denied to any citizen on the grounds of religion or language.
- All minorities have the right to establish and administer educational institutions of their choice.

**Minority:** Minority is a smaller member or part of bigger number of people (less than the half).

Minority does not mean that there is only religious minority at the national level. In some places people speaking a particular language are in majority; people speaking a different language are in a minority.

For example, Telugu speaking people form a majority in Andhra Pradesh. But they are a minority in the neighbouring state of Karnataka.





**6. Right to Constitutional Remedies:** The Fundamental Rights in the Constitution are important because they are enforceable. We have a right to seek the enforcement of these mentioned rights. This is called the Right to Constitutional Remedies. This right makes other rights effective. When any of the Fundamental Rights are violated, then citizens can directly approach the Supreme Court or the High Court. Both courts have the power to writs (Habeas corpus, Mandamus, prohibition, Quo warranto and Certiorari) for the enforcement of the rights. That's why Dr Ambedkar called the Right to Constitutional Remedies 'the heart and soul' of our Constitution.

**Right to Property:** The Constitution originally provided for the Right to Property under Articles 19 and 31. But the 44th Amendment Act of 1978 abolished this right from the list of Fundamental Rights. The Amendment made it a legal right under Article 300-A in the Constitution. This right states that no person shall be deprived of his property.

**Right to Education:** Under Article 21-A, India joined a group of few countries in the world to make education a Fundamental Right of every child. It came into force on 1st April, 2010. The Article 21-A says that state shall provide free and compulsory education to all children of the age of six to fourteen years. Thus, this provision makes elementary education a Fundamental Right.

### SECURING THE FUNDAMENTAL RIGHTS:

There can be no law or action that violates the Fundamental Rights. If any act of the Legislature or the Executive takes away or limits any of the Fundamental Rights, it will be invalid. Citizens can challenge such laws in courts which enforce the Fundamental Rights against private individuals and bodies. Any person can go to court against the violation of the Fundamental Right. If it is of social or public interest, it is called Public Interest Litigation (PIL). Under the PIL, any citizen or group of citizens can approach the Supreme Court or a High Court for the protection of public interest against a particular law or action of the government.

**National Human Rights Commission (NHRC):** It is an independent commission established in 1993. The Commission is appointed by the President. The Commission focuses on helping the victims to secure their human rights. These include all the rights granted to the citizens by the Constitution. The Commission also considers the Human Rights mentioned in the UN sponsored international treaties that India has signed. The NHRC makes independent and credible inquiry into any case of violation of human rights. The Commission presents its findings and recommendations to the government.

**EXPANDING SCOPE OF RIGHTS:** Demands for many new Fundamental Rights have been coming up time to time. Some of these demands have been included under the scope of Fundamental Rights. For example, Right to Freedom of Press, Right to Education and Right to Information. According to the Right to Education, every child has the right to get elementary education. According to Right to Information, anybody can demand information regarding the functions of a government department or official. Constitution provides many more rights, which may not be Fundamental Rights. e.g. the Right to Property, Right to Vote in Election are not Fundamental Rights, but these are Constitutional Rights.

**Human Rights:** Sometimes, the expansion of rights takes place in human rights. Human rights-are universal moral claims that may or may not have been recognised by laws. With the expansion of democracy all over the world, there is greater pressure on governments to accept these claims; some international covenants have contributed to the expansion of rights. Thus, the scope of rights has been expanding and new rights are evolving over time. New rights emerge as societies develop or as new Constitutions are made. For example, the Constitution of South Africa guarantees its citizens several kinds of new rights. These are



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- Right to privacy, so that citizens or their home cannot be searched, their phones cannot be tapped, their communication cannot be opened.
- Right to an environment that is not harmful to their health or well being.
- Right to have access to adequate housing.
- Right to have access to health care services, sufficient food and water; no one may be refused emergency medical treatment.

Many people in our country think that the Right to Work, Right to Health, Right to Minimum Livelihood and Right to Privacy should be made as Fundamental Rights in India.

**International Covenant on Economic, Social and Cultural Rights:** The international covenant recognizes many rights that are not directly a part of the Fundamental Rights in the Indian Constitution.

This has not yet become an international treaty. But human right activists all over the world see this as a standard of human rights.

These include

- Claim Demand for legal or moral entitlements, a person makes on fellow citizens, society or the Right to work i.e. opportunity to everyone to earn livelihood by working.
- Right to safe and healthy working conditions, fair wages that can provide decent standard of living for the workers and their families.
- Right to adequate standard of living including adequate food, clothing and housing.
- Right to social security and insurance.
- Right to health i.e. medical care during illness, special care for women during childbirth and prevention of epidemics.
- Right to education i.e. free and compulsory primary education, equal access to higher education.

