

Human Rights in India

Neha¹, Kamla Singh², Ishu³

¹Assistant Professor, SPGOI, Rohtak

²Assistant Professor, GCW Rohtak

Abstract: The concept of Human Rights is closely related to human worth & dignity. It refers to the availability & realization of innate characteristics which nature has bestowed upon the individual as a human being. All humans are born free & equal in dignity & 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 (1948), the Indian Constitution captures the essence of human rights in its preamble and sections on Fundamental Rights and the Directive Principles of state policy.

INTRODUCTION

The concept of Human Rights is closely related to human worth & dignity. These are those conditions of life that allows us to freely develop and use our human qualities of intelligence and conscience and also to satisfy our spiritual needs. We cannot develop our personality in the absence of such rights.

The denial of human rights & fundamental freedom not only is an individual and personal tragedy, but it also is an individual and personal tragedy, but it also creates conditions of social & political unrest, sowing seeds of violence & conflict within; and between societies and nations. It would be true to say that 'to violate a human right would therefore be a failure to recognize the worth of human life'.

Different countries ensure these rights in different way in India, they are contained in the constitution as fundamental rights. Being fundamental rights, they cannot be taken away by any act of the govt/legislative of the country. They are also common rights which are shared by all men and women.

Human rights day is celebrated annually across the world on 10th December. It was on this day the first attempt at international level to give the most 'authoritative enumeration' of basic human rights & freedom.

Characteristics of human rights

1. These are inherent to each individual
2. These are universal
3. These are inalienable
4. These are indivisible

Classification of human rights

Human rights can be put into 3 categories:

1. First generation rights
2. Second generation rights
3. Third generation rights

First generation rights

These are 'liberty oriented rights', these include:

1. Right to life
2. Right to liberty
3. Right to security of individual
4. Freedom from torture & slavery
5. Political participation
6. Freedom of opinion
7. Freedom of expression & thought
8. Freedom of conscience & religion
9. Freedom of association & assembly

Second generation rights

These include 'security oriented rights', these include:

1. Right to work
2. Right to education
3. Right to reasonable standard of living
4. Right to food
5. Right to shelter
6. Right to health care

Third Generation Rights

These are environmental, cultural & development oriented rights, these include:

1. Right to live in a clear environment
2. Right to live in cultural environment
3. Right to political development

In order to inculcate human rights & duties among every citizen 'human rights education' is a necessary instrument.

HUMAN RIGHTS IN THE INDIAN CONSTITUTION

The human rights are generated in the constitution of India through its admission of 'fundamental rights'. Since the Indian constitution was written after the UN declaration of human rights in 1948, the makers of Indian constitution inserted part III that discusses the fundamental rights that every citizen of India has; and defined these rights as 'inviolable in the sense that no law, ordinance, custom, usage or administrative order can abridge or take away' these rights. Human rights are directly protected rights as well as indirectly protected rights.

The directly protected rights are rights like right to life or right to freedom of thought to protect those means to put them under the guarantee of law. But indirectly protected rights such as right to food, right to education or right to health can only be protected through public institutions & through economic & social rights. This is where the role of senior officials of the state gains importance.

The constitution excludes the mention of certain basic economic & social rights such as right to food, right to shelter, right to work & right to medical care from the chapter fundamental rights contained in part III of the constitution. Those rights have been made part of directive principles of state policy in part IV of the constitution. The civil & political rights having been incorporated as fundamental rights are both justiciable & enforceable.

However the economic, social and cultural rights are enshrined as the directive principles which are enshrined as the directive principles of the state policy though not enforceable are made fundamental in the governance of the state. Therefore, it is the duty of the executive, legislative & also of judiciary to implement them.

Feature of Indian constitution regarding human rights are:

It not only includes rights of individuals but also provides for cultural & educational rights minorities under article 29 & 30. besides abolishing untouchability and by enacting many other secular laws to abolish discriminatory treatment of untouchables & Hindu women.

Provision of positive discrimination or affirmative action policies towards weaker sections of the society such as schedule castes & tribes & other backward classes & women.

CONCLUSION

The state must realize the importance of economic, social & cultural rights & should not content itself by only chalking out strategies for promotion of the same. The neglect of these give rise to internal conflicts which is a threat to the democratic society & enjoyment of human rights. They pose a threat not only to human rights but also to peace.

It is rightly said 'where Hunger persists, peace cannot prevail'. We will not enjoy development without security, we will not enjoy development without security, we will not enjoy security without development & we will not enjoy either without respect for human rights.

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