2. Rights in the Indian Constitution

1. Write true or false against each of these statements:

a) A Bill of Rights lays down the rights enjoyed by the people of a country.
b) A Bill of Rights protects the liberties of an individual.
c) Every country of the world has a Bill of Rights.
d) The Constitution guarantees remedy against violation of Rights.

Answer-

a) True
b) True
c) False
d) True

2. Which of the following is the best description of Fundamental Rights?

a) All the rights an individual should have.
b) All the rights given to citizens by law.
c) The rights given and protected by the Constitution.
d) The rights given by the Constitution that cannot ever be restricted.

Answer- c) The rights given and protected by the Constitution.

3. Read the following situations. Which Fundamental Right is being used or violated in each case and how?

a) Overweight male cabin crew are allowed to get promotion in the national airlines but their women colleagues who gain weight are penalised.

Answer- Right to equality is violated because discrimination made between sexes in employment.

b) A director makes a documentary film that criticises the policies of the government.

Answer- Freedom of speech and expression is used because the documentary reflects director's opinion about government.

c) People displaced by a big dam take out a rally demanding rehabilitation.

Answer- Freedom to assemble is used in this case as people can gather peacefully and without arms seeking their demand from government

d) Andhra society runs Telugu medium schools outside Andhra Pradesh.

Answer- Cultural and educational rights used in this case because all minorities, religious or linguistic can set up their own educational institutions to preserve and develop their own culture.

4. Which of the following is a correct interpretation of the Cultural and Educational Rights?

a) Only children belonging to the minority group that has opened educational institution can study there.
b) Government schools must ensure that children of the minority group will be introduced to their belief and culture.
c) Linguistic and religious minorities can open schools for their children and keep it reserved for them.
d) Linguistic and religious minorities can demand that their children must not study in any educational institution except those managed by their own community.

Answer- b) Linguistic and religious minorities can open schools for their children and keep some seats reserved for them.

5. Which of the following is a violation of Fundamental Rights and why?

a) Not paying minimum wages
b) Banning of a book
c) Banning of loudspeakers after 9 pm.
d) Making a speech

Answer

a) Not paying prescribed minimum wages amounts to beggar or forced labour it is one of the form of exploitation.
b) Banning of a book is violation of freedom of speech and expression.

6. An activist working among the poor says that the poor don't need Fundamental Rights. What they need are Directive Principles to be made legally binding. Do you agree with this? Give your reasons.

Answer

No, I don't agree with this as Fundamental rights are basic rights a person must have. These rights are given to people of all sections of society. The government may improve the conditions of poor through the Directive Principles but Fundamental rights should not be taken as it protects the rights of individuals. If poor people think that implemented policies of the government are harming them then they must have right to protest against it.Yes, Directive

Principles needs to be made legally binding. The unspectacular implementation of the directive principles is mainly on account of the resource crunch and lack of political will or foresight. Poverty eradication, education, betterment of the backward classes' condition are a few areas where the directives have practically failed to show results. From 1950,onwards various programmes have been implemented to give effect to the Directive Principles. The Minimum Wages Act (1948), Child Labour Prohibition and Regulation Act (1986), The Maternity Benefit Act (1961) and Equal Remuneration Act (1976) were enacted. Handloom Board, Handicrafts Board, Coir Board, Silk Board have been set up for the development of cottage industries. Integrated Rural Development Programme (1978), Jawahar Rozgar Yojana (1989), Swarna Jayanti Gram Swarozgar Yojana (1999), Sampoorna Gram Rozgar Yojana (2001), Mahatma Gandhi National Rural Employment Guarantee Programmes (2006) etc. have been implemented to improve the living standard of the people. Implementation of these schemes has significantly improved the living conditions of general masses.FRs and DPs are two wheels of a cart and both need to be balanced to promote welfare one cannot be given precedence over the other.

7. Several reports show that caste groups previously associated with scavenging are forced to continue in this job. Those in positions of authority refuse to give them any other job. Their children are discouraged from pursuing education. Which of their Fundamental Rights are being violated in this instance?

Answer

Right against exploitation is violated because certain caste groups are forced to continue the same job. Right to Freedom is violated as it grants people to practise any profession but in this instance authority refused to give certain groups any other job. Also, Right to Freedom provide right to education which is also denied in this instance as children are discouraged from pursuing education.

8. A petition by a human rights group drew attention of the court to the condition of starvation and hunger in the countr Over five crore tonnes of food grains was stored in the godowns of the Food Corporation of India. Research shows that a large number of ration cardholders do not know about the quantity of food grains they can purchase from fair price shops. It requested the court to order the government to improve its public distribution system.

a.Which different rights does this case involve? How are these rights interlinked?
b. Should these rights form part of the right to life?

Answer

a. The different rights this case involve are:

- Right to speech and expression and protection of life(under Article 19 of right to freedom)

- Right to constitutional remedy

These rights are interlinked as freedom of speech provides the basis for constitutional remedies. Unfair distribution of food grains might deprive certain groups or families from required nutrition. That might become threat to life and wellbeing.

b. Yes, these rights form part of the right to life as they are essential for the livelihood of people.

9. Read the statement by Somnath Lahiri in the Constituent Assembly quoted in this chapter. Do you agree with him? If yes, give instances to prove it. If not, give arguments against his position.

Answer

Yes, the given statement by Somnath Lahiri in the Constituent Assembly. The minimum rights have been conceded and are almost invariably followed by a provison. Many instances of this are:

- Everyone is free to choose a religion and practice that religion but government can impose restrictions on the practice of freedom of religion in order to protect public order, morality and health.
- Freedom to assemble is to be exercised peacefully and without arms but government may impose restrictions in certain areas declaring the assembly of five or more persons as unlawful.
- Right to personal liberty states that no one can be arrested without being told the grounds for such an arrest but there is proviso of preventive detention according to which if the government feels that a person can be a threat to law and order or to the peace and security of the nation, it can detain or arrest that person.

10. Which of the Fundamental Rights is in your opinion the most important right? Summarise its provisions and give arguments to show why it is most important.

Answer

According to my opinion, Right to equality is the most important right. Its various provisions are:

- Equality before law: All people are equal in the eyes of law and will be tried by the same law and will be given the same punishment for same crime.
- Prohibition of discrimination: It provides for equal access to public places like shops, hotels, places of entertainment, wells, bathing ghats and places of worship. There cannot be any discrimination on the grounds only of religion, race, caste, sex, or place of birth.
- Equality of opportunity in public employment:

There should not be discrimination on grounds only of religion, race, caste, sex, descent, and place of birth or any of them in matters of public employment.However, state shall reserve some seats in public employment for backward sections for their improvement.

- Abolition of Untouchability: The practice of untouchability is one of the crudest manifestations of inequality which has been abolished under the right to equality.

- Abolition of titles: It also provides that the state shall confer no title on a person except those who excel themselves in military or academic field.

These rights grant us the basic and very important right equality. This right ensures that every individual of society has the opportunity to reach his full potential. It also prevents any section of a society from dominating other sections. It strives to make India a true democracy by ensuring a sense of equality of dignity and status among all its citizens.

OPTION

In my opinion right against exploitation is the most important fundamental right declared in constitution. This right prohibits beggar or forced labour without payment, it prohibits buying or selling the human beings and beating the human beings as slaves and forbids abuse of child health. It is the most important fundamental rights because it is the base upon which other rights can be exercised. If the child labour is not stopped child's mental and physical development will stop. This right also prohibits slavery.