



HINDUSTHAN COLLEGE OF ARTS & SCIENCE

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DEPARTMENT OF COSTUME DESIGN & FASHION

HUMAN RIGHTS-UNIT II

INTRODUCTION**

The Constitution of India is not merely a legal document—it is a comprehensive charter of **human rights** and a guarantee of dignity, liberty, equality, and justice for all citizens. It incorporates the ideals of global human rights instruments such as the **Universal Declaration of Human Rights (UDHR, 1948)** and translates them into enforceable constitutional provisions.

The Indian Constitution aims to create a society where individuals enjoy **freedom**, **social justice**, and **equal opportunity**, ensuring the protection of human rights for every person, irrespective of caste, religion, sex, language, or status.

2. HUMAN RIGHTS IN THE CONSTITUTION OF INDIA**

Human rights in India are protected primarily through:

* **Fundamental Rights (Part III)**

* **Directive Principles of State Policy (Part IV)**

* **Fundamental Duties (Part IVA)**

These parts reflect a comprehensive system of human rights, combining judicially enforceable rights with moral and social guidelines.

2.1 Fundamental Rights (Part III)

(Articles 12–35)

Fundamental Rights are the backbone of human rights protection in India. They ensure individual liberty, equality, and protection from arbitrary state actions.

A. Right to Equality (Articles 14–18)**

* Article 14: Equality before law

* Article 15: No discrimination on grounds of religion, race, caste, sex, or place of birth

* Article 16: Equality in public employment

* Article 17: Abolition of untouchability

* Article 18: Abolition of titles

This guarantees social equality and prohibits discrimination.

B. Right to Freedom (Articles 19–22)**

* Article 19: Six freedoms—speech, assembly, association, movement, residence, profession

* Article 20: Protection in criminal offences

* Article 21: **Right to life and personal liberty** (expanded to include right to privacy, health, education, clean environment, etc.)

* Article 21A: Right to free and compulsory education (6–14 years)

* Article 22: Protection against arrest and detention

These rights safeguard civil and political liberties.

C. Right Against Exploitation (Articles 23–24)**

* Prohibition of human trafficking

* Prohibition of child labour in factories and hazardous work

Protects vulnerable sections from exploitation.

D. Right to Freedom of Religion (Articles 25–28)**

* Freedom of conscience and profession, practice, propagation of religion

* Freedom to manage religious affairs

* No tax for promotion of religion

* Freedom from religious instruction in state institutions

Guarantees secularism and religious liberty.

E. Cultural and Educational Rights (Articles 29–30)**

* Protection of language, script, and culture of minorities

* Minority educational institutions' rights

Safeguards cultural diversity.

F. Right to Constitutional Remedies (Article 32)**

* Right to approach the Supreme Court for enforcement of rights

* Dr. B.R. Ambedkar called this **the heart and soul of the Constitution**

Wrts: Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto.

2.2 Directive Principles of State Policy (Part IV)**

(Articles 36–51)

Though not enforceable in courts, they are fundamental to the governance of the country. They aim to establish social, economic, and political justice.

Major human rights-related DPSPs:

- * Article 38: Social justice
- * Article 39: Right to livelihood, equal pay, protection of children
- * Article 39A: Free legal aid
- * Article 41: Right to work and public assistance
- * Article 42: Just and humane conditions of work
- * Article 43: Living wage
- * Article 45: Early childhood care
- * Article 47: Nutrition and public health
- * Article 48A: Protection of environment
- * Article 50–51: International peace, separation of judiciary

DPSPs strengthen human rights by guiding social and economic policy.

2.3 Fundamental Duties (Part IVA)**

(Article 51A)

Introduce moral responsibilities of citizens to uphold human rights values:

Key duties:

- * Promote harmony and brotherhood
- * Renounce practices derogatory to women
- * Protect environment, forests, lakes, wildlife
- * Safeguard public property
- * Develop scientific temper and humanism

These support human rights culture in society.

3. CONSTITUTIONAL VISION OF HUMAN RIGHTS**

The framers of the Constitution envisioned a nation based on:

1. Justice**

* Social, economic, and political

* Removal of inequalities and establishment of welfare state

2. Liberty**

* Of thought, expression, belief, faith, and worship

3. Equality**

* Of status and opportunity

* Removal of discrimination

4. Fraternity**

* Ensuring dignity of the individual

* Unity and integrity of the nation

Sources of Constitutional Vision:**

* Freedom struggle and Indian national movement

* Western liberal thought

* Social reform movements

* Global human rights movements

* Mahatma Gandhi's emphasis on dignity and non-violence

Reflection of Vision:**

* Democratic system

* Independent judiciary

* Separation of powers

* Social welfare state

* Protection of minorities

* Secularism and pluralism

The Preamble itself is a **human rights charter**.

4. CONSTITUENT ASSEMBLY AND HUMAN RIGHTS**

4.1 Formation of the Constituent Assembly**

* Established in 1946 under Cabinet Mission Plan

* 299 members

* First meeting: 9 December 1946

* Adopted Constitution on 26 November 1949

The Assembly consisted of lawyers, scholars, freedom fighters, and social reformers committed to human rights.

4.2 Role of the Constituent Assembly in Protecting Human Rights**

1. Drafting Fundamental Rights**

* Modeled after the US Bill of Rights and UDHR

* Aim: Protect civil liberties from arbitrary state power

* Ensured enforceable rights through judiciary

2. Social Justice Emphasis**

* DPSPs included to achieve welfare state

* Rights related to labour, poverty removal, education, and health highlighted

3. Safeguards for Minorities**

* Cultural and educational rights

* Religious freedom

* Equality provisions

4. Democratic Vision**

* Parliamentary democracy

* Universal adult franchise

* Accountability mechanisms

5. Human Dignity and Equality**

* Article 21 expanded by judiciary

* Abolition of untouchability

* Gender equality

The Assembly's debates clearly show that **human rights were central to constitutional design**.

4.3 Key Leaders Who Shaped Human Rights in Constitution**

Dr. B.R. Ambedkar**

* Chairman of Drafting Committee

* Strong advocate of social justice

* Introduced Article 32

* Worked for abolition of caste discrimination

Jawaharlal Nehru**

* Moved the Objectives Resolution

* Supported internationalism and equality

Sardar Vallabhbhai Patel**

* Ensured rights related to federal structure and minorities

Rajendra Prasad, Alladi Krishnaswamy Aiyar, K.M. Munshi, Hansa Mehta, Sarojini Naidu**, etc. contributed significantly.

The Constitution of India is one of the most human-rights-oriented constitutions in the world.

Through **Fundamental Rights**, **DPSPs**, **Fundamental Duties**, and the **independent judiciary**, it ensures dignity, equality, liberty, and justice for all citizens.

The Constituent Assembly succeeded in crafting a document that reflects global human rights standards while addressing India's social realities.

Thus, India's constitutional framework stands as a powerful instrument for the protection and promotion of **human rights**.