

AGLASEM.COM

Class 9 Political Sci. Notes

Democratic Rights

Key Notes and Important Questions with Answers

Aglasem Schools

CHAPTER: 5

DEMORCARTIC RIGHTS

Points to remember:-

- Rights are **reasonable claims** of persons recognized by society and sanctioned by law. Rights are necessary for the very sustenance of a democracy.
- **Why do we need rights in a democracy?**
  - (i) People should have the right to express their opinion, form political parties and take part in the political activities. It is very necessary for the very sustenance of the democracy.
  - (ii) Rights protect minorities from the oppression of the majority.
  - (iii) Rights ensure freedom from the repressive laws and policies.
  - (iv) Rights protect citizens from the excesses of the government machinery.
- The constitution of India provides **six fundamental rights** to every citizen of the country:
  - (i) Right to equality
  - (ii) Right to freedom
  - (iii) Right against exploitation
  - (iv) Right to freedom of religion
  - (v) Cultural and educational rights
  - (vi) Rights to constitutional remedies
- **Right to equality:**

According to constitution, the state shall not deny to any person in India **equality before law** or the **equal protection of law**. (Article-14)

Equality before law means that the laws apply in the same manner to all, regardless of person's status. This is known as **rule of law.** It means that no person is above the law and every person is subjected to same laws.

Aglasem Schools

Equal protection of law means the right to equal treatment in similar circumstances. No one should be favoured and no one should be placed under any disadvantage, if the circumstances are similar.

Further, the constitution provides that the state shall not discriminate against any citizen **on grounds only of religion, race, caste, sex or place of birth.** Every citizen of shall have the access to public places like shops, restaurants, hotels and cinema halls. Similarly, there shall be no restriction with regard to the use of wells, tanks, bathing ghats, roads, playgrounds etc. (Article- 15)

All citizens have equality of opportunity in matters relating to **employment or appointment to any position in the government**. Though reservation benefits are provided to some sections of society but this not against right to equality. Because equality does not mean giving everyone the same treatment, no matter what they need. 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. (Article-16)

The principle of non-discrimination extends to social life as well. The **practice of untouchability** has been abolished and its practice in any form is forbidden (Article-17). Further, the **titles have also been abolished**. (Article-18)

- **Right to Freedom:**

The constitution of India provides all citizens the following rights (Ar.-19)

(i) Freedom of speech and expression
(ii) Freedom of assembly in a peaceful manner
(iii) Freedom to form associations or unions
(iv) Freedom of movement throughout the country
(v) freedom to reside in any part of the country
(vi) Freedom to practice any profession, or to carry on any occupation, trade or business.

- **Right to life and personal liberty** (Article-21):

Aglasem Schools

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.

- **Rights in case of arrest:**
  - (i) Arrested person(s) should be informed of the reasons for such arrest and detention.
  - (ii) Arrested person shall be produced before the nearest magistrate within a period of 24 hours of arrest.
  - (iii) Arrested person has the right to consult a lawyer or engage a lawyer for his defence.
- **Right against exploitation (**Article- 23 & 24)

(i) Prohibition of 'traffic in human beings'. Traffic here means selling and buying of human beings, usually women, for immoral purposes.

(ii) Prohibition on forced labour or begar in any form. Begar is a practice where the worker is forced to render services to the 'master' free of charge or at a nominal remuneration.

(iii) Prohibition of child labour.

- **Right to freedom of religion (Article -25 to 28):**
  - (i) Every person has a right to profess, practice and propagate the religion he or she believes in.
  - (ii) Every religious group or sect is free to manage its religious affairs.
  - (iii) Every religious group has the right to establish and maintain institutions for religious and charitable purposes, and to own and acquire movable and immovable property.
  - (iv) The government cannot compel any person to pay any taxes for the promotion or maintenance of any particular religion or religious institution.
  - (v) There shall be no religious instruction in the government educational institutions.

Aglasem Schools

(vi) In educational institutions managed by private bodies no person shll be compelled to take part in any religious instruction or to attend any religious worship.

- **Secularism:**

India is a secular state. 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. Citizens have complete freedom to follow any religion. The constitution provides citizens comprehensive rights to profess, practice and propagate the religion he or she believes in. (Article- 25 to 28).

A secular state is one that does not establish any one religion as official religion. India has no official religion.

Indian secularism practices an attitude of a principled and equal distance from all religions. The state has to be neutral and impartial in dealing with all religions.

- **Cultural and educational rights:**

The constitution provides following cultural and educational rights of the minorities:

(i) Any section of citizens with a distinct language or culture has a right to conserve it.

(ii) Admission to any educational institution maintained by government or receiving government aid cannot be denied to any citizen on the ground of religion or language.

(iii) All minorities have the right to establish and administer educational institutions of their choice.

- **Right to constitutional remedies (Article-32):**

Mere declarations of fundamental rights in the constitution are of no use, unless there is the means to make them effective. Article-32 provides a guaranteed remedy for the enforcement of these rights. We have a right to seek the enforcement of these rights. This is called right

Aglasem Schools

to constitutional remedies. Further, this itself is a fundamental right. This makes the fundamental rights effective.

