

## PART – A: INDIAN CONSTITUTION AT WORK

# Chapter 1 CONSTITUTION: WHY AND HOW AND PHILOSOPHY OF THE CONSTITUTION

## Revision Notes

### Basics of Constitution

- **Constitution** – It is a set of fundamental principles or established precedents according to which a state or other organisation is governed.
- **Need for Constitution :**
  - To provide a set of basic rules that all members of a society can agree upon.
  - To specify who has the power to make decisions in a society.
  - To decide how the government will be constituted.
  - To set some limits on what a government can impose on its citizens.
  - To enable the government to fulfil the aspirations of a society and create conditions for a just society.
  - To define relationships those constitute the national identity of a country.
- **Essentials of a Good Constitution :**
  - Distribution of power in society intelligently so that no single group can subvert the constitution.
  - Must strike the right balance between certain values, norms and procedures as authoritative, and at the same time allow enough flexibility in its operations to adapt to the changing needs and circumstances.

### Making of the Indian Constitution

- India's Constitution was formally created by a Constituent Assembly between December 1946 and November 1949.
- The Constituent Assembly was composed roughly along the guidelines suggested by the plan proposed by the committee of the British cabinet, popularly known as the Cabinet Mission.
- The Indian Constitution was drawn up by people who enjoyed immense public credibility, who had the capacity to negotiate and command the respect of a wide cross-section of society, and who were able to convince the people that the constitution was not an instrument for the aggrandisement of their personal power.
- Members of all religions were given representation in the Assembly.
- The Assembly had 28 members from the Scheduled Castes.
- The members of the Constituent Assembly who were elected from territories which fell under Pakistan ceased to be members of the Constituent Assembly from June 3, 1947.
- The Constituent Assembly had eight major committees on different subjects.
- Only one provision of the Constitution was passed without any debate – the introduction of the Universal Suffrage which means that all citizens attaining a certain age, would be entitled to be voters irrespective of religion, caste, education, gender or income.
- The Assembly met for one hundred and sixty six days, spread over two years and eleven months.
- The Indian Constitution is described as a 'living document'.
- The Indian Constitution was adopted on November 26, 1949.
- The Indian Constitution came into force on January 26, 1950.
- The Constitution of India is the first and the foremost law of the country which is to be accepted and respected by all the citizens of the country as well as all government and private institutions in the country.
- The Constitution of India is rigidly flexible, that is, it is federal in form and unitary in spirit.

## Know the Terms

- **Deliberation** – It is the debate and discussion on various matters that need or need not to be incorporated into the Indian Constitution.
- **Disparity** – It refers to inequality between two or more groups / sections of the society on various grounds.
- **Integration** – It is the relationship of harmony and brotherhood amongst people and communities at regional and national level.
- **Law** – It refers to a set of written rules that govern a land and are implemented by proper enforcement machinery of the government setup.
- **Promulgation** – It is the formal announcement of the commencement of a law.
- **Objective Resolution** – It is the resolution that defines the aims of an Assembly.
- **Sects** – It refers to different groups that arise within a community.
- **Suppressed** – It is stopping someone from expressing ideas, issues and grievances.

## Chapter 2

# RIGHTS IN THE INDIAN CONSTITUTION

## Revision Notes

### Fundamental Rights

- A democracy must ensure that individuals have certain rights and that the government will always recognise these rights.
- A list of rights mentioned and protected by the Constitution is called the Bill of Rights.
- The word 'fundamental' suggests that these rights are so important that the Constitution has separately listed them and made special provisions for their protection.
- While ordinary legal rights are protected and enforced by ordinary law, Fundamental Rights are protected and guaranteed by the Constitution of India
- Ordinary rights may be changed by the legislature by ordinary process of law making, but a fundamental right may only be changed by amending the Constitution itself.
- Bill of Rights in the South African Constitution forbids discrimination on the grounds of race, gender, pregnancy, marital status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, language and birth and extends Right to Dignity, Right to Privacy, Right to Healthy Environment and Right to Protection of Environment, Right to Adequate Housing, Right to Health Care, Food, Water and Social Security, Children's Rights and Right to Information apart from other common Fundamental Rights.
- Fundamental Rights are not absolute or unlimited rights, and the government can put reasonable restrictions on the exercise of our Fundamental Rights.
- Fundamental Rights under Constitution of India :
  - Right to Equality:
    - (i) Equality before law
    - (ii) Equal protection of laws
    - (iii) Prohibition of discrimination on the grounds of religion, race, caste, sex, or place of birth
    - (iv) Equal access to shops, hotels, wells, tanks, bathing ghats, roads, etc.
    - (v) Equality of opportunity in public employment
    - (vi) Abolition of Untouchability
    - (vii) Abolition of titles
  - Right to Freedom :
    - (i) Protection of Right to :
      - Freedom of speech and expression
      - Assemble peacefully

