

CLASS NOTES

Class: XI

Subject: POLITICAL SCIENCE- INDIAN CONSTITUTION AT WORK
CHAPTER-2- FUNDAMENTAL RIGHTS AND DUTIES

TOPICS: Fundamental Rights (PART 2)

EXTRA QUESTIONS

FUNDAMENTAL DUTIES OF CITIZENS:

Fundamental Duties of Indian Citizens

To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem

To cherish and follow the noble ideals which inspired our national struggle for freedom

To uphold and protect the sovereignty, unity and integrity of India;

To defend the country and render national service when called upon to do so

To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women

To value and preserve the rich heritage of our composite culture

To protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures

To develop the scientific temper, humanism and the spirit of inquiry and reform

To safeguard public property and to abjure violence

To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement

Q2. State two points of differences between Fundamental Rights and Ordinary Rights.

Ans. Ordinary legal rights are protected and enforced by ordinary law, Fundamental Rights are protected and guaranteed by the constitution of the country.

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.

Q3. What is preventive detention? "Preventive detention looks like an effective tool". Critically examine the statement.

Ans. **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. This is known as preventive detention.**

- Preventive detention looks like an effective tool in the hands of the government to deal with anti-social elements or subversives.
- But this provision has can be misused by the government. Many people think that there must be greater safeguards in this law so that it may not be misused against people for reasons
- other than that which are really justified.
- In fact, there is a clear tension between right to life and personal liberty and the provision
- for preventive detention.

Q4. Which is the foremost right among Right to Freedom? How is it ensured?

Ans. The foremost right among rights to freedom is the right to life and personal liberty.

1. No citizen can be denied his or her life except by procedure as laid down under the law.

2. No one can be denied his/her personal liberty. This is ensured in the following ways:

- No one can be arrested without being told the grounds for such an arrest.
- If arrested, the person has the right to defend himself by a lawyer of his choice.
- It is mandatory for the police to take that person to the nearest magistrate within 24 hours.
- The magistrate, who is not part of the police, will decide whether the arrest is justified or not.

Q5. Explain, with the help of an example, how the scope of right can get expanded?

Ans. Various judgments of Supreme Court can expand the scope of right.

The Supreme Court has ruled that this right also includes right to live with human dignity, free from exploitation.

The court has held that right to shelter and livelihood is also included in the right to life because no person can live without the means of living, that is, the means of livelihood.

RIGHTS OF ACCUSED

Q6. State any three provisions to ensure a fair trial in courts.

Ans. 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 backdate, and
- no person shall be asked to give evidence against himself or herself.

Q7. At times, when government intends to implement Directive Principles of State Policy, it can come in conflict with the Fundamental Rights of the citizen. Justify the statement.

- Ans. Yes , this problem arose when the government sought to pass laws to abolish zamindari system. It became difficult because the act violated Right to Property , which was a fundamental right.
- However, keeping in mind the interest of society, the government amended the Constitution to give effect to the Directive Principles of State Policy.
- This brought executive and Judiciary in conflict with each other.
- The government claimed that rights can be abridged for giving effect to Directive Principles.
- On the other hand, the court held the view that Fundamental Rights were so important and sacred that they cannot be limited even for purposes of implementing Directive Principles.

ASSIGNMENT:

1. Does right to propagate one's religion include conversion of our own religion?
2. Explain the statement "Freedom of religion includes freedom of conscience".
3. Mention three social evils which have been prohibited by the Indian Constitution. Explain in one line each.
4. List three grounds on which restrictions can be imposed by government of India on Freedom of Religion.
5. Mention few provisions of Indian Constitution that are required to sustain and nurture the principle of secularism.
6. Name one Fundamental Right mentioned in Indian Constitution, which has given to minorities. Explain the reason in one line.
7. Fundamental Rights and Directive Principles act as complementary to each other. Explain the statement