

HUMAN RIGHT

LL.M. II SEM

HUMAN RIGHTS IN CONSTITUTION OF
INDIA

By

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What are Human Rights?

- Human Rights are those minimal rights which every individual must have against the State or other public authority by virtue of his being a 'member of the human family', irrespective of any other consideration. The concept of human rights is as old as the ancient doctrine of 'natural rights' founded on natural law, the expression 'human rights' is of recent origin, emerging from (post-Second World War) international Charters and Conventions.

UDHR

- Universal Declaration of Human Rights (UDHR) was adopted by the United Nations General Assembly in 1948 and subsequently large number of international human right instruments and covenants came into existence. (1) The U. N. Charter, 1945. (2) Universal Declaration of Human Rights, 1948. (3) International Covenants of 1966 i.e. Civil and Political Rights and Economic, Social and Cultural Rights. (4) European convention for protection of Human Rights, 1953.

EVOLUTION OF HUMAN RIGHTS

- The preamble of the Universal Declaration of Human Rights States:— "...It is essential if man is not to be compelled to have recourse, as a last resort to rebellion against tyranny and oppression, that human rights should be protected by the rule of law."

HUMAN RIGHTS IN INDIA

- Our country was one of the original signatories to the International Covenant on Civil and Political Rights and therefore the framers of Indian Constitution were influenced by the concept of human right and recognised as well as guaranteed most of the human rights which were subsequently embodied in the International Covenant 1966. The Preamble of the Indian Constitution reflects the inspiring ideals with the specific mention of "dignity of the individual".

HUMAN RIGHTS UNDER THE CONSTITUTION OF INDIA

- Fundamental Rights enshrined in Part III of the Constitution have emerged from the doctrine of natural rights. Fundamental Rights are the modern name for what have been traditionally known as Natural Rights. The Natural Rights transformed into fundamental rights operate as a constitutional limitation or a restriction on the 4 powers of the organs set up by the Constitution or the State action. Judicial Review, Justiciability or Enforcement became an inseparable concomitant of fundamental rights. As no right of freedom can be absolute, limitations have been imposed to each fundamental right in the interest of securing social justice. Enforcement of fundamental rights can even be suspended or prevented in emergency. Directive Principles enshrined in Part IV of the Constitution epitomise the ideals, aspirations the sentiments, the precepts and the goals of our entire freedom movement. The wisdom of the forefathers of the Constitution was justified in incorporating non-justiciable human rights in the concrete shape of the directive principles.

- THANK YOU