- Form associations / unions
- Move freely throughout the territory of India
- Practice any profession, or to carry on any occupation, trade or business
- (ii) Protection in respect of conviction for offences
- (iii) Right to life and personal liberty
- (iv) Right to education
- (v) Protection against arrest and detention in certain cases
- Right against Exploitation :
  - (i) Prohibition of traffic in human beings and forced labour
  - (ii) Prohibition of employment of children in hazardous jobs
- Right to Freedom of Religion :
  - (i) Freedom of conscience and free profession, practice and propagation of religion
  - (ii) Freedom to manage religious affairs
  - (iii) Freedom to pay taxes for promotion of any particular religion
  - (iv) Freedom to attend religious instruction or worship in certain educational institutions
- Cultural and Educational Rights :
  - (i) Protection of language, culture of minorities
  - (ii) Right of minorities to establish educational institutions
- Right to Constitutional Remedies :
  - (i) Right to move the courts to issue directions/orders/writs for enforcement of rights.
- The Constitution clarifies that the government can implement special schemes and measures for improving the conditions of certain sections of society: children, women and the socially and educationally backward classes.
- Article 16(4) of the Constitution explicitly clarifies that a policy like reservation will not be seen as a violation of right to equality.
- Freedoms are defined in the Constitution in such a manner that every person will enjoy his/her freedom without threatening freedom of others and without endangering the law and order situation.
- No one can be arrested without being told the grounds for such an arrest. However, sometimes a person can be arrested simply out of an apprehension that he or she is likely to engage in unlawful activity and imprisoned for some time without following the procedure. This is known as preventive detention. It can be extended only for three months.
- Our Constitution ensures that persons accused of various offences would not get sufficient protection.
- To ensure a fair trial in courts, the Constitution has provided three rights :
  - No person would be punished for the same offence more than once.
  - No law shall declare any action as illegal from a back date.
  - No person shall be asked to give evidence against himself / herself.
- The Constitution forbids employment of children below the age of 14 years in dangerous jobs like factories and mines.
- Freedom to religion is subject to certain limitations. The government can interfere in religious matters for rooting out certain social evils.
- Dr. Ambedkar considered the Right to Constitutional Remedies as 'heart and soul of the Constitution'.
- The court can issue various special orders known as writs.
  - **Habeas Corpus** – A writ of habeas corpus means that the court orders that the arrested person should be presented before it.
  - **Mandamus** – This writ is issued when the court finds that a particular office holder is not doing legal duty.
  - **Prohibition** – This writ is issued by a higher court when a lower court has considered a case going beyond its jurisdiction.
  - **Quo Warranto** – If the court finds that a person is holding office but is not entitled to hold that office, restricts that person from acting as an office holder.
  - **Certiorari** – Under this writ, the court orders a lower court or another authority to transfer a matter pending before it to the higher authority or court.
- The 44<sup>th</sup> amendment to the Constitution removed the right to property from the list of Fundamental Rights.

## Directive Principles of State Policy

- The Directive Principles of State Policy are guidelines.
  - These guidelines are not justiciable which means these are the part of the Constitution that cannot be enforced by the judiciary.
  - According to our Constitution, Directive Principles of State Policy encompass :
    - **Goals**
      1. Welfare of the people;
      2. Social, economic and political justice
      3. Raising the standard of living
      4. Equitable distribution of resources
      5. Promotion of international peace
    - **Policies**
      1. Uniform civil code
      2. Prohibition of consumption of alcoholic liquor
      3. Promotion of cottage industries
      4. Prevention of slaughter of useful cattle
      5. Promotion of village Panchayats
    - **Nonjusticiable rights**
      1. Adequate livelihood
      2. Equal pay for Equal work for men and women
      3. Right against economic exploitation
      4. Right to work
      5. Early childhood care and education to children below the age of six years
  - The 42nd amendment to the Constitution inserted a list of Fundamental Duties of Citizens which are:
    - To abide by the Constitution and respect the National Flag and National Anthem.
    - To cherish and follow noble ideas which inspired our national struggle for freedom.
    - To uphold and protect sovereignty, unity and integrity of India.
    - To defend the country and render national service when called upon.
    - To promote harmony and spirit of common brotherhood.
    - To value and preserve rich heritage of our common culture.
    - To protect and improve natural environment.
    - To develop scientific temper and humanism.
    - To safeguard public property.
    - To strive towards excellence in all spheres of individual and collective activity.
    - To provide opportunities for education between the age of 6-14 years by parents / guardians (Added by 86th Amendment).
  - The inclusion of fundamental duties has not changed the status of our fundamental rights.

## Know the Terms

- **Begar** – A labour that is forced to work without payment.
- **Constitutional Remedies** – Protection against exploitation given by the Constitution of India to the citizens of the country
- **Duties** – Giving opportunity to others to enjoy their rights.
- **Exploitation** – The performance of an injustice to others.
- **Marginalised Communities** – Communities like backward classes, weaker sections, Dalits, etc. in the society that are generally ignored.
- **Minorities** – The groups or sections in society the members of which are less than the members of the other groups or sections in the same society.
- **Rights** – The guarantees given to citizens of a country to live a respectful social life.

