



A CONCEPTUAL STUDY OF HUMAN RIGHTS IN INDIA

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ABSTRACT

Human beings are born equal in dignity and rights. Human rights are rights inherent to all human beings whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status. The origin of human rights may be found both in Greek philosophy and the various world religions. Origin of the idea of human rights in India though the Rig-Veda Period. It is very much true that the makers of the Indian Constitution were influenced by Bill of Rights of the American Constitution, Irish Constitution and French Declaration of the Rights of Men, Constitution of Japan adopted after the Second world War, Universal Declaration of Human Rights, 1948. Fundamental rights are mentioned in Part III of the Constitution of India starting from Article 12 to 35 and these fundamental rights conform Human Rights. The term Human Rights has not been defined in the Indian Constitution. But Part III of the Indian Constitution covers more or less complete basic Human Rights. Here is Comparative study of Universal Declaration of Human Rights and Fundamental Rights of the Indian Constitution. The present topic is a burning issue and has a great significance in the world especially the developing nations like India.

KEYWORDS: Indian constitution, Fundamental Rights, Universal Declaration of Human Rights,

INTRODUCTION:

It is very true that the makers of the Indian Constitution were influenced by Bill of Rights of the American Constitution, Irish Constitution and French Declaration of the Rights of Men, Constitution of Japan adopted after World War II, Universal Declaration of Human Rights, 1948. Further the Human Rights Act, 1988 was legislated by United Kingdom to give further effect to the rights and freedoms guaranteed under the European Convention on Human Rights. It made the Convention rights enforceable in the United Kingdom Law Courts. Fundamental rights are envisaged in Part III of the Constitution of India starting from Article 12 to 35 and these fundamental rights conform Human Rights. Directive Principles of State policy are mentioned in part IV of the Indian Constitution. The term Human Rights has not been defined in the Indian Constitution. But Part III of the Indian Constitution covers more or less complete basic Human Rights.

WHAT ARE HUMAN RIGHTS?

Human rights are rights inherent to all human beings whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status. We are all equally entitled to our human rights with no discrimination. These rights are all interrelated interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles

and other sources of international law. International human rights law lays down responsibility of governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

DEFINITION OF HUMAN RIGHTS:

1. Human Rights mean the rights relating to life liberty, equality & dignity of individual guaranteed by the constitution or embodied in the international convenience & enforceable by courts in India.”
2. Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.
3. The Universal Declaration of Human Rights (UDHR) 1948 Human Rights as “rights derived from the inherent dignity of the human person.” Human rights when they are guaranteed by a written constitution are known as “fundamental Rights” because a written constitution is the fundamental law of the state.

DEVELOPMENT OF HUMAN RIGHTS IN INDIA:

It is generally claimed by Western scholars that the system of international law is a product of European civilization. In reality the roots of international law can be traced far back to ancient India, as in most ancient civilizations. Respect for the dignity of an individual and striving for peace as well as harmony in society, has been an abiding aspect in Indian culture. Indian culture has been the product of assimilation of diverse cultures and religions that came into contact with the enormous Indian sub-continent over time. The spirit in the Rig Veda “there is one race; of human being” and the validity of different traditions, religious, indeed of paths to Truth, has always been respected. Our guiding principles have been “Sarva Dharma Samanan”. An ancient text runs thus: “I seek no kingdom, nor heaven nor rebirth, but I wish that all living beings be spared of the manifold pains and distresses”.

ORIGIN AND DEVELOPMENT OF FUNDAMENTAL RIGHTS:

Part III of the Constitution contains a long list of Fundamental Rights. This Chapter of the Indian Constitution has very well been explained as the **Magna Carta of India**. As early as 1214 the English people exacted an assurance from King John for respect of the then ancient liberties. The Magna Carta is the proof of their success which is a written document. This is the first written document relating to the fundamental rights of the citizens. Thereafter from time to time the king had to accede too many rights to his subjects. In 1689 the Bill of Rights was written consolidating all important rights and liberties of the English people. In France Declaration Rights of Man and the Citizen declared the natural, inalienable and sacred rights of Man. Following the spirit of the Magna Carta.

HUMAN RIGHTS JURISPRUDENCE:

In the judgment one finds extensive reference of Human Rights by Supreme Court, particularly for protecting prisoners from various inhuman and barbarous treatments. “nowadays, human rights jurisprudence in India has constitutional status” says Krishna Iyer, J. in Sunil Batra’s case.

In 1979, India became party to the International Covenant on Civil and Political Rights. Article 10 of the International Covenant provides that “All persons deprived of their liberty shall be treated with humility and with respect for the inherent dignity of the human persons. Article 5 of the U.N. Declarations of Human Rights, 1948 says, “No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment”. In Prem Shankar v/s. Delhi Administration, Krishna Iyer, J. said that in interpreting constitutional and statutory provisions the Court must not forget the core principles found in Article 5 of the U.N. Declaration of Human Rights, 1948. Homage to human rights which calls for prisons, prisoners reform, his Lordship declared.

HUMAN RIGHTS AND INDIAN CONSTITUTION:

The constitution of the Republic of India which comes into existence on 26th January 1950 with 395 Articles and 8 schedules is one of the most elaborate fundamental laws ever adopted. The Preamble to the Constitution declares India to be a sovereign, socialist, secular and Democratic Republic. The term ‘Democratic’ shoes that the Government gets its authority for the people. It shows that they are equal in race, religion, language, sex and culture. The preamble to the Indian constitution pledge justice, social, economic and political, liberty of thought, expression, belief, faith as well as worship, equality of states and of opportunity and fraternity assuring the dignity of the individual and the unity and integrity of the nation to all its citizens.

Sr,No.	Name of the Rights	Indian Constitution
1	Equality before law	Article 14
2	Prohibition of discrimination	Article 15(1)
3	Equality of opportunity	Article 16(1)
4	Freedom of speech and expression	Article 19 (1) a
5	Freedom of peaceful assembly	Article 19 (1) b
6	Right to form associations or unions	Article 19 (1) c
7	Freedom of movement within the border	Article 19 (1) d
8	Protection in respect of conviction for offences	Article 20(1)
9	Protection of life and personal liberty	Article 21

10	Protection of slavery and forced labor	Article 23
11	Freedom of conscience and religion	Article 25 (1)
12	Right against arbitrary arrest and detention	Article 22
13	Remedy for enforcement of rights	Article 32
14	Right to social security	Article 29(1)
15	Right to work, to just and favorable conditions of work	Article 41
16	Right to equal pay for equal work	Article 39(d)
17	Right to education	Article 21(A), 41, 45, 51A(k)
18	Right to just and favorable remuneration	Article 43
19	Right to rest and leisure	Article 43
20	Right of everyone to a standard of living adequate for him and his family	Article 39(a), 47
21	Right to a proper social order	Article 38

CONCLUSION:

Thus Human Rights are the basic human needs and demands. They are necessary for the allround development of a human being. Hence it is expected that civilized state will incorporate these rights in its restriction and attempt to guarantee that its people enjoy them. If every person realize their own proper role and are allowed to function freely, being in mind the objectives for which they were established, they would be competent to perform societal expectations and hold promises for victims of human rights violations and society.

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