

## 9<sup>th</sup> - Democratic Rights - I



**DEMOCRATIC RIGHTS:** Rights are the reasonable claims of a person over other fellow beings, the society and the government. The claims should be such that they can be made available to others in an equal measure. Thus, a right comes with an obligation to respect other's rights. When the socially recognised claims (rights) are written into law in a democracy, they are called democratic rights.

**LIFE WITHOUT RIGHTS:** The importance of rights can be judged by the one whose life has absence of rights. The following three examples state what it means to live in the absence of rights

**Prison in Guantanamo Bay:** About 600 people were secretly picked up by the US forces from all over the world and put in a prison in Guantanamo Bay, near Cuba. According to the American Government, they were enemies of the US and linked to the attack on New York on 11th September, 2001. As a result, there was no trial before any magistrate in the US, nor could these prisoners approach courts in their own country.

**Protest Regarding the Imprisonment:** Amnesty International, an International Human Rights Organisation reported that the prisoners were being tortured in ways that violated the US laws. Despite the provisions of international treaties, prisoners were being denied the treatment. Many prisoners tried to protest by going on a hunger strike. They were not released even after they were declared not guilty.

**Citizens' Rights in Saudi Arabia:** Many countries like Saudi Arabia, Yugoslavia denied citizens' rights. The position of citizens in Saudi Arabia can be understood by the following facts

- The country is ruled over by a hereditary king and the people have no role in electing or changing their rulers.
- The king selects the Legislature as well as the Executive. He appoints the judges and can change any of their decisions.
- Citizens cannot form political parties or any political organisations. Media cannot report anything that the monarch does not like.
- There is no freedom of religion. Every citizen is required to be Muslim. Non-Muslim residents can follow their religion in private, but not in public.
- Women are subjected to many public restrictions. The testimony of one man is considered equal to that of two women.

**Ethnic Massacre in Kosovo:** In Yugoslavia, Serbs were in majority and Albanians were in minority. A democratically elected Serb leader Slobodan Milosevic wanted to dominate the country. Serbs thought that the Albanians, (the Ethnic Minority Group) should leave the country or accept the dominance of Serbs. A brutal massacre took place in Kosovo in which thousands of Albanians were killed. Finally, several other countries intervened to stop the massacre. Milosevic lost power and was tried by the International Court of Justice for crimes against humanity. As a result, Kosovo with majority population of Albanians declared independence in February 2008.

**Ethnic minority group:** An ethnic minority group is a human population whose members usually identify each other on the basis of a common ancestry. People of an ethnic group are united by cultural practices, religious beliefs and historical memories.





**RIGHTS IN A DEMOCRACY:** In the discussed examples, the victims are the prisoners in Guantanamo Bay, women in Saudi Arabia and Albanians in Kosovo. So, in these positions everyone would desire a system where security, dignity and fair play are assured. Everyone wants a system where at least a minimum assurance is guaranteed to all, whether he/she is powerful or weak, rich or poor, majority or minority. No one should be arrested without proper reason and information. If it happens then he/she should have a fair chance to defend themselves. This assurance should not only be on paper. There should be someone to enforce them and to punish those who violate them. This is real spirit behind the rights.

**Meaning of Rights:** Rights are reasonable claims of persons recognised in society and sanctioned by law. 'When fellow citizens or the government do not respect their rights, we call it violation of our rights. In such situations, citizen can approach courts to protect their rights.

**Need of Rights:** Rights are necessary for the very sustenance of a democracy. In a democracy, every citizen has to have the Right to Vote and the Right to be Elected to Government. Rights protect minorities from the oppression of majority. They ensure that majority cannot do whatever it wishes to do. Rights are like guarantees which can be used when things go wrong. Specially when some citizens may wish to take away the rights of others. In most democracies, the basic rights of the citizen are written down in the Constitution,

**RIGHTS IN THE INDIAN CONSTITUTION:** Some rights which are fundamental to our life are given special status in Indian Constitution. They are called Fundamental Rights. These are the basic human rights, i are given to every citizen in a democracy for the development of his/her personality. These rights are guaranteed by the Constitution. They promise to secure for all its citizens equality, liberty and justice. Hence, they are an important basic feature of India's constitution.