## Chapter 3

# RIGHTS IN THE INDIAN CONSTITUTION

### Revision Notes

#### Elections in Indian Democracy

- All the citizens cannot take direct part in making every decision. Therefore, representatives are elected by the people.
- The Constitution of a democratic country lays down some basic rules about elections.
- Some of the basic rules for elections are:
  - Who can vote in the elections?
  - Who can contest the elections?
  - Who will supervise the elections?
  - How will representatives be chosen?
  - How will votes be counted?
  - How will the representatives be declared elected?
- In India, we follow a special method of elections called the First Past the Post System or the Plurality System. Under this system:
  - The entire country is divided into 543 constituencies (at present).
  - Each constituency elects one representative.
  - The candidate who secures the highest number of votes in that constituency is declared elected.
- In Israel, once the votes are counted, each party is allotted the share of seats in the parliament in proportion to its share of votes. This system of elections is called the Proportional Representation System.
- In India, for Rajya Sabha elections, Single Transferable Vote system is followed in which every state has a specific quota of seats in the Rajya Sabha. The members are elected by the representatives of the State Legislative Assemblies. To be declared a winner, the candidate must secure a minimum quota of votes, calculated as:
 
$$\frac{\text{Total votes polled}}{\text{Total number of candidates to be elected}} + 1$$
- The working of the FPTP system results in a two-party system.

#### Election Characteristics and Electoral Reforms in India

- The Delimitation Commission is appointed by the President of India and works with collaboration with the Election Commission of India. It is appointed for the purpose of drawing up the boundaries of constituencies all over the country. A quota of constituencies to be reserved in each state is fixed depending upon the proportion of SC or ST in that state.
- Reservation of seats for women has been provided for in rural and urban local bodies.
- Till 1989, for elections, an adult Indian meant an Indian citizen above the age of 21 years. In 1989, the eligibility age was reduced to 18 years.
- In order to stand for Lok Sabha or Assembly elections :
  - A candidate must be at least 25 years old.
  - There is a legal provision that a person who has undergone imprisonment for two or more years for some offence is disqualified from contesting elections.
- The Election Commission is not responsible for the local body elections.
- The Chief Election Commissioner (CEC) presides over the Election Commission, but does not have more powers than the other Election Commissioners. The Election Commissioners are appointed by the President of India on the advice of the Council of Ministers. They are appointed for a six year term or continue till the

- age of 65 years, whichever is earlier.
- The CEC can be removed before the expiry of the term, by the President if both the Houses of Parliament make such a recommendation with a special majority.
  - The Election Commissioners can be removed by the President of India.
  - The Election Commission of India performs the following functions:
    - Supervises the preparation of up-to-date voters' list.
    - Determines the timing of elections and prepares the election schedule.
    - Takes decision to ensure free and fair poll.
    - Accords recognition to political parties and allots symbols to each of them.
  - The Election Commission has faced many difficult situations:
    - Holding elections in militancy affected areas like Assam, Punjab, Jammu and Kashmir, etc.
    - Postpone the election process mid-way in 1991 when ex-Prime Minister Rajiv Gandhi was assassinated during election campaigning.
    - The Gujarat Assembly was dissolved and elections had to be conducted but the Election Commission found that unprecedented violence in the State has made it impossible to hold free and fair elections immediately.
  - Some suggested Electoral Reforms are:
    - Our system of elections must be changed from FPTP to some variant of the PR system.
    - There must be a special provision to ensure that at least one-third women are elected to the parliament as well as assemblies.
    - The provisions to control role of money in electoral politics must be made stricter.
    - Candidates with any criminal case should be barred from contesting elections.
    - There must be complete ban on the use of caste and religious appeals in election campaigns.
    - There must be a law to regulate the functioning of political parties.
    - The people themselves need to be more vigilant, more actively involved in political activities.
    - Various political institutions and voluntary organisations are developed and are active in functioning as watch dog for ensuring free and fair elections.

## Know the Terms

- **Democracy** – A government which is of the people, by the people and for the people.
- **Direct Democracy** – A democracy where the citizens directly participate in the day-to-day decision making and in the running of the government.
- **Election** – An arrangement where citizens chose their representatives who, in turn, are actively involved in governing and administering the country.
- **First Past the Post System** – An election system in which the candidate securing more votes than any other candidate in the constituency is declared winner.
- **Proportional Representation** – An election system in which after counting of votes, proportional seats in parliament are allotted to each party.
- **Separate Electorates** – An election system in which to elect representatives from a particular community, only those voters would be eligible who belong to that community.
- **Special Majority** – It means: (a) two-thirds majority of those present and voting, and (b) simple majority of the total membership of the House.
- **Universal Adult Franchise** – A system in which all citizens reaching a certain age, would be entitled to be voters irrespective of religion, caste, education, gender or income.

