

TERM II

UNIT III

DEMOCRATIC POLITICS

CLASS IX (2014)

**PREPARED BY
NARAYANAN MANNANDI**

www.isbsocialnotes.weebly.com

THE INDIAN SCHOOL BAHRAIN

Chapter-4 ELECTORAL POLITICS

Q.1.What were the promises made by Devi Lal in the Assembly Elections in 1987?

In the election campaign, Devi Lal said that if his party won the elections, his government would waive the loans of farmers and small businessmen. He promised that this would be the first action of his government.

Q.2.What is Election?

Election is a mechanism by which people can choose their representatives at regular intervals and change them if they wish to do so. It is the process through which people choose their representatives to form the government. E. Parliament election or Assembly election.

Q. 3. Why do we need elections?

- i) To make the rule of the people elections are necessary. In most democracies people rule through representatives. To choose the representatives we need election
- ii) To find out if people like their representatives or not elections are required to elect or not to elect.
- iii) To ensure that these representatives rule as per the wishes of people elections are required.
- iv) To make sure that those who the people don't like do not remain in power elections are required.

Q.4.What are the choices that voters normally make in an election?

In an election the voters may make the following choices:

- They can choose who will make laws for them.
- They can choose who will form the government and take major decisions.
- They can choose the party whose policies will guide the government and law making.
- To find out if the people like their representatives or not
- To ensure that these representatives rule as per the wishes of the people
- To make sure that those who the people don't like do not remain their representatives.

Q.5. What are the minimum conditions of a democratic election? (What makes an election democratic?)

- First, everyone should be able to choose. This means that everyone should have one vote and every vote should have equal value.
- Second, there should be something to choose from. Parties and candidates should be free to contest elections and should offer some real choice to the voters.
- Third, the choice should be offered at regular intervals. Elections must be held regularly after every few years.
- Fourth, the candidate preferred by the people should get elected.
- Fifth, elections should be conducted in a free and fair manner where people can choose as they really wish.

Q.6.What are the merits/advantages of political competition?

- If there is no competition, elections will become pointless.
- Regular electoral competition provides incentives to political parties and leaders. They know that if they raise issues that people want to be raised, their popularity and chances of victory will increase in the next elections. But if they fail to satisfy the voters with their work they will not be able to win again. Thus it motivate them to do good things.
- Political competition enlighten people about election and democratic principles and during their competition people can identify the party that they should choose.

Q.7.What are the de-merits/disadvantages of political competition?

- An electoral competition has many demerits. It creates a sense of disunity and ‘factionalism’ in every locality.
- Different political parties and leaders often level allegations against one another.
- Parties and candidates often use dirty tricks to win elections.
- Some people say that the pressure to win electoral fights does not allow sensible long-term policies to be formulated.
- Some good people who may wish to serve the country do not enter this arena. They do not like the idea of being dragged into unhealthy competition.

Q.8. How do we deal with the real life situation in political competition?

- i) One way is to try and improve the knowledge and character of political leaders.
- ii) The other and the more realistic way is to set up a system where political leaders are rewarded for serving the people and punished for not doing so.

Q.9.Distinguish between General Election and By- election.

- Elections that are held in all constituencies at the same time, either on the same day or within a few Days, after a regular interval of five years are called general elections.
- Sometimes elections that are held only for one or a few constituencies to fill the vacancies caused by death or resignation of members, these are called a by-election.
- After a General Election a new government will be formed whereas in a by-election the existing government will not change.

Q.10.What are Electoral Constituencies?

In our country we follow an area based system of representation. The country is divided into different areas for purposes of elections. These areas are called electoral constituencies. In a constituency only one candidate will be elected during election. For Lok Sabha election the country is divided into 543 constituencies. The representative elected from each constituency is called a Member of Parliament. (MP)

Q.11.What are Reserved Constituencies?

- Some constituencies are reserved for people who belong to the backward classes like the Scheduled Castes [SC] and Scheduled Tribes [ST]. In a SC reserved constituency only someone who belongs to the Scheduled Castes can stand for election.
- Similarly only those belonging to the Scheduled Tribes can contest an election from a constituency reserved for ST. Currently, in the Lok Sabha, 79 seats are reserved for the Scheduled Castes and 41 for the Scheduled Tribes.
- It is a measure to include representation for all classes in the legislature.

Q.12.What is Voter’s List?

- In a democratic election, the list of those who are eligible to vote is prepared much before the election and given to everyone. This list is officially called the Electoral Roll and is commonly known as the Voters’ List.
- This is an important step for it is linked to the first condition of a democratic election: everyone should get an equal opportunity to choose representatives.
- It contains name, age, sex, fathers name or husband’s name, address and serial number of the voters in a constituency.

Q.13.What is meant by Universal Adult Franchise? Why is it adopted in India?

All the citizens aged 18 years and above, regardless of his or her caste, religion or gender can vote in an election. It is known as **Universal Adult Franchise**.

It is adopted in India due to the following reasons: Different citizens in India differ from one another in many ways; some are rich some are poor; some are highly educated and some are literate; some are kind others are not so. But all of them are human beings with their own needs and views. All of them deserve to have equal say in decisions that affect them.