It is possible that sometimes our rights may be violated by fellow citizens, private bodies or by the government. When any of our rights are violated we can seek remedy through courts. If it is a Fundamental Right, we can directly approach the Supreme Court or the High Court of a state.

The Supreme Court and the High Courts have the power to issue directions, orders, or writs for the enforcement of the Fundamental Rights. They can also award compensation to the victims and punishment to the violators.

- Dr. Bhim Rao Ambedkar called the Right to Constitutional Remedies, **'the heart and soul'** of our constitution.
- An independent commission called **National Human Rights Commission** has been set up by law in 1993. It helps the victims secure their human rights especially fundamental rights.

FUNDAMENTAL RIGHTS IN THE CONSTITUTION: AT A GLANCE

RIGHT TO EQUALITY

Article 14: Equality before law.

Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

Article 16: Equality of opportunity in matters of public employment.

Article 17: Abolition of Untouchability.

Article 18: Abolition of titles.

Aglasem Schools

RIGHT TO FREEDOM

Article 19: Protection of certain rights regarding freedom of speech etc.

Article 20: Protection in respect of conviction for offences.

Article 21: Protection of life and personal liberty.

Article 21A: Right to Education

Article 22: Protection against arrest and detention in certain cases.

RIGHT AGAINST EXPLOITATION

Article 23: Prohibition of traffic in human beings and forced labour.

Article 24: Prohibition of employment of children in factories, etc.

RIGHT TO FREEDOM OF RELIGION

Article 25: Freedom of conscience and free profession, practice and propagation of religion.

Article 26: Freedom to manage religious affairs.

Article 27: Freedom as to payment of taxes for promotion of any particular religion.

Article 28: Freedom as to attendance at religion instruction or religious worship in certain educational institutions.

CULTURAL AND EDUCATIONAL RIGHTS

Article 29: Protection of interests of minorities.

Article 30: Rights of minorities to establish and administer educational institutions.

Aglasem Schools

RIGHTS TO CONSTITUTIONAL REMEDIES

Article 32: Remedies for enforcement of rights conferred by this Part.

Very short questions (1 mark)

1. What do you understand by rights?
2. Who protects the Fundamental Rights of citizens?
3. Which Fundamental Right provides Right to vote?
4. When is the Human Rights day celebrated?
5. What is right to privacy?
6. What do you understand by right to Equality?
7. What do you understand by secular state?
8. What is Right to Education (RTE)?
9. What is Right to Information (RTI)?

Short /Long Questions (3/5 Marks)

1. What are the fundamental Rights that have been given to every citizen in India?
2. What is Right to Equality? Explain.
3. What are the freedoms that come under Right to Freedom?
4. What are the important rights conferred under Right against Exploitation? Explain.
5. Briefly explain the right to Freedom of Religion?
6. Explain the rights envisaged under Cultural and Educational Rights?
7. What do understand by Right to Constitutional remedies?
8. How are the Fundamental Rights protected in the constitution?
9. Is India a secular state? Justify your answer.
10. Why did Dr. Bhim Rao Ambedkar call the Right to Constitutional Remedies as 'the heart and soul' of our constitution?
11. Why do we need rights in a democracy?

Aglasem Schools

12. What is right to life?
13. What are the rights of a person in case of his arrest?

14. What are new rights provided to the citizens by the Constitution of South Africa?
15. Which of the Fundamental Right is being violated in the following circumstances:
    (i) Children, under 14 years of age, are employed in the factory.
    (ii) People are forced to work for free in Ramesh's village.
    (iii) People are stopped from voting in Rahul's village.
    (iv) Varun is prohibited from building house in Mumbai who has migrated from Bihar.
    (v) Malati is stopped from fetching water from a village pond in the state of Tamilnadu.

ANSWERS

Very Short Type Questions (1 Mark)

1. Rights are reasonable claims of persons recognized by society and sanctioned by law.
2. Courts (High Court and Supreme Court)
3. Political right.
4. 10 December
5. Under this, citizens or their home cannot be searched , their phones cannot be tapped etc. (Right to privacy has been declare as Fundamental Right by the Supreme Court of India in 2017)
6. There should be no discrimination on the grounds of religion, race, caste, sex or place of birth.
7. A secular state is one that does not establish any one religion as official religion.

Aglasem Schools

8. The governments are responsible for providing free and compulsory education to all children up to the age of 14 years.
9. Information can be accessed from government offices.

Short/Long Questions (3/5 Marks)

1. See the key points.
2. See the key points.
3. See the key points.
4. See the key points.
5. See the key points.
6. See the key points.
7. See the key points.
8. See the key points.
9. See the key points.
10. See the key points.
11. See the key points.
12. See the key points
13. See the key points.
14. New rights given in the Constitution of South Africa:
    - (i) Right to privacy
    - (ii) Right to clean Environment
    - (iii) Right to have adequate housing
    - (iv) Right to have access to health care services, sufficient food and water.
15. (i) Right against Exploitation.
    (ii) Right against Exploitation.
    (iii)Right to Freedom

    (iv)Right to Freedom

    (v)Right to Equality

Aglasem Schools