# Chapter 4 FEDERALISM

## Revision Notes

### Federalism and its Place in the Indian Constitution

- India is a country where there is unity in diversity as well as unity with diversity.

- Each government is autonomous in its own sphere.
- The people have two sets of identities – they belong to the region as well as the nation.
- The details of the dual system of government are generally spelt out in a written constitution, which is considered to be supreme.
- There is an independent judiciary to settle the disputes.
- The most important feature of the federal system adopted by the Indian Constitution is the principle that relations between the States and the Centre would be based on co-operation.
- There are two sets of government formed by the Indian Constitution – one for the entire nation called the Union or Central Government and one for each State called the State Government.
- The Constitution clearly demarcates the subjects which are under the exclusive domain of the Union and those under the States.
- The Union List includes the subjects like defence, atomic energy, foreign affairs, war and peace, banking, railways, post and telegraph, airways, ports, foreign trade, currency and coinage, etc. Only the Union Legislature can make laws on these subjects.
- The State List includes the subjects like agriculture, police, prison, local government, public health, land, liquor, trade and commerce, livestock and animal husbandry, state public services, etc. Only the State Legislature can make laws on these subjects.
- The Concurrent List includes the subjects like education, transfer of property (other than agricultural land), forests, trade unions, adultery, adoption and succession, etc. Both Union and State Legislatures can make laws on these subjects.
- The Residuary List contains the subjects of recent origin like Cyber Laws, etc. Only the Union legislature can make laws on these subjects.

## Federalism and Strong Central Government

- The important provisions in the Constitution that create a strong central government are:
  - The Parliament is empowered to form a new state by separation of territory from any State or by uniting two or more States, alter the boundary of any State or even its name.
  - During an emergency, power becomes lawfully centralised.
  - Items generating revenue are under the control of the central government. The states are mostly dependent on the grants and financial assistance from the centre
  - Planning Commission, now replaced by NITI (National Institution for Transforming India) Aayog, appointed by the Union Government is the co-ordinating machinery that controls and supervises the resources management of the States.
  - The Governor has certain powers to recommend dismissal of the State government and the dissolution of the State Assembly.
  - The central government has power to delay the state legislation and also to examine such bills and veto them completely.
  - When the situation may demand that the central government needs to legislate on matters from the state list, the move can be ratified by the Rajya Sabha
  - The Executive powers of the Centre are superior to the Executive powers of the States.
  - The Central Government may choose to give instructions to the State Government.
  - The All-India services are common to the entire territory of India and officers chosen for these services serve in the administration of the states. States can neither take disciplinary action nor can remove these officers from their service.
  - The Parliament protects persons in the service of the Union or the States in respect of any action taken by them during martial law to maintain or restore order.

## Conflicts and Special Provisions in Indian Federal System

- Many states and even many political parties have demanded that States should have more autonomy vis-à-vis the central government.
  - Autonomy refers to:
    - Political autonomy
    - Financial autonomy
    - Administrative autonomy
    - Linguistic autonomy

- Cultural autonomy
- The role of Governors has always been a controversial issue between the states and the central government.
- The Governor is not an elected office-holder.
- The Governor is appointed by the Central Government and therefore, actions of the Governor are often viewed as interference by the Central government in the functioning of the state government.
- The Constitution provides for President's Rule in any state. This provision is applied when a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution. It results in takeover of the State Government by the Union Government.
- The Governor has the power to recommend the dismissal of the State government and suspension or dissolution of state assembly.
- Two types of disputes keep recurring between the States:
  - States have certain claims over territories belonging to neighbouring states. For example, dispute over the city of Belgaum between Maharashtra and Karnataka, etc.
  - The disputes over the sharing of river waters are even more serious, because they are related to problems of drinking water and agriculture in the concerned states. For example, Cauvery water dispute between Tamil Nadu and Karnataka, Narmada river dispute between Gujarat, Madhya Pradesh and Maharashtra, etc.
- The most extra-ordinary feature of the federal arrangement created in India is that many states get a differential treatment.
- Most of the special provisions pertain to :
  - The north-eastern states (Assam, Nagaland, Arunachal Pradesh, Mizoram, etc.)
  - Hilly states like Himachal Pradesh
  - Andhra Pradesh
  - Goa
  - Gujarat
  - Maharashtra
  - Sikkim
  - Telangana
  - Jammu and Kashmir
- In case of Jammu and Kashmir, concurrence of the state is required for making any laws in matters mentioned in the Union List and the Concurrent List. The Central government has only limited powers and other powers listed in the Union List and the Concurrent List can be used only with the consent of the State Government.
  - J&K has a separate constitution and a flag.
  - No emergency due to internal disturbances can be declared in the State without the concurrence of the state.
  - The Directive Principles of State Policy do not apply in J&K.