Q.14.What is meant by EPIC?

It is a new system called Election Photo Identity Card [EPIC]. The government has tried to give this card to every person on the voters list. The voters are required to carry this card when they go out to vote, so that no one can vote for someone else. But the card is not yet compulsory for voting.

Q.15.What are the different stages of election procedure?

- Nomination of Candidates
- Election Campaign
- Polling and Counting of Votes (Explain points)
(Get points from Q.16, Q.19, and Q.22)

Q.16.What is meant by Nomination of Candidates?

- Anyone who can be a voter can become a candidate in elections. The only difference is that in order to be a candidate the minimum age is 25 years, while it is only 18 years for being a voter. There are some other restrictions on criminals etc.
- Every person who wishes to contest an election has to fill a ‘nomination form’ and register their name on or before the last date of the nomination.

Q.17.What are the qualifications to become a candidate in an election?

Every candidate has to make a legal declaration, giving full details of :

- No serious criminal cases are pending against the candidate;
- Details of the assets and liabilities of the candidate and his or her family; and:
- Educational qualifications of the candidate

Q.18.What is the importance and purpose of Election Campaigns?

- The main purpose of election is to give people a chance to choose the representatives, the government and the policies they prefer.
- In our country such campaigns take place for a two-week period between the announcement of the final list of candidates and the date of polling. During this period the candidates contact their voters, political leaders address election meetings and political parties mobilize their supporters.
- In election campaigns, political parties try to focus public attention on some big issues. They want to attract the public to that issue and get them to vote for their party on that basis.

Q.19.What are the different techniques of Election Campaigns?

- Publishing Election Manifesto
- Public Speeches, Sticking of Wall Posters, Issuing Pamphlets
- Advertisement through mass media
- Door-to-Door Canvassing etc are the different techniques of Election Campaigns.

Q.20. State any 4 important slogans raised by different political parties in India.

- The Congress party led by Indira Gandhi gave the slogan of **Garibi Hatao (Remove poverty)** in the Lok Sabha elections of 1971. The party promised to reorient all the policies of the government to remove poverty from the country.
- Save Democracy** was the slogan given by Janata Party in the next Lok Sabha election held in 1977. The party promised to undo the excesses committed during Emergency and restore civil liberties.
- The Left Front used the slogan of **Land to the Tiller** in the West Bengal Assembly elections held in 1977.
- 'Protect the Self-Respect of the Telugus'** was the slogan used by N. T. Rama Rao, the leader of the Telugu Desam Party in Andhra Pradesh Assembly elections in 1983.

Q.21. Mention the Code-of-conduct of party and candidates during elections.

- No party or candidate can bribe or threaten voters;
- No party or candidate can appeal votes in the name of caste or religion;
- No party or candidate can use government resources for election campaign; and
- No party or candidate can spend more than Rs. 25 lakh in a constituency for a Lok Sabha election or Rs. 10 lakh in a constituency in an Assembly election.

Q.22. How is polling done during an election?

- Every person whose name is on the voters' list can go to a nearby 'polling booth', situated usually in a local school or a government office. Once the voter goes inside the booth, the election officials identify her, put a mark on her finger(by using indelible ink) and allow her to cast vote. An agent of each candidate is allowed to sit inside the polling booth and ensure that the voting takes place in a fair way.
- Earlier the voters used to indicate who they wanted to vote for by putting a stamp on the ballot paper. A ballot paper is a sheet of paper on which the names of the contesting candidates along with party name and symbols are listed.
- Nowadays electronic voting machines (EVM) are used to record votes. The machine shows the names of the candidates and the party symbols.
- Once the polling is over, all the EVMs are sealed and taken to a secure place. A few days later, on a fixed date, all the EVMs from a constituency are opened and the votes secured by each candidate are counted.

Q.23. State some unfair practices in the conducting of elections in India.

- Inclusion of false names and exclusion of genuine names in the voters' list;
- Misuse of government facilities and officials by the ruling party;
- Excessive use of money by rich candidates and big parties; and
- Intimidation of voters and rigging on the polling day.

Q.24. Why should we have an Independent Election Commission in India?

- In our country elections are conducted by an independent and very powerful Election Commission (EC). It enjoys the same kind of independence that the judiciary enjoys. The Chief Election Commissioner (CEC) is appointed by the President of India. But once appointed, the Chief Election Commissioner is not answerable to the President or the government. Even if the ruling party or the government does not like what the Commission does, it is virtually impossible for it to remove the CEC.
- To conduct elections in free-and-fair manner
- It ensures that no ruling party or government official influence the Election Commission.

Q.25. Explain the functions of Election Commission.

- EC takes decisions on every aspect of conduct and control of elections from the announcement of elections to the declaration of results.
- It implements the Code of Conduct and punishes any candidate or party that violates it.
- During the election period, the EC can order the government to follow some guidelines, to prevent use and misuse of governmental power to enhance its chances to win elections, or to prevent transfer of government officials.
- When on election duty, government officers work under the control of the EC and not the govt.

Q.26. Under what circumstances does the Election Commission order re-polling in a constituency?

When election officials come to the opinion that polling was not fair in some booths or even an entire constituency, they order a re-poll.

Q.27. What is ballot paper?

