

Chapter 2 - Rights In The Indian Constitution

Question 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

Question 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.

Question 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.
- b) A director makes a documentary film that criticises the policies of the government.
- c) People displaced by a big dam take out a rally demanding rehabilitation.
- d) Andhra society runs Telugu medium schools outside Andhra Pradesh.

Answer:

- a) The Right being violated is the Right to equality of opportunity in employment.
- b) The Right being used is the Freedom of speech and expression.
- c) The Right being used is the Freedom of expression and Freedom to assemble peacefully.
- d) The Right being used is the Cultural right to represent and protect one's own language and culture.

Question 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) Government schools must ensure that children of the minority group will be introduced to their belief and culture.

Question 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 minimum wages is a violation of fundamental right as it is a form of exploitation.
- b) Banning of a book is against freedom of expression of the citizens.

Question 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:

Any answer supported with argument or explanation would solve the purpose. It is strongly recommended that you prepare the solution on your own. However, one sample solution has been provided for your reference:

- No, I do not agree with this statement. Fundamental Rights cannot be denied to any section of the society and this is applicable to the poorer sections as well. While implementation of directive principles is required for improving the condition of the poor, fundamental rights are universal as they ensure dignity to every citizen and form the basis for equality among people.
- Certain rights like right to constitutional remedy are important to secure protection for the poorest and weakest sections of the society from the arbitrary action of the state.
- Enforcement of directive principles is important for ensuring social, economic and political justice. However, freedom of expression is still required to raise voice against any form of discrimination or injustice.

Question 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:

- Fundamental right against exploitation, such as prohibition of forced labour, is violated in this situation by forcing certain castes to continue in the same job that is associated with their caste.
- Right to practice any profession is violated as they are refused any other jobs by the authorities.
- Prohibition of employment of children in hazardous jobs is also violated in this instance.

Question 8:

A petition by a human rights group drew attention of the court to the condition of starvation and hunger in the country. 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 case involves the use of Right to speech and expression and constitutional remedy. These rights were used by the human rights group to inform the court about the prevailing condition of hunger and starvation, thus requesting the court to order the government to improve public distribution system.
- The right to life of people is also invoked to address hunger and starvation.
- These rights are interlinked as freedom of speech provides the basis for constitutional remedies.

b. Yes, these rights should form part of the right to life as they are necessary for the sustenance of people.

Question 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:

Any answer supported with argument or explanation would solve the purpose. It is strongly recommended that you prepare the solution on your own. However, one sample solution has been provided for your reference:

Yes. Somnath Lahiri said that minimum rights have been conceded and are almost invariably followed by a proviso and have been framed from the point of view of police constable. This is visible in certain provisions that are invoked to place restrictions on fundamental rights.

- The provision of preventive detention contradicts the right to life and personal liberty and has often been misused by the government.
- There are several rights under right to freedom that are restricted by the government in various ways. For example, the provision of restriction over assembly of five or more people in certain areas can be misused by the administration.

Question 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:

The right to constitutional remedies is the most important right. The provisions of this right include the right to move the courts for issuance of writs. The Supreme Court and High Courts can issue directives to the government for the implementation of rights. The special orders issued by courts for enforcement of rights are as follows:

- Habeas Corpus–The court can order the arrested person to be presented before it under the writ of Habeas Corpus. It can also order the release of a person arrested on unlawful grounds.

- Mandamus–This writ is issued by courts when a particular official does not perform the assigned legal duty and violates upon the rights of the individual.
- Prohibition–This writ is issued by a higher court when a case is beyond the jurisdiction of lower court.
- Quo Warranto–This writ is issued by the court when it finds an individual holding the office, which is not entitled to him.
- Certiorari–The court orders the transfer of a pending matter from a lower court or another authority to the higher court.

The Right to Constitutional Remedies provides a legal solution within the framework of the constitution, to the violation of fundamental rights and provides a check on state power. This is the most important right as it safeguards the other fundamental rights. It ensures the realisation of other rights as well as providing a defence for them. According to Dr. Ambedkar, this right is the 'Heart and Soul of the Constitution'.