## Know the Terms

- **Concurrent List** – A list of matters as per the Constitution on which laws can be passed both by central government and state government.
- **Federalism** – An institutional mechanism to accommodate two sets of polities – one at the regional level and the other at the national level.
- **Residuary List** – A list of matters of recent origin on which laws can be passed only by central government.
- **State List** – A list of matters as per the Constitution on which laws can be passed only by state government.
- **Union List** – A list of matters as per the Constitution on which laws can be passed only by central government.

# Chapter 5 FEDERALISM

## Revision Notes

### Local Governments in India – Need and Growth

- Local government is government at the village and district level.
- Strong and vibrant local governments ensure both active participation and purposeful accountability.
- When the Constitution was prepared, the subject of local government was assigned to the States.



- Through Community Development Programme in 1952, a three-tier Panchayati Raj System of local government was recommended for the rural areas.

## Constitutional Amendments and their Implementation

- In 1989, the P. K. Thungon Committee recommended constitutional recognition for the local government bodies.
- The 73rd Amendment is about rural local governments known as Panchayati Raj Institutions.
- The 74th Amendment made the provisions relating to urban local governments.
- The 73rd and 74th Amendments came into force in 1993.
- The changes brought about by the 73rd Amendment:
  - (i) Three-tier structure of Panchayati Raj. At the base is the Gram Panchayat. The intermediary level is the Mandal or Block or Taluka or Taluka Panchayats. At the apex is the Zila Panchayat. The amendment also made a provision for the mandatory creation of the Gram Sabha.
  - (ii) All the three levels of Panchayati Raj institutions are elected directly by the people. The term of each Panchayat body is five years.
  - (iii) One-third of the positions in all Panchayat institutions are reserved for women. Reservations for Scheduled Castes and Scheduled Tribes are also provided in proportion to their population.
  - (iv) Twenty-nine subjects, which were earlier in the State List of subjects, are transferred to the Panchayati Raj Institutions.
  - (v) Appointment of State Election Commissioners by the state government who will be responsible for conducting elections to the Panchayati Raj Institutions. The State Election Commissioner is an independent officer and is not linked to nor is this officer under the control of the Election Commission of India.
  - (vi) State Finance Commission is appointed once in five years to examine the financial position of the local governments in the state.
    - The Census of India defines an urban area as having:
      - (i) A minimum population of 5,000.
      - (ii) At least 75% of male working population engaged in non-agricultural occupations.
      - (iii) A density of population of at least 400 persons per sq. km.
    - There are 500 Zila Panchayats, about 6,000 block or intermediary panchayats and 2,50,000 Gram Panchayats in rural India and over 100 city Corporations, 1,400 town municipalities and over 2,000 Nagar Panchayats in urban India.
    - More than 32 lakh members are elected to these bodies every five years. Of these, at least 10 lakh are women. In the State Assemblies and Parliament put together, we have less than 5,000 elected representatives.
    - The dependence of local bodies on the State and Central governments for financial support greatly eroded their capacity to operate effectively.

## Know the Terms

- **Local Government** – The government at village and district level that deals with routine problems of the citizens.
- **Mandal** – A group of Gram Panchayats.
- **Mayor** – The formal head of Municipal Corporation.
- **Panchayati Raj** – An organ of local government that deals with administration and upliftment of villages.
- **Zila Panchayat** – A group of Mandals.

## PART – B: POLITICAL THEORY

### Chapter 6

## POLITICAL THEORY: AN INTRODUCTION

### Revision Notes

- Human beings are unique. They possess reason and the ability to reflect on their actions.

- Political Theory systematically thinks about the values that inform political life – values such as freedom, equality and justice.
- The objective of political theory is to train citizens to think rationally about political questions and assess the political events of our time.
- It is unfortunate that politics has come to be associated with the pursuit of self-interest by any and every method.
- Politics is an important and integral part of any society.
- Politics, at one level, involves what governments do and how they relate to the aspirations of the people, at another level, it involves how people struggle and influence decision making.
- In the Indian Constitution, our Preamble enshrines freedom and equality; the chapter on Rights in the Indian Constitution abolishes Untouchability in any form; Gandhian principles find a place in Directive Principles.
- Political theory deals with the ideas and the principles that shape Constitutions, governments and social life in a systematic manner.
- The Fundamental rights guaranteed by our Constitution are continually being reinterpreted in response to new circumstances.
  - The Right to Life has been interpreted by the Courts to include the Right to Livelihood.
  - The Right to Information has been guaranteed through a new law.
- As our world changes, we may discover new dimensions of freedom as well as new threats to freedom. For instance, global communications technology is making it easier for activists to network with one another across the world for protecting tribal cultures of forests. But, it also enables terrorists and criminals to network.
- Political theorists clarify the meaning of political concepts by looking at how they are understood and used in ordinary language. They also debate and examine the diverse meanings and opinions in a systematic manner.
- Political theory is relevant for all the groups to act responsibly as a citizen, it is helpful to have a basic knowledge of the political ideas and institutions that shape the world we live in.
- It is crucial that we learn to be reasonable and informed if we are to participate in Gram Sabhas or offer our views on websites and polls.
- An educated and vigilant citizenry makes those, who play politics, more public-spirited.
- As students, we have opinions about what is right or wrong, just or unjust, but do not know whether they are reasonable or not. Political Theory exposes us to systematic thinking on justice or equality so that we can polish our opinions and argue in an informed manner and for the sake of common interests.