A ballot paper is a sheet of paper on which the names of the contesting candidates along with their party name and symbols are listed.

Q.28. How is people's participation usually measured in an election? (Or) What is Voters Turnout in Elections?

People's participation in elections is usually measured by Voter Turnout figures. Turnout indicates the percent of eligible voters who actually cast their vote. Over the last 50 years, the turnout in Europe and North America has declined. In India the turnout has either remained stable or actually gone up.

Q.29. Prove by giving examples that the quality of election process is fair in India.

- People's participation in elections is usually measured by Voter Turnout figures. Turnout indicates the percent of eligible voters who actually cast their vote. Over the last 50 years, the turnout in Europe and North America has declined. In India the turnout has either remained stable or actually gone up.
- In India the poor, illiterate and underprivileged people vote in larger proportion as compared to the rich and privileged sections. This is in contrast to western democracies. For example in the United States of America, poor people, African Americans and Hispanics vote much less than the rich and the white people.
- Common people in India attach a lot of importance to elections. They feel that through elections they can bring pressure on political parties to adopt policies and programmes favorable to them. They also feel that their vote matters in the way things are run in the country.

- The interest of voters in election-related activities has been increasing over the years. During the 2004 elections, more than one-third voters took part in campaign-related activities. More than half of the people identified themselves as being close to one or the other political party. One out of every seven voters is a member of a political party.

Q.30. The outcome of India's elections speaks for itself. Explain.

The outcome of India's elections speaks for itself:

- The ruling parties routinely lose elections in India both at the national and state level. In fact in every two out of the three elections held in the last fifteen years, the ruling party lost. It proves that unfair practices are not used by the ruling parties.
- In the US, an incumbent or 'sitting' elected representative rarely loses an election. In India about half of the sitting MPs or MLAs lose elections.
- Candidates who are known to have spent a lot of money on 'buying votes' and those with known criminal connections often lose elections.
- Except a very few disputed elections, the electoral outcomes are usually accepted as 'people's verdict' by the defeated party.

Q.31. What are the challenges to Free and Fair elections in India?

- A few candidates may win purely on the basis of money power and unfair means. But the overall verdict of a general election still reflects popular preference. There are very few exceptions to this rule in the last fifty years in our country.
- Candidates and parties with a lot of money may not be sure of their victory but they do enjoy a big and unfair advantage over smaller parties and independents.
- In some parts of the country, candidates with criminal connection have been able to push others out of the electoral race and to secure a 'ticket' from major parties.
- Some families tend to dominate political parties; tickets are distributed to relatives from these families. It is known as dynastic succession in politics.
- Very often elections offer little choice to ordinary citizens, for both the major parties are quite similar to each other both in policies and practice.
- Smaller parties and independent candidates suffer a huge disadvantage compared to bigger parties. They got less number of workers and less amount of money.

Q. 32. What makes election in India democratic?

- i) An independent Election Commission
- ii) Universal Adult Franchise
- iii) Popular Participation
- iv) Acceptance of election results. (Explain all points)

Chapter – 5 Working Of Institutions

Q.1) Expand and explain ‘SEBC’.

Socially and Economically Backward Classes (SEBC). SEBC is another name for all those people who belong to castes that are considered backward by the government. The benefit of job reservation was till then available only to Scheduled Castes and Scheduled Tribes. Now a new third category called SEBC was introduced. Only persons who belong to backward castes were eligible for this quota of 27 per cent jobs. Others could not compete for these jobs.

Q.2) Who are the important functionaries in the government of India?

The important functionaries in the government of India are as follows:

1. President is the head of the state and is the highest formal authority in the country.
2. Prime Minister is the head of the government and actually exercises all governmental powers. He takes most of the decisions in the Cabinet meetings.
3. Parliament consists of two Houses, Lok Sabha and Rajya Sabha. The Prime Minister must have the support of a majority of Lok Sabha members.

Q.3) What was Mandal commission? Why was it appointed? What was the major Recommendation of this Commission?

1. The Government of India had appointed the Second Backward Classes Commission headed by B.P. Mandal. Hence it was popularly called the Mandal Commission.
2. It was asked to determine the criteria to identify the socially and economically backward classes in India and recommend steps to be taken for their advancement.
3. The Commission gave its Report in 1980 and made many recommendations. One of these was that 27 per cent of government jobs be reserved for the socially and economically backward classes.

Q.4) State an important promise in the election manifesto of the Janata Dal (party) in 1989 .

In its election manifesto, the Janata Dal promised that if voted to power, it would implement the Mandal Commission report. The Janata Dal did form the government after this election. Its leader V. P. Singh became the Prime Minister.

Q.5) What was the reaction of the people when the government decided to reserve 27% of the seats for backward classes?

1. Some felt that existence of inequalities among people of different castes in India necessitated job reservations. They felt, this would give a fair opportunity to those communities who so far had not adequately been represented in government employment.
2. Others felt that this was unfair as it would deny equality of opportunity to those who did not belong to backward communities. They would be denied jobs even though they could be more qualified.
3. Some felt that this would perpetuate caste feelings among people and hamper national unity.

Q.6) What was the ‘Indira Sawhney and others Vs union case’ and how was it settled?

