

Notes of Democratic Rights

- A truly democratic government is not formed only by conducting elections or by setting up institutions like the legislature, executive, and judiciary. For a government to be genuinely democratic, elections and institutions must be supported by a third and very important element – the enjoyment of rights by citizens.
- Elected representatives, even though they come to power through elections and function within established institutions, must always respect and protect the democratic rights of citizens. If rulers misuse their power and violate citizens' rights, the government can no longer be called democratic.
- The chapter Democratic Rights helps us understand the meaning, importance, and need for rights in a democracy. It begins with some real-life examples that show what life looks like when people do not enjoy basic rights. Through these examples, we learn what rights are, why they are necessary, and how they protect people from injustice and misuse of power.

Life without rights

1. Prison in Guantanamo Bay

- After the terrorist attacks on the United States on 11 September 2001, the American government arrested about 600 people from different parts of the world. These people were taken to a prison located at Guantanamo Bay, which is under US control.
- Many of these prisoners were kept without a proper trial, without being informed of the charges against them, and without access to lawyers. The US government claimed that these people were enemies of the country and linked to terrorism.
- This case clearly shows what happens when the right to life, liberty, and fair trial is denied. It highlights how dangerous it can be when governments ignore basic human rights in the name of national security.

2. Citizens' Rights in Saudi Arabia

- Saudi Arabia provides another example of a country where citizens enjoy very limited political and civil rights.
- The country is ruled by a hereditary king, and people have no power to elect or change their rulers.
- The king has complete control over both the legislature and the executive.
- Citizens are not allowed to form political parties or political organisations.
- There is no freedom of religion, and people must follow the officially approved religious practices.

- Women face many restrictions in public life and do not enjoy equal rights in several areas.
- This example shows how the absence of democratic rights limits people's freedom and participation in governance.

3. Ethnic Massacre in Kosovo

- Kosovo was once a province of Yugoslavia. Although the majority of the population in Kosovo consisted of ethnic Albanians, the Serbs dominated the government.
- Slobodan Milosevic, a Serb nationalist leader, came to power through elections. However, his government followed policies that were hostile towards ethnic Albanians. Many Serb leaders believed that ethnic minorities like Albanians should either leave the country or accept Serb dominance.
- This resulted in large-scale violence, displacement, and killing of Albanians, showing how the denial of rights to minorities can lead to extreme injustice and conflict.

Rights in Democracy

All human beings want to live with dignity, freedom, and security, without fear of oppression or ill-treatment. For this to be possible, we expect other individuals, society, and the government to behave in a manner that does not harm us. At the same time, we must also respect the rights of others.

A right is a claim that a person makes on others, society, or the government. A right is meaningful only when:

- It can be enjoyed by everyone equally.
- It is accompanied by a duty to respect others' rights.

Rights are not fixed forever. What society considers to be rightful changes with time, place, and social conditions. Therefore, the idea of rights keeps evolving.

Essential Features of Rights

Any claim can be called a right only if it has the following three qualities:

- The claim must be reasonable.
- It must be recognised by society.
- It must be sanctioned and protected by law.

Why Do We Need Rights in a Democracy?

In a democracy, citizens have the right to vote and the right to contest elections. However, democracy is not just about elections. Rights play a crucial role because:

- They protect minorities from the possible domination of the majority.
- They act as safeguards against the misuse of power by the government.
- They provide legal remedies when citizens are treated unfairly.
- They ensure that democracy is based on equality, freedom, and justice.

Rights in the Indian Constitution

The Indian Constitution guarantees six Fundamental Rights to all citizens. These rights are essential for the development of individuals and the smooth functioning of democracy.

1. Right to Constitutional Remedies

- This right allows citizens to approach the courts if any of their Fundamental Rights are violated. Courts have the power to issue orders and directions to protect citizens' rights.
- Dr. B.R. Ambedkar described this right as the “heart and soul of the Constitution”, because without it, other rights would have no value.

2. Right to Equality

The Constitution ensures equality before the law and equal protection of laws for all persons in India. This means that:

- The law treats everyone equally, regardless of their status or position.
- No one is above the law whether a political leader, government official, or ordinary citizen.

This principle is known as the Rule of Law, which is the foundation of democracy.

Under this right:

- The government cannot discriminate against citizens on the basis of religion, race, caste, sex, or place of birth.
- All citizens have equal access to public places like shops, hotels, restaurants, cinema halls, wells, roads, playgrounds, and bathing ghats.
- There is equality of opportunity in government employment.

3. Right to Freedom

The Indian Constitution guarantees six freedoms to citizens:

- Freedom of speech and expression
- Freedom to assemble peacefully

- Freedom to form associations and unions
- Freedom to move freely throughout the country
- Freedom to reside in any part of the country
- Freedom to practise any profession or carry on any occupation, trade, or business

However, these freedoms are not absolute. They can be restricted to protect public order, morality, and the rights of others.

4. Right against Exploitation

The Constitution protects citizens, especially the weaker sections, from exploitation. It strictly prohibits:

- Human trafficking, including buying and selling of human beings.
- Forced labour or beggar, where people are forced to work without proper wages.
- Child labour, especially the employment of children below 14 years in hazardous occupations like factories, mines, railways, and ports.

5. Right to Freedom of Religion

- India is a secular country, which means it does not favour or promote any particular religion.
- Every person has the freedom to profess, practise, and propagate any religion.
- Religious freedom does not allow activities that harm others or violate public order. For example, human sacrifice or violence in the name of religion is not allowed.

6. Cultural and Educational Rights

- These rights protect the interests of minority communities.
- Any group with a distinct language or culture has the right to preserve it.
- No citizen can be denied admission to government or government-aided educational institutions on the basis of religion or language.
- Minorities have the right to establish and manage their own educational institutions.

How Can We Secure These Rights?

Fundamental Rights are protected against the actions of:

- The Legislature
- The Executive
- Any authority set up by the government
- No law can violate Fundamental Rights.
- If any law or action limits or takes away Fundamental Rights, the courts can declare it invalid.

- Citizens can directly approach the High Courts or the Supreme Court to protect their rights.

Expanding Scope of Rights

- Over the years, the meaning and scope of rights have expanded through laws and judicial decisions.
- Rights like Freedom of the Press, Right to Information, and Right to Education are derived from Fundamental Rights.
- Education has become a fundamental right for children up to 14 years.
- Parliament passed the Right to Information Act, allowing citizens to seek information from the government.
- The Supreme Court has expanded the Right to Life to include the Right to Food.
- Some rights, like the Right to Property and the Right to Vote, are important constitutional rights, though not Fundamental Rights.