



Teacher's Guide

Democratic Rights

Part 4

Based on the NCERT Syllabus for Standard IX



JANAAGRAHA CENTRE FOR CITIZENSHIP & DEMOCRACY

Janaagraha's initiative to improve citizen engagement in India's democracy through their civic learning program Developed in collaboration with Young Leaders for Active Citizenship (YLAC)

Democratic Rights | Teacher's Guide (4/4) Part 4

Class IX
Board – CBSE
Subject – Social Science
Textbook – Democratic Politics- I for class IX (NCERT)
Chapter 6 – Democratic Rights
Number of parts – 04
Length – 75-85 minutes (estimated, for a class of 50-60 students)
Note: Teachers may divide the lesson plan into as many periods as they see fit.

Section I – What are we going to learn and why is it important?

Learning objectives

Students will:

- Understand the Right against Exploitation and Right to Constitutional Remedies

Learning outcomes

Students will be able to:

- Appreciate the nuances of the Right against Exploitation
- Appreciate the Right to Constitutional Remedies as the 'heart and soul' of the Indian Constitution

Key Terms

Traffic	Summon	Writ	Covenant	Begar
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Materials needed

- Projector
- Speaker

Section II – How are we going to learn?

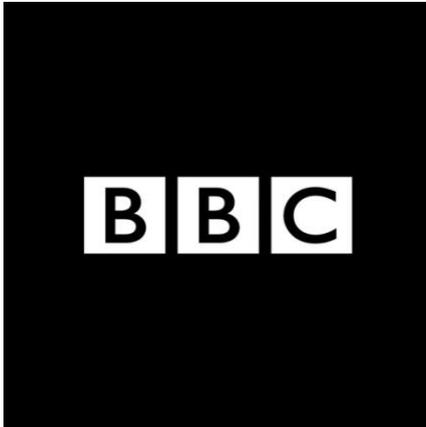
1. Experiencing and understanding the Right against Exploitation

Time: 20 minutes

Materials Required: Projector and Speaker

Facilitation notes:

I want everyone to see this video:



Video: Where Children Must Work.

This video shares the story of 10-year old Jahangir, who works in a glass factory.

Source: [YouTube](#)

De-brief

- What is the video about? (*Likely response:* This video is about child labor) (Note to teacher: You can discuss the conditions children have to work in, why do they begin to work in the first place, instead of going to school, why do employers hire children)
- What do you think happens when children are employed in factories? (*Likely response:* they can get hurt)
- Where do you think they should be at that age? (*Likely response:* in school)
- Why do you think they begin to work and not go to school? (*Likely response:* they need to earn money to buy food)
- Have you noticed any instances where you saw a child working somewhere? (Take 2-3 responses)

- To ensure certain basic rights to India's children, that they do not have to work until they are old enough, our Constitution made the Right Against Exploitation. The Right is also about other forms of exploitation.
- There are three kinds of exploitations that have been banned:
 - a) First, the Constitution prohibits 'traffic in human beings'. Traffic here means selling and buying of human beings, usually women, for immoral purposes.
 - b) 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 very low remuneration. When this practice takes place on a life-long basis, it is called the practice of bonded labour.
 - c) 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.
- The Constitution makers thought it was necessary to write down certain clear provisions to prevent exploitation of the weaker sections of the society.
- Do you think this law is followed strictly? Turn to your partner and discuss if you have seen any of these three aspects being violated?

2. Right to Constitutional Remedies.

Time: 15 mins

- Now, I am going to present a case study and show you a picture. You have to read it.



Source: Indian Express

Ram is a 9-year-old boy. He studies in a government school in a small village. When he goes to school, nobody talks to him or plays with him. The class teacher makes him sit on the floor while all other students sit on desks. The class teacher told him- "You are a Dalit. You are not allowed to sit with us, eat with us or play with us. You are different. He is sometimes made to clean the school toilets as well. When the school gets dirty, he and other Dalit children have to clean the place

- How would you feel if you were in Ram's place?
- This has happened in reality. Several Dalit children face discrimination at the hands of others, even in schools.