1. . Some persons and associations opposed and filed a number of cases in the courts regarding the reservation of jobs for backward classes. They appealed to the courts to declare the order invalid and stop its implementation.
2. The Supreme Court of India bunched all these cases together. This case was known as the ‘Indira Sawhney and others Vs Union of India case’.
3. Eleven judges of the Supreme Court heard arguments of both sides. By a majority, the Supreme Court judges in 1992 declared that this order of the Government of India was valid.
4. At the same time the Supreme Court asked the government to modify its original order. It said that well-to-do persons among the backward classes should be excluded from getting the benefit of reservation.
5. Accordingly, the Department of Personnel and Training issued another Office Memorandum on September 8, 1993. The dispute thus came to an end and this policy has been followed since then.

Q.7) What are political institutions?

Some persons have to take decisions on how to go about governmental activities. Others have to implement these decisions. If disputes arise on these decisions or in their implementation, there should be some one to determine what is right and what is wrong. To attend to all these tasks, several arrangements are made in all modern democracies. Such arrangements are called institutions.

Q.8) What is the need for political institutions in a country?

1. Some persons have to take decisions on how to go about governmental activities. Others have to implement these decisions. If disputes arise on these decisions or in their implementation, there should be some one to determine what is right and what is wrong.
2. To attend to all these tasks, several arrangements are made in all modern democracies. Such arrangements are called institutions.
3. Governing a country involves various such activities. For example, the government is responsible for ensuring security to the citizens and providing facilities for education and health to all. It collects taxes and spends the money thus raised on administration, defense and development programmes. It formulates and implements several welfare schemes.

Q.9) Mention some of the political institutions in India. What is their main role?

1. The Prime Minister and the Cabinet are institutions that take all important policy decisions.
2. The Civil Servants, working together, are responsible for taking steps to implement the ministers’ decisions.
3. Supreme Court is an institution where disputes between citizens and the government are finally settled.

Q.10) What do institutions involve?

1. Institutions involve rules and regulations. This can bind the hands of leaders.
2. Institutions involve meetings, committees and routines. This often leads to delays and complications.

Q.11) Why do democratic governments insist on institutions?

They provide an opportunity for a wider set of people to be consulted in any decision. Institutions make it difficult to have a good decision taken very quickly. But they also make it equally difficult to rush through a bad decision. That is why democratic governments insist on institutions.

Q.12) What is parliament?

It is the law making body of a government. In all democracies, an assembly of elected representatives exercises supreme political authority on behalf of the people. In India such a national assembly of elected representatives is called Parliament. It is the body that makes law for the country. At the state level this is called Legislature or Legislative Assembly.

Q.13) What are the various ways by which parliament exercises authority?

1. Parliament is the final authority for making laws in any country. This task of law making or legislation is so crucial that these assemblies are called legislatures. Parliaments all over the world can make new laws, change existing laws, or abolish existing laws and make new ones in their place.
2. Parliaments all over the world exercise some control over those who run the government. In some countries like India this control is direct and full. Those who run the government can take decisions only so long as they enjoy support of the Parliament.
3. Parliaments control all the money that governments have. In most countries the public money can be spent only when the Parliament sanctions it.
4. Parliament is the highest forum of discussion and debate on public issues and national policy in any country. Parliament can seek information about any matter.

Q.14) Give examples to prove that, Lok Sabha exercises supreme power.

1. Any ordinary law needs to be passed by both the Houses of Parliament. But if there is a difference between the two Houses, the final decision is taken in a joint session in which members of both the Houses sit together. Because of the larger number of members, the view of the Lok Sabha is likely to prevail in such a meeting.
2. Lok Sabha exercises more powers in money matters. Once the Lok Sabha passes the budget of the government or any other money related law, the Rajya Sabha

- cannot reject it. The Rajya Sabha can only delay it by 14 days or suggest changes in it. The Lok Sabha may or may not accept these changes.
3. Most importantly, the Lok Sabha controls the Council of Ministers. Only a person who enjoys the support of the majority of the members in the Lok Sabha is appointed the Prime Minister.
 4. If the majority of the Lok Sabha members say they have 'no confidence' in the Council of Ministers, all ministers including the Prime Minister, have to quit, the Rajya Sabha does not have this power.

Q.15) What do you mean by the term 'executive' in democracy?

At different levels of any government we find functionaries who take day-to-day decisions- but do not exercise supreme power on behalf of the people. All those functionaries are collectively known as the executive. They are called executive because they are in charge of the 'execution' of the policies of the government. Thus, when we talk about 'the government' we usually mean the executive or the Council of Ministers.

**Q.16) Differentiate between political and permanent executive in a democracy OR
What are the 2 categories of executives in a democracy?**

1. The first category is the elected representatives, elected for a specific period. They are called the political executive. Political leaders, who take the big decisions fall in this category.
2. In the second category, people are appointed on a long-term basis. This is called the permanent executive or civil services. Persons working in civil services are called civil servants. They remain in office even when the ruling party changes. These officers work under political executive and assist them in carrying out the day-to-day administration.