## Know the Terms

- **Class** – A large group of people which is different from other groups of people.
- **Political Science** – Scientific study of different political ideas and principles.
- **Political Theory** – The study of a state from the philosophical and empirical point of view.
- **Politics** – The struggle for power to maintain relationship between power and authority.

# Chapter 7

## RIGHTS

## Revision Notes

- There is a distinction between what I want and think I am entitled to, and what can be designated as rights.
- Rights are primarily those claims that we along with others, regard to be necessary for leading a life of respect and dignity.
- The grounds on which rights have been claimed are:
  - Source of self-respect and dignity
  - Necessary for our well-being
- In the seventeenth and eighteenth centuries, political theorists identified three natural rights of man:

- Right to life
- Right to liberty
- Right to property

All other rights were said to be derived from these basic rights.

- In recent years, the term human rights is being used more than the term natural rights.
- Rights are increasingly seen as guarantees that human beings themselves seek or arrive at in order to lead a minimally good life.
- Each of us possesses an intrinsic value, hence we must have equal opportunities to be free and realise our full potential.
- The United Nations' Universal Declaration of Human Rights (adopted and proclaimed on December 10, 1948) attempts to recognise those claims that the world community collectively sees as being important for leading a life of dignity and self-respect.
- The notion of universal human rights has been used by oppressed people all over the world to challenge laws which segregate them and deny them equal opportunities and rights.
- Constitutions represent the highest law of the land and so constitutional recognition of certain rights gives them a primary importance.
- Several theorists define rights as claims that are recognised by the state.
- Each right indicates what the state must do as well as what it must not do.
- Our rights ensure that the authority of the state is exercised without violating the sanctity of the individual life and liberty.
- Political rights give to the citizens the right to equality before law and the right to participate in the political process. They include right to vote and elect representatives, the right to contest elections, the right to form political parties or join them.
- Civil liberties and political rights form the basis of a democratic system of government.
- Economic rights include citizens with low incomes receive housing and medical facilities from the state, unemployed persons receive a certain minimum wage, a rural employment guarantee scheme to help the poor.
- Cultural rights include right to have primary education in one's mother tongue, the right to establish institutions for teaching one's language and culture etc.
- Relation between Rights and Responsibilities:
  - Rights compel us to think not just of our own personal needs and interests but to defend some things as being good for all of us.
  - Rights require that I respect the rights of others.
  - We must balance our rights when they come into conflict.
  - Citizens must be vigilant about limitations which may be placed on their rights.

## Know the Terms

- **Civil liberties** – (The right to a free and a fair trial, the right to express one's views freely, the right to protest and express dissent).
- **Constitutional Rights** – (Facilities, opportunities and liberties provided by the state to the citizens).
- **Duty** – (An obligation by which, we are bound to do something).
- **Natural Rights** – (Facilities given to individuals by nature or God).
- **Right** - (An entitlement or a justified claim).

# Chapter 8

## CITIZENSHIP

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## Revision Notes

- No state is willing to grant membership to the refugees or illegal migrants. They are not guaranteed rights by any state and live in precarious conditions.
- The rights granted to citizens include:

- Political rights like the right to vote
- Civil rights like freedom of speech or belief
- Socio-economic rights like right to a minimum wage, and right to education
- The purpose of the women's movement and the dalit movement is to change public opinion by drawing attention to their needs as well as to influence government policy to ensure them equal rights and opportunities.
- Citizenship is also about citizen-citizen relations and involves certain obligations of citizens to each other and to the society.
- Citizens are the inheritors and the trustees of the culture and natural resources of the country.
- Due to the right to freedom of movement, resistance builds up among the local people against so many jobs going to people from outside the area.
- The right to protest is an aspect of the freedom of expression guaranteed to citizens in our Constitution, provided that the protest does not harm the life or property of other people or the State.
- The courts may give a decision on the matter, or they may urge the government to address the issue.
- A basic principle of democracy is that disputes should be settled by negotiation and discussion rather than force.
- Equal rights for citizens need not mean that uniform policies have to be applied to all people since different groups of people may have different needs.
- The formal laws regarding citizenship only form the starting point and the interpretation of laws is constantly evolving.
- The concept of equal citizenship means that providing equal rights and protection to all citizens should be one of the guiding principles of government policies.
- Nation states claim that their boundaries define not just a territory but also a unique culture and shared history.
- The national identity is expressed through symbols like a flag, national anthem, national language, or certain ceremonial practices.
- India defines itself as a secular, democratic, nation state.
- The Indian Constitution attempts to provide full and equal citizenship to groups as different as the Scheduled Castes and Scheduled Tribes, many women who had not previously enjoyed equal rights, some remote communities in the Andaman and Nicobar Islands who had little contact with modern civilisation, and many others.
- The Republic Day parade in Delhi symbolises the attempt of the state to include people of different regions, cultures and religions.
- In India, citizenship can be acquired by birth, descent, registration, naturalisation, or inclusion of territory.
- The rights and obligations of citizens are listed in the Constitution.
- The state should not discriminate against citizens on the grounds of race/caste/sex/place of birth, or any of them.
- The rights of religious and linguistic minorities are also protected.
- People may be displaced by wars, persecution, famine, or other reasons. If no state is willing to accept them and they cannot return home, they become stateless peoples or refugees.
- The problem of stateless people is an important one confronting the world today.
- Supporters of global citizenship argue that although a world community and global society does not yet exist, we should try to strengthen this feeling and work towards the concept of global citizenship.
- The concept of national citizenship assumes that our state can provide us with the protection and rights which we need to live with dignity in the world today.
- Global citizenship might make it easier to deal with problems which extend across national boundaries and need cooperative action by the people and governments of many states.
- National citizenship might need to be supplemented by an awareness that we live in an interconnected world and that there is also a need for us to strengthen our links with people in different parts of the world.
- In 1950s, inequalities were maintained in southern states of the USA by a set of laws called Segregation Laws through which the black people were denied many civil and political rights. Martin Luther King Jr. was a black leader. He gave many arguments against the then prevailing laws:
  - In terms of self-worth and dignity, every human in the world is equal regardless of one's race or colour.
  - Segregation is like 'social leprosy' on the body politic.
  - The practice of segregation diminishes the quality of life for the white community also.
  - The Segregation Laws create artificial boundaries between people and prevent them from co-operating with each other for the overall benefit of the country.
- British sociologist, T. H. Marshall sees citizenship as involving three kinds of rights:

- Civil rights protect the individual's life, liberty and property.
  - Political rights enable the individual to participate in the process of governance.
  - Social rights give the individual access to education and employment.
- The Supreme Court of India gave an important decision regarding the rights of slum-dwellers in Bombay in response to a Public Interest Litigation filed by a social activist, Olga Tellis against Bombay Municipal Corporation in 1985. The petition claimed the right to live on pavements or in slums because there was no alternative accommodation available close to their place of work. If they were forced to move, they would lose their livelihood as well. The Supreme Court said, "Article 21 of the Constitution which guaranteed the right to life included the right to livelihood. Therefore, if pavement dwellers were to be evicted they should first be provided alternative accommodation under the right to shelter."

## Know the Terms

- **Citizenship** – Full and equal membership of a political community.
- **Equal citizenship** – Providing equal rights and protection to all citizens should be one of the guiding principles of government policies.
- **Equal/Full membership** – All citizens, rich or poor, should be guaranteed certain basic rights and a minimum standard of living by the state.
- **Natural born citizen** – One who is either born in the country or if one's parents are the citizens of a particular community.

# Chapter 9 NATIONALISM

## Revision Notes

- The Republic Day parade in Delhi is a striking symbol of Indian nationalism and it brings out the sense of power, strength, as well as diversity which many associate with the Indian nation.
- It is difficult to arrive at a precise and widely accepted definition of the term nationalism.
- Nationalism has passed through many phases:
  - It led to the unification of a number of small kingdoms into larger nation-states.
  - It contributed to the break-up of large empires.
- Some of the assumptions which people make about the nation:
  - **Shared beliefs** - A nation exists when its members believe that they belong together.
  - **History** - Nations perceive themselves as stretching back into the past as well as reaching into the future.
  - **Territory** – Nations identify with a particular territory.
  - **Shared Political Ideals** – Members of a nation share a vision of the kind of state they want to build.
  - **Common Political Identity** – A shared political vision about the state binds the individuals together as a nation.
- Nations seek the right to govern themselves and determine their future development.
- Re-organisation of state boundaries to satisfy the demands of one culture - one state, led to mass migration of population across state boundaries.
- There is a paradoxical situation of nation-states which themselves had achieved independence through struggle now acting against minorities within their own territories who claim the right to national self-determination.
- Every state in the world today faces the dilemma of how to deal with movements for self-determination.
- The solution does not lie in creating new states but in making existing states more democratic and equal.
- A nation-state which does not respect the rights and cultural identity of minorities within the state would find it difficult to gain the loyalty of its members.
- The Indian constitution has an elaborate set of provisions for the protection of religious, linguistic and cultural minorities.
- In some states, identified communities also have the right to representation as a group in legislative bodies and other state institutions.

- The national identity has to be defined in an inclusive manner which can recognise the importance and unique contribution of all the cultural communities within the state.
- It is impossible as well as undesirable to grant independent statehood to every group that sees itself as a distinct cultural group.
- We should be careful not to allow identity claims to be lead to divisions and violence in the society.
- In a democracy, the political identity of citizen should encompass the different identities which people may have.