- What can Ram do about this? (Likely Response- Ram can tell his parents who can go to the police to file a complaint, they can approach a court to get justice)
- Why should Ram go to the police? (Likely Response- Because it is his right to be treated equally)
- But what happens if the Government guarantees us all these rights, but citizens still do not enjoy them?
- Our Constitution-makers knew that sometimes people, the government or somebody else might violate your rights. So, they made another Fundamental Right which ensures we can fight if our rights are not given to us.

Right to Constitutional Remedies- The Fundamental Rights in the Constitution are important because they are enforceable. We have a right to seek the enforcement of all our Fundamental rights. This itself is a Fundamental Right. This right makes other rights effective. When any of our rights are violated, we can approach the high court or supreme court. The Supreme Court and High Courts have the power to issue directions, orders or writs for the enforcement of the Fundamental Rights. That is why Dr. Ambedkar called the Right to Constitutional Remedies, ‘the heart and soul’ of our Constitution.

Do you know what is a writ?

Writ: A writ is basically a formal document that contains orders from Supreme Court or High Court to the government

- But the Government is very powerful, what happens if they curb your rights? Can the President of India stop you from approaching the Supreme Court to secure your Fundamental Rights? Think and discuss in pairs (Take 2-3 responses)
- *There can be no law or action that violates the Fundamental Rights. If any act of the Legislature or the Executive takes away or limits any of the Fundamental Rights, it will be considered invalid. Any person can go to the court against the violation of fundamental rights. 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.*
- *In 1979, there was one very interesting case that you should know about. Kapila Hingorani had filed a PIL regarding the condition of the prisoners detained in the Bihar jail, whose cases were pending in the court. The special thing about this petition was that it was not filed by any single prisoner, rather it was filed by various prisoners of the Bihar jail. The case was filed in the Supreme Court. The Court was requested to take into consideration the situation of those under-trial in Bihar, who had been in detention pending trial for time periods that were more than the sentence they would have*

received if they were held guilty. The court not only proceeded to make the right to a speedy trial the central issue of the case, but passed the order of general release of close to 40,000 under-trials who had undergone detention beyond such maximum period.

- How is the Right to Constitutional Remedies the 'heart and soul' of our Constitution? Think and discuss in pairs (Take 2-3 responses)

3. Expanding Scope of Rights

Time: 15 mins

- When was the Constitution made? (Likely Response- 1940's)
- And what year is it today? How long has it been? (Likely Response- 70 years)
- Could our Constitution-makers know what all rights people will need 50, 60 or 100 years from that time? (Likely Response- No)
- Exactly! That is why from time to time, new rights are added.
- Times have changed drastically since the days when our Constitution was written. Demands for many new fundamental rights have been coming up time and again. Some of these demands have been included under the scope of fundamental rights. For example; the Right to Education has been included in the list recently. As per this right, the governments is responsible for providing free and compulsory education to all children up to the age of 14 years. Similarly, RTI (Right to Information) was enacted recently. Under RTI, anybody can demand information regarding the functions of a government department or official. The RTI has helped in bringing transparency in working of government departments. This right was made under the Fundamental right to freedom of thought and expression.
- 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 recognised by law. In that sense these claims are not rights going by the definition that we presented earlier. With the expansion of democracy all over the world, there is greater pressure on governments to accept these claims.
- There is an Indian organization that steps in if it comes to know about a human rights violation. It is called National Human Rights Commission or NHRC in short. It cannot punish people by itself – that only courts can decide, but NHRC makes independent and credible inquiries into any such case. For example, NHRC made inquiries into the Gujarat riots of 2002 and produced its independent report.
- Fundamental Rights are not the only rights that are guaranteed by the Constitution. The Fundamental Rights serve as the source, but the law and the Constitution provide a wide range of rights. New rights emerge as societies develop or the need arises. For example:
 - Right to Education: The government is responsible for providing free and compulsory education to all children, up to the age of 14 years.
 - Right to Information: Citizens have a right to seek information from government offices.
 - Right to vote is an important Constitutional right, although it is not a Fundamental Right.