**Q.17) The political executive have more power than the non-political Executive. Why?
OR Why is the minister more powerful than the civil servant?**

In a democracy the will of the people is supreme. The minister is elected by the people and thus empowered to exercise the will of the people on their behalf. She is finally answerable to the people for all the consequences of her decision. That is why the minister takes all the final decisions.

Q.18) How is the Prime Minister appointed? What is the term of his office?

1. The President appoints the Prime Minister. But the President cannot appoint anyone she likes.
2. The President appoints the leader of the majority party or the coalition of parties that commands a majority in the Lok Sabha, as Prime Minister. In case no single party or alliance gets a majority, the President appoints the person most likely to secure a majority support. The Prime Minister does not have a fixed tenure. He continues in power so long as he remains the leader of the majority party or coalition

Q.19) How is the council of ministers appointed?

1. After the appointment of the Prime Minister, the President appoints other ministers on the advice of the Prime Minister. The Ministers are usually from the party or the coalition that has the majority in the Lok Sabha.
2. The Prime Minister is free to choose ministers, as long as they are members of Parliament. Sometimes, a person who is not a Member of Parliament can also become a minister. But such a person has to get elected to one of the is of the Parliament within six months of appointment as minister

Q.20) Describe the composition of council of ministers.

Council of Ministers is the official name for the body that includes all the Ministers. It usually has 60 to 80 Ministers of different ranks.

1. Cabinet Ministers are usually top-level leaders of the ruling party or parties who are in charge of the major ministries. Usually the Cabinet Ministers meet to take decisions in the name of the Council of Ministers. Cabinet is thus the inner ring of the Council of Ministers. It comprises about 20 ministers.
2. Ministers of State with independent charge are usually in-charge of smaller Ministries. They participate in the Cabinet meetings only when specially invited.
3. Ministers of State are attached to and required to assist Cabinet Ministers

Q.21) Why is parliamentary democracy also known as cabinet government in most countries?

Since it is not practical for all ministers to meet regularly and discuss everything, the decisions are taken in Cabinet meetings. That is why parliamentary democracy in most countries is often known as the Cabinet form of government. The Cabinet works as a team. The ministers may have different views and opinions, but everyone has to own up to every decision of the Cabinet.

Q.22) What are the functions and powers of the Prime Minister?

Ans. Prime Minister has wide ranging powers.

1. He chairs Cabinet meetings. He coordinates the work of different Departments.
2. His decisions are final in case of any dispute arises between Departments.
3. He exercises general supervision of different ministries. All ministers work under his leadership.
4. The Prime Minister distributes and redistributes work to the ministers. He also has he power to dismiss ministers. When the Prime Minister quits, the entire ministry quits.
5. The Prime Minister controls the Cabinet and Parliament through the party.

Q.23) What makes the president in India a nominal executive?

1. The President supervises the overall functioning of all the political institutions in the country so that they operate in harmony to achieve the objectives of the state.
2. All the major decisions are taken by the council ministers headed by the Prime minister- the role of the president is only to accept it or sign it.

Q.24) How is the president of India elected?

1. The President is not elected directly by the people. All the Members of Parliament (MPs) and Members state Legislative Assemblies (MLAs) elect her.
2. A candidate standing for President's post has to get a majority of votes to win the election. This ensures that the President can be seen to represent the entire nation.
3. The President can never claim the kind of direct popular mandate that the Prime Minister can. This ensures that she remains only a nominal executive.

Q.25) State the powers and functions of the president of India

1. All governmental activities take place in the name of the President. All laws and major policy decisions of the government are issued in her name.
2. Executive power: All major appointments are made in the name of the President. These include the appointment of the Chief Justice of India, the Judges of the Supreme Court and him High Courts of he states, the Governors of the states, the Election commissioners, ambassadors to other countries, etc. All international treaties and agreements are made in the name of the President. The President is the supreme commander of the defense forces of India.
3. Legislative power: A bill passed by the Parliament becomes a law only after the President gives assent to it. If the President wants, she can delay this for some time and send the bill back to the Parliament for reconsideration. But if the Parliament passes the bill again, she has to sign it.
4. Discretionary power: When a party or coalition of parties secures a clear majority in the elections, the President, has to appoint the leader of the majority party or the coalition that enjoys majority support in the Lok Sabha. When no party or coalition gets a majority in the Lok Sabha, the President exercises her discretion. The President appoints a Prime Minister who in her opinion can muster majority support in the Lok Sabha. In such a case, the President can ask the newly appointed Prime Minister to prove majority support in the Lok Sabha within a specified time.

Q.26) Why do we consider an independent and powerful judiciary necessary for democracies?

We consider an independent and powerful judiciary necessary for democracies because of the following reasons:-

1. Settling disputes at national level.
2. To judge the actions of the government.

3. To give fair judgment that everyone will trust
4. To accept appeal of people.

Q.27) What is judiciary? What does it consist of?

1. All the courts at different levels in a country put together are called the judiciary.
2. The Indian judiciary consists of a Supreme Court for the entire nation, High Courts in the states, District Courts and the courts at local level.

Q.28) What are the functions of the Supreme Court?

