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## NCERT Class 9 Political Science Chapter 6: Democratic Rights YouTube Lecture Handouts

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### **Prison in Guantanamo Bay**

- 600 people were secretly picked up by the US forces from all over the world and put in a prison in Guantanamo Bay, an area near Cuba controlled by American Navy.
- Jamil El-Banna was among them and his family got to know this by media (arrested without trial and no one was allowed to meet them)
- American government said that they were enemies of the US and linked to the attack on New York on 11 September 2001
- Amnesty International, an international human rights organization collected information and reported that prisoners are tortured, they were not released even when found that they were not guilty
- UN Secretary General said the prison in Guantanamo Bay should be closed down. The US government refused to accept these pleas

### **Citizens' Rights in Saudi Arabia**

- Country is ruled by hereditary.
- King controls the legislature and executive
- Citizens cannot form political parties
- There is no freedom of religion
- Women are subjected to public restrictions
- Testimony of one man is considered equal to two women

### **Ethnic Massacre in Kosovo**

- Was province of Yugoslavia before it split

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- In this region population was mainly ethnic Albanian
- But in entire country, Serbs were majority & Milosevic, Serb won the election – he was hostile to Albanian
- Case of ethnic prejudice
- Milosevic lost power and was tried by the International Court of Justice for crimes against humanity

## **Rights in Democracy**

- Everyone has security, dignity and fair play
- Have a system where minimum is guaranteed to everyone
- Rights are claims of a person over other fellow beings, over the society and over the government & are sanctioned by law.
- Equally, our actions should not also harm or hurt others
- The claims we make should be reasonable. They should be such that can be made available to others in an equal measure. Thus, a right comes with an obligation to respect other rights
- Society has a set of rules for what is right and what is wrong.
- When socially recognized laws are written, they acquire real force. Otherwise, they remain natural or moral rights.

What is the need of rights in democracy?

- Right to vote
- Right to elect
- Right to express opinions & form political parties
- Rights protect minorities from oppression
- Rights are guarantees, which can be used when things go wrong

Some rights are placed higher than the government, so that government cannot violate

## **6 Fundamental Rights**

### **Right to Equality**

- Equal protection before law
- It applies in same manner to all & called as rule of law
- It means no person is above law

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- Government shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth
- Every citizen shall have access to public places like shops, restaurants, hotels, and cinema halls.
- No restriction 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 public
- Equality means giving everyone an equal opportunity to achieve whatever one is capable of – so you have reservation for ST/SC/Women etc.
- Non-discrimination extends to social life and untouchability has been forbidden in any form - So the Constitution made untouchability a punishable offence

## Right to Freedom

Freedom means absence of constraints. Freedom is not unlimited license to do what one wants.

Right to

- Freedom of speech and expression - freely communicate with others
- Assembly in a peaceful manner - freedom to hold meetings, processions, rallies and demonstrations on any issue
- Form associations and unions
- Move freely throughout the country
- Reside in any part of the country
- Practice any profession, or to carry on any occupation, trade or business.

The Constitution says that no person can be deprived of his life or personal liberty except according to procedure established by law

- A person who is arrested and detained in custody will have to be informed of the reasons for such arrest and detention.
- A person who is arrested and detained 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 defense.

## Right Against Exploitation

- Prohibit 'traffic in human beings'. Traffic means selling and buying of human beings, usually women, for immoral purposes

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- Prohibit forced labor or *begar* (worker is forced to render service to the 'master' free of charge or at a nominal remuneration)
- Prohibit child labor below age of 14 years. Prohibit children from working in industries such as beedi making, firecrackers and matches, printing and dyeing

## Right to Freedom of Religion

- India is a secular state.
- State is concerned only with relations among human beings, and not with the relation between human beings and God. A secular state is one that does not establish any one religion as official religion or give privilege to a particular religion
- Every person has a right to profess, practice and propagate the religion he or she believes in
- Person can change the religion at his/her own will
- Religious practices, which treat women as inferior, or those that infringe women's freedom are not allowed.

## Cultural & Educational Rights

- Language, culture and minorities need special protection
- Minorities have right to conserve their culture
- Admission to educational institution cannot be denied based on religion or language
- All minorities have right to establish and administer educational institutions of their choice

## Right to Constitutional Remedies

- If rights are like guarantees, they are of no use if there is no one to honor them.
- The fundamental rights in the Constitution are important because they are enforceable
- If fundamental right is violated, one can directly reach Supreme Court or High Court
- Dr. Ambedkar called the Right to Constitutional Remedies, 'the heart and soul' of our Constitution
- If any act of the Legislature or the Executive takes away or limits any of the Fundamental Rights it will be invalid & can be challenged in court
- Supreme Court and High Courts have the power to issue directions, orders or writs for the enforcement of the Fundamental Rights
- Award compensation to the victims and punishment to the violators

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- Violation of the Fundamental Right, if it is of social or public interest, is called Public Interest Litigation (PIL).

## National Human Rights Commission

- Set up in 1993
- It is independent of the government.
- Commission is appointed by the President and includes retired judges, officers and eminent citizens
- Takes general steps to promote human rights
- Similar to 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

## Expanding Scope of Rights

- Certain rights like right to freedom of press, right to information, and right to education are derived from the Fundamental Rights.
- 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.
- Expanded right to life to include right to food
- Right to property is not a Fundamental Right but it is a constitutional right. Right to vote in elections is an important constitutional right
- Sometimes the expansion takes place in what is called human rights. These are universal moral claims that may or may not have been recognized by law
- Some international covenants have also contributed to the expansion of rights.

## The Constitution of South Africa Guarantees Its Citizens Several Kinds of New Rights:

- 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 wellbeing;
- 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.

## International Covenant on Economic, Social and Cultural Rights

- Right to work: opportunity to everyone to earn livelihood by working

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- 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: medical care during illness, special care for women during childbirth and prevention of epidemics
- Right to education: free and compulsory primary education, equal access to higher education.

-Mayank

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