

1. What do you mean by negative and positive rights? Discuss the category in which fundamental rights provided by Indian constitution fall into? (250 words)

Answer:

**Background:-**

Constitution of India was enacted for fulfilling the aspirations of the people but not just for the government to rule over people. However, to remove any arbitrariness and establish rule of law, certain privileges were accorded and limitations were imposed. And from here comes the positive and negative right character of the Fundamental Rights.

**Negative and positive rights:-**

- Some negative rights (like place limitations on State), while others positive in nature (like conferring certain privileges on the persons).
- **Negative rights** involve freedom from governmental (or private) coercion that would prevent an individual from doing what she is otherwise minded to do
- They are limitations on the action of the state, the occurrence of which would have curbed the freedom that an individual/community enjoys.
- On the other hand, if the core of a right lies in the intent to prevent the State from committing any unjustful act towards the citizens and hence, limiting its power, it will be called a Negative Right. For example, Right to Life and Liberty ensures that the State can't infringe on them.
- Negative rights are absolute
- **Positive rights** requires the government to take action in order to provide an individual something she cannot get for herself
- Positive rights are direct action by the state which improve the ability of the individual/community to live the life they desire.
- If the right enables or empowers a citizen to do something, it is a Positive Right. For example, Right to Religious Freedom allows a citizen to believe, practice and profess any faith of choice. It's existence is independent of any other agent. It emanates simply out of virtue of being a citizen.
- Positive rights are hedged with restrictions.

**Fundamental rights fall under which category:-**

- Rights incorporated in the Indian Constitution are of two types:- Negative and Positive.
- **Negative rights :-**
- For example : Article 14 states that State shall not deny to any person equality before law or the equal protection of the laws within the territory of India. In this article constitution has put an obligation over state to ensure equality before law and equal protection of law. Thus, it is negative in nature.
- Likewise Article 17 abolishing untouchability, removes a social evil. It hardly bestows a special privilege on the untouchables.

- **Positive rights:-**
- For example, Right to religious freedom (Article 25) and cultural and educational right (Article 28–30). As these rights confer certain special provision for protection and uplift of minorities. Thus, positive rights.
- Article 21 of the Indian constitution in its grammatical form, appears to be negative, but, in reality, it has been given a positive effect by judicial interpretation. The right is a fundamental right, enforceable against the state with several positive obligations.
- There are others, which positively confer some benefits upon the individual (for example the rights to religious freedom, and the cultural and educational rights).
- Right to freedom, right to acquire, hold and dispose off (Article 19) property and right to religion and cultural and educational rights fall in the category of positive rights.

**Conclusion:-**

Both positive and negative rights are important and thus implementation of DPSP is as important as the protection of Fundamental rights.

## **PRACTICE QUESTIONS**

**Answer the following Questions**

1. Although the contact between the Macedonians and ancient Indians was for a brief period, its impact was fairly wide in range. Discuss. (250 words)
2. Discuss how plateaus are classified and also discuss their economic significance. (250 words)