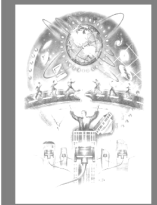
The six Fundamental Rights recognised by the Constitution are:

1. Right to Equality
2. Right to Freedom
3. Right against Exploitation
4. Right to Freedom of Religion
5. Cultural and Educational Rights
6. Right to Constitutional Remedies

**Right to Equality:** Constitution says that the government shall not deny the equality before the law or the equal protection of the laws to any person in India. It means that the laws y in the same manner to all, regardless of a person's is. This is called the rule of law. Right to Equality is the foundation of any democracy. It means that no person is above the law. The government shall not discriminate against any citizen on grounds y of religion, race, caste, sex or place of birth. Every citizen shall have access to public places like shops, restaurants, hotels and cinema halls. Similarly, there 11 be no restrictions with regard to the use of wells, tanks, bathing ghats, roads, playgrounds and places of public resorts maintained by government or dedicated to the use of general public.

**Reservations:** Government of India has provided reservation for Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs). But these reservations are not against the Right to Equality. Equality does not mean giving everyone the same treatment, no matter what they need. Rather it means giving





everyone an equal opportunity to achieve, whatever one is capable of. Sometimes, it is necessary to special treatment to someone in order to ensure equal opportunity. Thus, the reservations of this kind are not a violation of the Right to Equality.

**Untouchability:** The principle of non-discrimination extends to social life as well. The Constitution directs the government to put an end to the practice of untouchability. It is the extreme form of social discrimination. Untouchability does not mean refusal to touch people belonging to certain castes. Rather it refers to any belief or social practice which looks down upon people on account of their birth with certain caste labels. Such practice denies their interaction with others or access to public places as equal citizens. That's why the Constitution made untouchability a punishable offence.

**Many Forms of Untouchability:** In 1999, P. Sainath wrote a series of news reports in 'The Hindu' newspaper describing untouchability and caste discrimination that was still being practiced against Dalits or persons belonging to Scheduled Castes.

P. Sainath travelled to various parts of the country and found that in many places

- Tea stalls kept two kinds of cups, one for Dalits one for others.
- Barbers refused to serve Dalit clients.
- Dalit students were made to sit separately in the classroom and drink water from separate pitcher.

- Dalit grooms were not allowed to ride a horse in the wedding procession.
- Dalits were not allowed to use common handpump or if they did, the handpump was washed to purify it.

**2. Right to Freedom:** Freedom means absence of constraint (restrictions). In practical life, it means absence of interference in our affairs by others—be it other individuals or the government. Under the Indian Constitution, all citizens have the right to

- Freedom of speech and expression
- Assembly in a peaceful manner
- Form associations, unions and cooperative societies
- Move freely throughout the country
- Reside in any part of the country
- Practice any profession or to carry on any occupation, trade or business.

One cannot exercise his freedom in such a manner that violates others' Right to Freedom. A person is free to do everything which injures or harms no one else. Freedom is not unlimited license to do what one wants. The government can impose certain reasonable restrictions on our freedom in the larger interests of the society.

**Freedom of Speech and Expression:** It is one of the essential features of any democracy. Even if a hundred people think in one way, you should have the freedom to think differently and express your views as you wish. You may express your views through pamphlets, magazines, newspapers, paintings, poetry or songs. However, you cannot use this freedom to stimulate violence against others and excite people to rebel against government. Neither can we use it to defame others by saying false and mean things that cause damage to a person's reputation.

**Assembly in a Peaceful Manner/Form Associations:** Citizens have the freedom to hold meetings, processions, rallies and demonstrations on any issue. But such

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meetings should be peaceful and people participating in these should not carry weapons. Citizens also can form associations to promote their interests.

**Freedom to Travel/Choice of Occupations:** The citizen have the freedom to travel to any part of the country and are free to reside or settle in any part of the territory of India. 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. The same freedom extends to choice of occupations. No one can force you to do or not do a certain job (especially women). Even people from deprived caste cannot be forced to keep their traditional occupations.

**Personal Liberty:** The Constitution says that no person can be deprived of his life or personal liberty except according to procedure established by law. It means that no person can be killed unless the court has ordered a death sentence. It also means that a government or police officer cannot arrest or detain any citizen unless he has proper legal justification. Even when police arrests someone, they have to follow some procedures like

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