1. It can take up any dispute between citizens of the country
2. It can take up any dispute between citizens and government;
3. It can take up any dispute between two or more state governments; and
4. It can take up any dispute between governments at the union and state level
5. It can determine the Constitutional validity of any legislation or action of the executive in the country, when it is challenged before them. This is known as the **judicial review**.
6. The Supreme Court and the High Courts have the power to interpret the Constitution of the country. They can declare invalid any law of the legislature or the actions of the executive, whether at the Union level or at the state level, if they find such a law or action is against the Constitution.

Q.29) What do you understand by independence of judiciary?

Independence of the judiciary means that judiciary is not under the control of the legislature or the executive. The judges do not act on the direction of the government or according to the wishes of the party in power. That is why all modern democracies have courts that are independent of the legislature and the executive. India has achieved this.

Q.30) What are the various provisions to make Indian judiciary independent and impartial?

1. The judges of the Supreme Court and the High Courts are appointed by the President on the advice of the Prime Minister and in consultation with the Chief Justice of the Supreme Court. But once appointed they are free to pass judgment
2. In practice it now means that the senior judges of the Supreme Court select the new judges of the Supreme Court and the High Courts. There is very little scope for interference by the political executive.
3. The senior most judge of the Supreme Court is usually appointed the Chief Justice. Once a person is appointed as judge of the Supreme Court or the High Court it is nearly impossible to remove him or her from that position.
4. A judge can be removed only by an impeachment motion passed separately by two-thirds members of the two Houses of the Parliament. It has never happened in the history of Indian democracy.

Q.31) What is judicial review?

1. The Supreme Court and the High Courts have the power to interpret the Constitution of the country. They can declare invalid any law of the legislature or the actions of the executive, whether at the Union level or at the state level, if they find such a law or action is against the Constitution.
2. They can determine the Constitutional validity of any legislation or action of the executive in the country, when it is challenged before them. This is known as the judicial review

Q.32) How does judiciary act as a guardian of fundamental rights?

1. The citizens have a right to approach the courts to seek remedy in case of any violation of their rights.
2. In recent years the Courts have given several judgments and directives to protect public interest and human rights.

Q.33) What is public interest litigation?

Any one can approach the courts if public interest is hurt by the actions of government. This is called public interest litigation.

Q.34) Why does the judiciary enjoy a high level of confidence among the people?

The courts intervene to prevent the misuse of the government's power to make decisions. They check malpractices on the part of public officials. It is the guardian of fundamental rights. That is why it is said that the judiciary enjoys a high level of confidence among the people.

Q.35. What was the Office Memorandum issued on 13th August 1990 by the Government of India?

This Order announced a major policy decision. It said that 27 per cent of the vacancies in civil posts and services under the Government of India are reserved for the Socially and Economically Backward Classes (SEBC). SEBC is another name for all those people who belong to castes that are considered backward by the government. The benefit of job reservation was till then available only to Scheduled Castes and Scheduled Tribes.

CH 6 DEMOCRATIC RIGHTS

1. What is Guantanamo known for?

- i) It is known for prison there and the violation of human rights. About 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.
- ii) The American government said that they were enemies of the US and linked to the attack on New York on 11 September 2001. In most cases the governments of their countries were not asked or even informed about their imprisonment.
- iii) Families of prisoners, media or even UN representatives were not allowed to meet them. The US army arrested them, interrogated them and decided whether to keep them there or not.
- iv) There was no trial before any magistrate in the US. Nor could these prisoners approach courts in their own country.

2. What was the basic reason for the ethnic massacre in Kosovo?

- i) Kosovo was a province of Yugoslavia before its split. In this province the population was overwhelmingly ethnic Albanian. But in the entire country, Serbs were in majority.
- ii) A narrow minded Serb nationalist Milosevic had won the election. His government was very hostile to the Kosovo Albanians. He wanted the Serbs to dominate the country. Many Serb leaders thought that Ethnic minorities like Albanians should either leave the country or accept the dominance of the Serbs.
- iii) This massacre was being carried out by the army of their own country, working under the direction of a leader who came to power through democratic elections. This was one of the worst instances of killings based on ethnic prejudices in recent times.
- iv) Finally several other countries intervened to stop this massacre. Milosevic lost power and was tried by an International Court of Justice for crimes against humanity.

3. Write a note on the rights of citizens in Saudi Arabia. Or In what respects are rights of citizens denied in Saudi Arabia?

- i) The country is ruled by a hereditary king and the people have no role in electing or changing their rulers.
- ii) The king selects the legislature as well as the executive. He appoints the judges and can change any of their decisions.
- iii) Citizens cannot form political parties or any political organizations.
- iv) Media cannot report anything that the monarch does not like.
- v) There is no freedom of religion. Every citizen is required to be Muslim. Non-Muslim residents can follow their religion in private, but not in public.
- vi) Women are subjected to many public restrictions. The testimony of one man is considered equal to that of two women.

4. State the importance of rights in Democracy. Or What is the spirit behind thinking about rights.

- i) Every one desires a system where security, dignity and fair play are assured to everyone. No one should be arrested without proper reason and information. And if someone is arrested, he or she should have a fair chance to defend themselves.
- ii) Such assurance cannot apply to everything. One has to be reasonable in what one expects and demands of everyone else, for one has to grant the same to everyone.
- iii) But the assurance does not remain on paper, that there is someone to enforce these assurances, that those who violate these are punished. In other words, people want a system where at least a minimum is guaranteed to everyone – powerful or weak, rich or poor, majority or minority. This is the spirit behind thinking about rights.

