



## **HINDUSTHAN COLLEGE OF ARTS & SCIENCE**

Autonomous Institution – Affiliated to Bharathiar University

Approved by AICTE and Government of Tamilnadu Accredited by NAAC with 'A++' Grade

Accredited by NAAC- An ISO certified Institution

Hindusthan Gardens, Avinashi Road, Coimbatore-641 028.

Ph: 0422 4440555, e-mail: [licas@hindusthan.net](mailto:licas@hindusthan.net), website: [www.hicas.ac.in](http://www.hicas.ac.in)

### **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\*\*

Writs: 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\*\*.