## Know the Terms

- **Nation-** An 'imagined' community, held together by the collective beliefs, aspirations and imaginations of its members.
- **Nationalism** – The right of self-determination to imply that every nation in the world should exercise a right to determine its destiny in all walks of life without interference of other states in the world.
- **State** – A group of people having sovereignty, living in a fixed territory under the control of an organised government.

# Chapter 10 SECULARISM

## Revision Notes

- The Constitution declares that every Indian citizen has a right to live with freedom and dignity in any part of the country.
- Secularism is first and foremost a doctrine that opposes all such forms of inter-religious domination.
- Secularism is not anti-religious.
- When religion is organised, it is taken over by its most conservative faction, which does not tolerate any dissent.
- Many religions fragment into sects which leads to frequent sectarian violence and persecution of dissenting minorities.
- As secularism is opposed to all forms of institutionalised religious domination, it challenges not merely inter-religious as well as intra-religious domination.
- Secularism is a normative doctrine which seeks to realise a secular society, i.e., one devoid of either inter-religious or intra-religious domination.
- It promotes freedom within religions, and equality between, as well as within religions.
- Education is one way of helping to change the mind set of people.
- A state **must not** be run by the heads of any particular religion.
- A state governed directly by a priestly order is called theocratic.
- To be truly secular, a state must not only refuse to be theocratic but also have no formal, legal alliance with any religion.
- A secular state must be committed to principles and goals which are partly derived from non-religious sources.
- **The Western Model Of Secularism**
  - The state will not intervene in the affairs of religion and, in the same manner, religion will not interfere in the affairs of the state.
  - No policy of the state can have an exclusively religious rationale.
  - The state can neither aid any religious institution nor can it hinder the activities of religious communities.
  - Religion is a private matter, not a matter of state policy or law.
  - This form of secularism has no place for the idea of state-supported religious reform.
- **The Indian Model Of Secularism**
  - Indian secularism is fundamentally different from Western secularism.
  - Indian secularism took on a distinct form as a result of an interaction between what already existed in a society that had religious diversity and the ideas that came from the west.
  - Indian secularism equally opposed the oppression of dalits and women within Hinduism, the discrimination against women within Indian Islam or Christianity, and the possible threats that a majority community might pose to the rights of the minority religious communities.
  - Indian secularism deals not only with religious freedom of individuals but also with religious freedom of minority communities.

- Indian secularism has made room for and is compatible with the idea of state-supported religious reform, bans Untouchability, abolishing child marriage and lifting the taboo on inter-caste marriage.
- Indian State has adopted a very sophisticated policy in pursuit of religious equality. This allows it either to disengage with religion in American style, or engage with it if required.
- The Indian state may engage with religion negatively to oppose religious tyranny.
- The Indian Constitution grants all religious minorities the right to establish and maintain their own educational institutions which may receive assistance from the state.
- The secular state does not have to treat every aspect of every religion with equal respect. It allows equal disrespect for some aspects of organised religions.

#### ➤ **Criticisms Of Indian Secularism**

##### • **Anti-religious**

- ♦ It is argued that secularism is anti-religious. We have shown that secularism is against institutionalised religious domination.
- ♦ It has been argued by some that secularism threatens religious identity. Actually, secularism promotes religious freedom and equality.

- **Western import** - Secularism is linked to Christianity, that it is western and therefore unsuited to Indian conditions. In reality, a secular state may keep a principled distance from religion to promote peace between communities and it may also intervene to protect the rights of specific communities.

- **Minoritism** - Indian secularism advocates minority rights. The actual position is that when it comes to fundamental interests, voting as a democratic procedure is inappropriate. The most fundamental interest of minorities must not be harmed and must be protected by constitutional law. Minority rights are justified as long as these rights protect their fundamental interests. Minority rights need not be nor should be viewed as special privileges.

- **Interventionist** - Secularism is coercive and that it interferes excessively with the religious freedom of communities. Actually, Indian secularism follows the concept of principled distance which also allows for non-interference. The state must act as a facilitator by supporting liberal and democratic voices within every religion.

- **Vote Bank Politics** - Secularism encourages the politics of vote banks. If secular politicians who sought the votes of minorities also manage to give them what they want, then this is a success of the secular project. There is nothing wrong with vote bank politics as such, but only with a form of vote bank politics that generates injustice.

- **Impossible Project** - Secularism cannot work because it tries to do too much. People with deep religious differences will never live together in peace. But, the history of Indian civilisation shows that this kind of living together is realisable.

## Know the Terms

- **Ahimsa** – Sanskrit word referring to adoption of the policy of non-violence against all.
- **Dharma** – Sanskrit word referring to adoption of religion along with the basic principle to do welfare of all.
- **Satya** – Sanskrit word referring to speaking of truth whatever the circumstances may be.
- **Secular** – A doctrine that implies respect for all religions.
- **Secularism** – State of separation of State and religion and to provide a theory of life and conduct as against one provided by the religion.