- Also, there is something called ‘Human Rights’. These are universal moral claims that may or may not be recognised by law. So, in that sense, they are not exactly ‘Rights’ as per the definition we discussed earlier. But with democracy expanding all over the world, governments are under pressure to accept these claims as well.
- Sometimes, groups of people from across the world agree and promise to uphold a rule or principle. It is legally binding but not yet an international treaty. This is called an International Covenant. It recognizes many rights that are not directly a part of the Fundamental Rights in the Indian Constitution. These include:
 - Right to work: opportunity to everyone to earn livelihood by working
 - Right to safe and healthy working conditions, fair wages that can provide decent standard of living for the workers and their families
 - Right to adequate standard of living including adequate food, clothing and housing
 - Right to social security and insurance
 - Right to health: medical care during illness, special care for women during childbirth and prevention of epidemics
 - Right to education: free and compulsory primary education, equal access to higher education.
- New rights emerge as societies develop or the need arises. For example, The Constitution of South Africa guarantees:
 - Right to privacy, so that citizens or their home cannot be searched, their phones cannot be tapped
 - Right to an environment that is not harmful to their health or well- being;
 - Right to have access to adequate housing.
 - Right to have access to health care services, sufficient food and water; no one may be refused emergency medical treatment
- After listening to all these rights, which rights do you think India should add as a Fundamental Right? Why? Also, think about the challenges of giving any such right like budget and ability to guarantee to everyone in the country. Think and discuss in pairs (Take 2-3 responses)

4. Activism for demanding rights

- Till now, we have studied about what rights are, why rights are important and what are the different rights given to us.
- But what happens when people don’t get their rights? Who can change things? (Responses- The Government, The Police, The Media, People)
- Yes, when rights are not given to people, we all, including you and me have the power and the responsibility to demand it.

Let us discuss a case. (Note to teacher: Please show the picture on screen)



Source: [ScoopWhoop](#)

A big political leader died in big city in India. As a consequence, the city came to a complete shutdown. Two women who had opposing political views expressed their disappointment that the city had come to a halt for a politician. They posted their views on internet. Police arrested these two women for posting allegedly offensive and objectionable comments. There was an outrage from the common people after these arrests. People organized protests to raise attention on the issue. An online petition was started by an NGO, gathering signatures demanding that the women have been dealt with great injustice. Debates were organized on media channels. The women filed a petition, challenging the constitutional validity of the arrest, saying that it violates the Right to freedom of Expression. Eventually, they were released and the charges on them were dropped.

- Which right would you say was violated here? (Likely answer: Right to Freedom of Speech and Expression)
- How? (Likely answer: They were stopped from expressing their opinion)
- Which right was used to raise objection on their arrest? (Likely answer: Right to Constitutional Remedies)

Thus, if someone, even the police violate your right, you can go to court based on your Right to Constitutional Remedies. It ensures that no one can infringe on your rights.

Section III –Assessment

Time: 10 minutes

Materials needed: Blackboard and chalk

Facilitation notes:

- Manoj went to a local college to apply for admission into an MBA course. The clerk refused to take his application and said, “You, the son of a sweeper, wish to be a manager! Has anyone done this job in your community? Go to municipality office and apply for a sweeper’s position”.
 - Which of Manoj’s fundamental rights are being violated in this instance? (*Correct answer: Right to equality, as every citizen should be treated equally irrespective of his/her caste, race, gender, religion, etc. Right to Freedom is also being violated as it assures everyone can carry out any profession*)
- Fill in the blanks

- Under Rights against Exploitation, _____, _____ and _____ have been abolished. *(Correct answer: Traffic in human beings, begar, child labour)*
- PIL Stands for _____. *(Correct answer: Public Interest Litigation)*

- The understanding of rights is always evolving. Justify this statement.
- Which of the following is not an instance of an exercise of a fundamental right?
 - Workers from Bihar go to Punjab to work on the farms
 - Christian missions set up a chain of missionary schools
 - Men and women government employees get the same salary
 - Parents' property is inherited by their children

(Correct answer: Parents' property is inherited by their children; this is not a fundamental right)