5. What are rights?

Rights are claims of a person over other fellow beings, over the society and over the government.

Rights are reasonable claims of persons recognized by society and sanctioned by law.

6. What are the three qualities that a claim should have to become a right?

- i) It should be reasonable claims of citizens that are equally possible for others.
- ii) It should be recognized by society. Rights acquire meaning only in society.
- iii) It should be sanctioned by law.

7. ‘The notion of rights changes from time to time and society to society’. Discuss.

What all rights that we enjoy today were not granted to citizens in the early period. Two hundred years ago anyone who said that women should have right to vote would have sounded strange. Today not granting them vote in Saudi Arabia appears strange.

8. What is the role of rights in Democracy? Or Why do we need rights in a democracy?

- i) Rights protect minorities from the oppression of majority. They ensure that the majority cannot do whatever it likes. Rights are guarantees which can be used when things go wrong.
- ii) Things may go wrong when some citizens may wish to take away the rights of others. This usually happens when those in majority want to dominate those in minority.
- iii) The government should protect the citizens’ rights in such a situation. But sometimes elected governments may not protect or may even attack the rights of their own citizens. That is why some rights need to be placed higher than the government, so that the government cannot violate these. In most democracies the basic rights of the citizen are written down in the constitution.

9. Why are the rights placed higher than the Government? Or Why are the rights of citizens written down in the Constitution?

The government should protect the citizens' rights. But sometimes elected governments may not protect or may even attack the rights of their own citizens. That is why some rights need to be placed higher than the government, so that the government cannot violate these. In most democracies the basic rights of the citizen are written down in the constitution.

10. Explain the term Right to Equality.

- i) The Constitution says that the government shall not deny to any person in India equality before the law or the equal protection of the laws. It means that the laws apply in the same manner to all, regardless of a person's status. This is called the rule of law. Rule of law is the foundation of any democracy. It means that no person is above the law. There cannot be any distinction between a political leader, government official and an ordinary citizen. No person can legally claim any special treatment or privilege just because he or she happens to be an important person.
- ii) This basic position is further clarified in the Constitution by spelling out some implications of the Right to Equality. The government shall not discriminate against any citizen on grounds of religion, caste, ethnicity, sex or place of birth. Every citizen shall have access to public places like shops, restaurants, hotels, and cinema halls.
- iii) Similarly, there shall be 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 general public.
- iv) The same principle applies to public jobs. All citizens have equality of opportunity in matters relating to employment or appointment to any position in the government. No citizen shall be discriminated against or made ineligible for employment on the grounds mentioned above.

11. What are the implications of right to equality?

Answer 2 to 4 above

12. What is the broad meaning of the term Untouchability?

Untouchability here does not only mean refusal to touch people belonging to certain castes.

It refers to any belief or social practice which looks down upon people on account of their birth with certain caste labels. Such practice denies them interaction with others or access to public places as equal citizens. So the Constitution made untouchability a punishable offence.

13. Why are the reservation of jobs for the Scheduled Castes and Scheduled Tribes not against the right to equality?

- i) Scheduled Castes and Scheduled Tribes are the communities that were suppressed for centuries. They were discriminated and their representations in the job opportunities were very less.
- ii) Equality does not mean giving everyone the same treatment, no matter what they need. Equality means giving everyone an equal opportunity to achieve whatever one is capable of.

- iii) Sometimes it is necessary to give special treatment to someone in order to ensure equal opportunity. This is what job reservations do. Just to clarify this, the Constitution says that reservations of this kind are not a violation of the Right to Equality.

14. What is Amnesty International?

Amnesty International is an international human rights organization.

15. Explain the meaning of ‘freedom of speech and expression’.

- i) You are free to criticize the government or the activities of the association in your conversations with parents, friends and relatives.
- ii) You may publicize your views through a pamphlet, magazine or newspaper. You can do it through paintings, poetry or songs.
- iii) However, you cannot use this freedom to instigate violence against others. You cannot use it to incite people to rebel against government.

16. Why do we consider Right to freedom a cluster of several rights?

There are many freedoms included under Right to Freedom. Under the Indian Constitution all citizens have the right to:

- i) Freedom of speech and expression
- ii) Citizens have the freedom to hold meetings processions rallies and demonstrations on any issue. (Assembly in a peaceful manner)
- iii) Form associations and unions
- iv) Move freely throughout the country
- v) Reside in any part of the country, and
- vi) Practice any profession, or to carry on any occupation, trade or business.

17. What restrictions have been placed upon an individual’s right to freedom?

Every citizen has the right to freedom. We cannot exercise our freedom in such a manner that violates others’ right to freedom. Your freedoms should not cause public nuisance or disorder.

We are free to do everything which injures no one else. Freedom is not an unlimited license to do what one wants.

18. What are the procedures to follow while arresting a person?

- i) A person who is arrested and detained in custody will have to be informed of the reasons for such arrest and detention.
- ii) A person who is arrested and detained shall be produced before the nearest magistrate within a period of 24 hours of arrest.
- iii) Such a person has the right to consult a lawyer or engage a lawyer for his defense.

