

What are Rights ?

- Rights are Reasonable ~~claims~~ of persons recognised by society and sanctioned by Law.

⇒ Case Study Where Rights are denied :-

Prison in Guantanamo Bay :-

- About 600 people were secretly picked up by the US forces from all over the world.
- They were put in Prison in Guantanamo Bay, an area near Cuba controlled by American Navy.
- They were linked to the attack on New York on 11 September 2001.
- The US Army arrested them, interrogated them and decided whether to keep them there or not.
- There was no trial before any magistrate in the US.
- Amnesty International, reported that the prisoners were being tortured in ways that violated the US laws.
- The UN Secretary General said the prison in Guantanamo Bay should be closed down but

the US government refused to accept those pleas.

⇒ Why do we need rights in a democracy?

- For democratic elections to take place it is necessary that citizens should have the right to express their opinion, form political parties and take part in political activity.
- Rights are guarantees which can be used when things go wrong.
- The government should protect the citizens' rights.
- In most democracies, the basic rights of the citizen are written down in the constitution.

⇒ Rights in the Indian Constitution

- Indian Constitution provides Six Fundamental Rights.

(1) Right to Equality (Article 14, 15, 16, 17, 18)

- According to constitution, the law apply in the same manner to all, regardless of a person's status. This is called the rule of law.
- The government shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth.

→ Article 14 → Equity of Law (Equality before Law
Equal Protection of Law)

→ Article 15 - No discrimination on the basis of Race, caste, Sex, Place of birth.

→ Article 16 - Equality of opportunity.

→ Article 17 - Abolition of untouchability

→ Article 18 - Abolition of Title -

Right to Freedom (Article 19, 20, 21, 22)

- Freedom means absence of interference in our affairs by others - be it other individual or the government

Article 19 - contains Six Freedom

19(1) Freedom of speech and expression

19(2) Freedom to assemble peacefully without arms

19(3) Freedom to form association and unions

19(4) Freedom to move freely throughout Territory of India

19(5) Freedom to reside and settle in any part of India

19(6) Freedom to practice any profession.

Article 20 - Protection in respect of conviction for offences:

Under this no citizen of India can be convicted for an act that was not an offence at the time of its commission. Moreover, no citizen can be given a punishment greater than punishment

provided by law

Article 21 - Protection of life and personal Liberty.

That no Individual can be deprived of his/her personal life or liberty except according to Procedures laid down by the law. This is an absolute right and cannot be suspended during the time of emergency.

Article 22 - Protection against arrest and detention in certain cases

A person has the right to cause of his/her arrest or detention at the time of arrest. Moreover the person should be produced in front of district judge within 24 hours of arrest. Under this right every citizen has the right to consult a lawyer on his/her arrest.

(3) Right against Exploitation (23, 24)

Article 23 - Abolition of trafficking and the practice of begar in human beings

Trafficking and begar and other forms of forced labour is prohibited by law and any violation would result in punishment stated by law.

Article 24 - Prohibition of employment of children in factories

Employment of children below the age of 14 to work in any factory or mine or engaged in any

other hazardous employment is prohibited by law.

(4) Right to Freedom of Religion (25-28 Article)

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

Article 26 - Freedom to manage religious affairs:

- (i) Establish and maintain institutions for religious and charitable purpose.
- (ii) manage its own affairs in matters of religion.
- (iii) own and acquire movable and immovable property.
- (iv) administer such property in accordance with law.

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

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

(5) Cultural and Educational Rights (Article 29-30)

Article 29-30 talk about the cultural and educational rights that were administered mainly to protect the interest of minorities (religious or population) in the country.

Article 29 = Protection of interest of minorities:

Minorities having a distinct language, culture or practices have the right to conserve the culture. No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on ground only of religion, race, caste, language or any of them.

Article 30: Right of minorities to establish and administer educational Institutions:

Under this law, minorities have the right to establish and administer their own educational Institutions.

(6) Right to Constitution Remedies (Article 32)

If any of the above right is violated a citizen can directly approach high court or Supreme court.

5 Writs (a) Habeas Corpus.

(b) Mandamus

(c) Certiorari

(d) Prohibition

(e) Quo-warranto

⇒ Expanding Scope of Rights:

- Fundamental Rights are the source of all rights, our constitution and law offers a wide range of Rights.