



HUMAN RIGHTS IN INDIAN CONSTITUTION

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ABSTRACT:

Human rights refer to the basic rights and freedoms to which all human beings are entitled. Examples of rights and freedoms have come to be commonly thought of as human rights and social, cultural, and economic rights. Human Rights are related to life, liberty, equality freedom to work. Every human being intends to lead a happy and peaceful life. Self-respect is necessary in order to live contented life.



KEYWORDS: Human rights, liberty, equality freedom.

INTRODUCTION :

Universal harmony is possible only if one respects the rights of one another. Everyone should understand that human beings are members of the same species. The members of the same society depend upon one another. They are equal so far their rights are concerned. All these reasons, human rights are universal in the sense that all individuals can enjoy these rights irrespective of their caste, race, place of birth, age, color or any other bases that are used to distinguish one from another.

MEANING:

Rights are commonly described as equal opportunities. And these rights are related to human beings so they are called Human Rights.

- Human rights are the rights a person has simply because he or she is a human being.
- **Encyclopedia Britannica:** "Rights that belong to an individual or group of individuals as a consequence of being human" are called human rights.
- **The protection of Human Rights Act 1993:** "The rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the international covenants and enforceable by courts of India are referred to as human rights"

HUMAN RIGHTS IN THE CONSTITUTION

Fundamental Rights:

The constitution of India is one of the most rights-based constitutions in the world. Drafted around the same time as the Universal Declaration of Human Rights, the constitution captures the essence of HR in its preamble and Fundamental Rights. The Indian constitution was enacted on 26th November, 1949 and implemented on January 26, 1950. There were seven Fundamental Rights when

constitution came to be implemented. But after 1978 there are six Fundamental Rights. According to the 44th amendment right to property was deleted from the list of Fundamental Rights.

- Article 14: says, all are equal before law. The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. The article 7 of UDHR says the same.
- Article 15 (1): says, the state shall not discriminate against any citizen on grounds only of religion, caste or place of birth. The article 2 of UDHR deals with the same
- Article 16 (1): There shall be equality of opportunity for all citizens in matters relating to the employment or appointment to any office under the state. Article 21(2) of UDHR deals with the same.
- Article 17: Ban of practice of Untouchability. Untouchability is abolished and its practice in any form is forbidden.
- Article 19(1): Freedom of speech and expression, to assemble peacefully and without arms, to form associations and unions, etc. Article 19 of UDHR says the same.
- Article 20: Protection against self-discrimination. Article 3 of UDHR deals with the same.
- Article 21: Protection of life and personal liberty: No person shall be deprived of his life and personal liberty except according to procedure established by law. Article 3 of UDHR says the same.
- Article 22: Protection against arrest and detention in certain cases. No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice. And every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of 24 hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.
- Article 23: Prohibition of traffic in human beings and forced labour. Article 4 of UDHR says the same.
- Article 24: Prohibition of child labour. No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
- Article 25: Freedom of conscience and free profession, practice and propagation of religion. Article 18 of UDHR and ICCPR deal with the Same.
- Article 29 & 30: Protection of interest of minorities to establish and administer educational institutions.
- Article 32: Right to constitutional remedies. The supreme court shall have power to issue writs in order to protect the Fundamental Rights.

Directive Principles of State Policy:

The Directive Principles of State Policy are enumerated in part IV of the constitution from 36 to 51. The principles denote the ideals that the state should keep in mind while formulating policies and enacting laws. Equal pay for equal work for both men and women (article 39), safe and human condition of work and maternity relief (article 42), right to work (article 42), living wage etc. for workers, adequate standards of living, compulsory education to the children (article 45), common civil code for citizens are the important Human Rights in this part.

Other Articles in the Constitution:

- Article 330: Reservation of seats for schedule caste and schedule tribes in the House of the people.
- Article 331: Representation of the Anglo-Indian community in the House of the people.
- Article 332: Reservation of seats for schedule caste and schedule tribes in the Legislative Assemblies of the States.
- Article 333: Representation of the Anglo-Indian community in the Legislative Assemblies of the States.

National Human Rights Commission:

NHRC was established on October 12, 1993, under the provisions of The Protection of Human Rights Act, 1993. It is an autonomous statutory body. The chairperson of NHRC and members are appointed by the President of India. The main function of this body is to protect the rights of the people.

CONCLUSION:

The purpose of Human Rights is All human beings are born free and equal. In order to promote this, Indian constitution adopted the set of Fundamental Rights. Our constitution is described as world's most rights-based constitution. Preamble, Fundamental Rights, Directive Principles of State policy and other parts of the constitution consist of Human Rights.

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