19. What are the provisions in the Constitution regarding the Right against exploitation?

The Constitution mentions three specific evils and declares these illegal.

- i) First, the Constitution prohibits ‘traffic in human beings’. Traffic here means selling and buying of human beings, usually women, for immoral purposes.
- ii) Second, our Constitution also prohibits forced labour or begar in any form. ‘Begar’ is a practice where the worker is forced to render service to the ‘master’

free of charge or at a nominal remuneration. When this practice takes place on a life-long basis, it is called the practice of bonded labour.

- iii) Finally, the Constitution also prohibits child labour. No one can employ a child below the age of fourteen to work in any factory or mine or in any other hazardous work, such as railways and ports. Using this as a basis many laws have been made to prohibit children from working in industries such as beedi making, firecrackers and matches, printing and dyeing.

20. Explain the right to freedom of religion.

- a. India is a secular state. A secular state is one that does not establish any one religion as official religion. Indian secularism practices an attitude of an equal distance from all religions. The state has to be neutral and impartial in dealing with all religions.
- b. Every person has a **right to profess, practice and propagate any religion** that he or she believes in.
- c. There shall be no religious instruction in the government educational institutions. In educational institutions managed by private bodies no person shall be compelled to take part in any religious instruction or to attend any religious worship.

21. What are the cultural and educational rights granted to minorities?

- i) Any section of citizens with a distinct language or culture have a right to conserve it.
- ii) Admission to any educational institution maintained by government or receiving government aid cannot be denied to any citizen on the ground of religion or language.
- iii) All minorities have the right to establish and administer educational institutions of their choice.

22. Why does the Constitution specify cultural and educational rights to minorities?

The working of democracy gives power to the majority. It is the language, culture and religion of minorities that needs special protection. Otherwise, they may get neglected or undermined under the impact of the language, religion and culture of the majority. That is why the Constitution specifies the cultural and educational rights of the minorities.

23. Explain the term Right to Constitutional remedy.

- a. Fundamental Rights are guaranteed against the actions of the Legislatures, the Executive, and any other authorities instituted by the government. There can be no law or action that violates the Fundamental Rights.
- b. If any act of the Legislature or the Executive takes away or limits any of the Fundamental Rights it will be invalid. We can challenge such laws of the central and state governments, the policies and actions of the government or the governmental organizations like the nationalized banks or electricity boards.
- c. Courts also enforce the Fundamental Rights against private individuals and private bodies. The Supreme Court and High Courts have the power to issue directions, orders or **writs** for the enforcement of the Fundamental Rights. They can also award compensation to the victims and punishment to the violators.

24. How can judiciary protect fundamental rights of citizens?

- i) In case of any violation of a Fundamental Right the aggrieved person can go to a court for remedy. The Supreme Court and High Courts have the power to issue directions, orders or **writs** for the enforcement of the Fundamental Rights. They can also award compensation to the victims and punishment to the violators
- ii) Now, any person can go to court against the violation of the Fundamental Right, if it is of social or public interest. It is called **Public Interest Litigation (PIL)**. Under the PIL any citizen or group of citizens can approach the Supreme Court or a High Court for the protection of public interest against a particular law or action of the government. One can write to the judges even on a postcard. The court will take up the matter if the judges find it in public interest.
(What is meant by PIL?)

25. Explain the expanding scope of rights.

- i) From time to time, the courts gave judgments to expand the scope of rights. Certain rights like right to freedom of press, right to information, and right to education are derived from the Fundamental Rights.
- ii) Now 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.
- iii) Parliament has enacted a law giving the right to information to the citizens. This Act was made under the Fundamental Right to freedom of thought and expression. We have a right to seek information from government offices.
- iv) Recently the Supreme Court has expanded the meaning of the right to life to include the right to food. Also, rights are not limited only to Fundamental Rights as enumerated in the Constitution.
- v) Constitution provides many more rights, which may not be Fundamental Rights. For example the 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. In that sense these claims are not rights. With the expansion of democracy all over the world, there is greater pressure on governments to accept these claims.

26. What are Constitutional Rights? (Write the last point of the previous answer)

27. What are fundamental rights?

These are the basic rights granted to citizens of India by the Constitution. In India, like most other democracies in the world, rights are mentioned in the Constitution. Some rights which are fundamental to our life are given a special status. They are called Fundamental Rights.

28. Explain the fundamental rights granted to its citizens by the Government of India. Or Give any four salient features of the fundamental rights given in the Constitution of India.

- i) Right to equality
- ii) Right to freedom
- iii) Right to freedom of religion
- iv) Right against exploitation
- v) Cultural and educational rights
- vi) Right to Constitutional Remedy (Explain all points)

29. What are the new rights granted to the Government of South Africa to its people?

- i) Right to privacy, so that citizens or their home cannot be searched, their phones cannot be tapped, their communication cannot be opened.
- ii) Right to an environment that is not harmful to their health or wellbeing;
- iii) Right to have access to adequate housing.
- iv) Right to have access to health care services, sufficient food and water; no one may be refused emergency medical treatment.