- Which of the following freedoms is not available to an Indian citizen?
 - Freedom to criticize the government
 - Freedom to participate in armed revolution
 - Freedom to start a movement to change the government
 - Freedom to oppose the central values of the Constitution

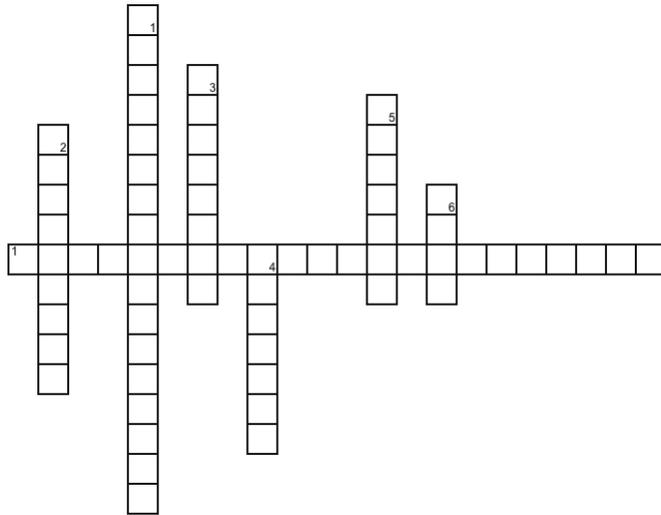
(Correct answer: Freedom to participate in armed revolution, Freedom to start a movement to change the government, Freedom to oppose the central values of the Constitution)

- Which of the following rights is available under the Indian Constitution?
 - Right to work
 - Right to adequate livelihood
 - Right to protect one's culture
 - Right to privacy

(Correct answer: Right to protect one's culture)

- Name the Fundamental Right under which each of the following rights falls:
 - Freedom to propagate one's religion *(Correct answer: Right to Freedom of Religion)*
 - Right to life *(Correct answer: Right to Freedom)*
 - Abolition of untouchability *(Correct answer: Right to Equality)*
 - Ban on bonded labour *(Correct answer: Right against Exploitation)*

- Now, we will play a game. Have you all filled crosswords before? Let's fill this crossword together.



Source: AtoZTeacherStuff

Across

1. This right will guarantee that you can seek redressal if your rights are violated. Right to.... (ConstitutionalRemedies)

Down

1. Some rights which are basic and essential to our life are given a special status by the Indian Constitution (Fundamental Rights)
2. When the laws apply in the same manner to all, regardless of a person's status (RuleOfLaw)
3. When government does not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth, it is because you have the right to_____. (Equality)

4. Selling and buying of human beings (Traffic)
5. India is concerned only with relations among human beings, and not with the relation between human beings and God, making it astate (Secular)
6. The Indian organization that steps in if it comes to know about a human rights violation and makes independent and credible inquiry (NHRC)

Section IV – Closure

Time: 5 minutes

Summary by students.

Give students 3 minutes to Think Pair Share with their partners. Ask one student to share summary with the class

Recap by the teacher

Please ensure that all the following points are covered in the recap by the teacher and student.

- Right against Exploitation abolishes-
 - i) Human Trafficking
 - ii) Bonded Labour
 - iii) Child Labour
- If our rights are violated by the executive or legislature or any other citizen, we can go to the court. This is called Right to Constitutional Remedies.
- With change in time, more rights are being added to the Constitution according to the needs of the changing society. For example, Right to Education, Right to information, etc.

Section V: Homework

- Write a hypothetical diary entry of a child who works in a firecracker factory. Compare a regular day in his life with yours.
- Can you find out the minimum wages in your state? Speak to five people doing different types of work in your neighborhood and find out if they are earning the minimum wages or not. Ask them if they know what the minimum wages are. Ask them if men and women are getting the same wages.

Section VI – Additional Resources

Resources for Teachers:

- Article: Arrest of two women for social media comments

Link: [Times of India](#)

- Article: 5 Landmark PIL cases

- Link: [The Better India](#)

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Resources for Students

- Video: Documentary: Invisible chains - bonded labour in India's brick kilns

Link: [YouTube](#)

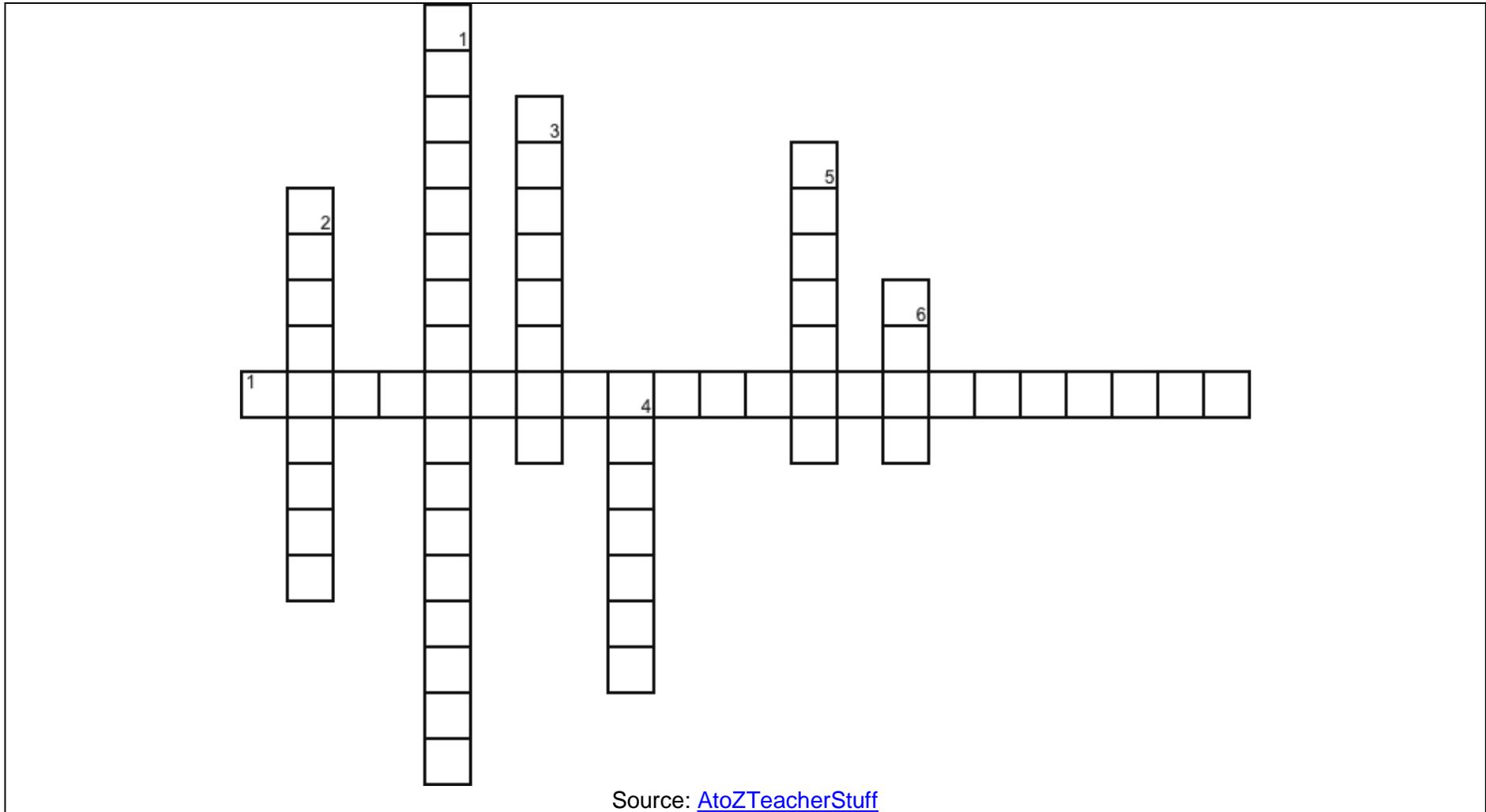
Section VII: Appendix



Source: Indian Express



Source: [ScoopWhoop](#)



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