

HUMAN RIGHTS IN INDIAN SOCIETY: A LEGAL STUDY

Dr. Phool Chand Saini*

ABSTRACT

Human rights are the base of a society. The quality of education decides the importance of human rights. According to Jawaharlal Nehru there is an unbroken continuity between the most modern and the most ancient phases of Hindu thought extending over three thousand years. Act aims at protection of Rights in the first place but at the same time it serves the purpose of creating awareness and respect for dignity of an individual.

Keywords: Freedom, Discrimination, Supremacy, Hindu, Christian and Islamic civilizations, Parliament, Instrument, Protection.

Introduction

History behind Human Rights

The UN charter, in its preamble itself, has expressed the determination of the organization to reaffirm the faith in the fundamental Human Rights. And one of the purposes of the organization is to seek international cooperation in promoting and encouraging respect for Human Rights. These rights aim at achieving fundamental freedom for all without distinction to race, language, sex and religion.

United States Supreme Court Justice David Davis, in his 1867 opinion for Ex Parte Milligan, wrote "By the protection of the law, human rights are secured; withdraw that protection and they are at the mercy of wicked rulers or the clamor of an excited people. This study is focused on socio-legal status of women in India. As women, men, youth and children all citizens of this land enjoy the rights bestowed upon them by the constitution. Indian constitution is a social document. The purpose with which it has been drafted is, to cater to the needs and requirements of the people. The constitution is the supreme document of land and hence it is also called as the fundamental law of the land. The constitution basically serves two purposes:

- It gives legal system to the country.
- It gives legal rights to the people.

The constitution being the supreme law confers powers on all the three organs of the government. The legislature, Executive and Judiciary are given powers by the constitution with the purpose that those powers are to be utilized by them for better administration and securing the welfare and wellbeing of the people. Every common citizen expects good administration from the government. It is a long drawn experience that the government is unable to cater to their minimum expectations, efficiently and effectively.

Ancient Hindu Law of Human Rights

The Hindu "Dharmasastras" and the "Arthasastras" and other legal treatises of the past have discovered an amazing system, which, inter alia, regulates the duties of Kings, judges, subjects and judicial as well as legal procedures. The central concept is Dharmna, the functional focus of which is social order. Thus, Human Rights are those rights which every individual is entitled to have and have a right to

* Associate Professor, Department of Law, Shyam University, Dausa, Rajasthan, India.

enforce them if they are violated. It is a duty of every one to understand that they cannot deprive others of their rights in order to do well to themselves. Even though they are declared in the charter of United Nations, the core element and the very purpose of these rights is:

- Freedom
- Equality
- Liberty

Constituent Assembly and Human

Rights The Indian Constitution was framed by the Constituent Assembly of India, which met for the first time on December 9, 1946. The Constitution of India gave primary importance to human rights. To quote Guha, "The demand for a declaration of fundamental rights arose from four factors." These are lack of civil liberty in India during the British rule. Deplorable social conditions, particularly affecting the untouchables and women. Existence of different religious, linguistic, and ethnic groups encouraged and expected by the Britishers and exploitation of the tenants by the landlords.

Human Rights in Indian Constitution

Dr. Ambedkar believed that the directive principles provided in the constitutions should be taken into consideration by the parliament and also by the executive while framing laws and enacting them. This instrument provides a generally acceptable catalog of man's inseparable rights. For example, certain rights mentioned in the declaration are as under:

- Right to life, liberty and security.
- Equality before law and equal protection of law.
- Right to effective judicial remedy.
- Right to liberty of religious conscience and opinion.
- Right to liberty of assembly and association.
- Right to social security, work and favorable working conditions and equal pay.
- Right to education aimed at full development.
- Right to participate in cultural life of the community.

These are some of the articles of UDHR which has similarities with Indian constitution. They are visible in fundamental rights of part-III and directive principles of state policy of Indian Constitution.

Other Fundamental Rights are - Right against solitary confinement.

Right to human dignity. Right to free legal aid in a criminal trial. Right to speedy trial. Right against hand cuffing. Right against delayed execution. Right against custodial violence. Right against public hanging. Right to health care or doctor's assistance. Right to shelter. Right to pollution free environment. Freedom of the press. Right to know. Right to compensation. Right to release and rehabilitation of bonded labour. Right of inmates of protection homes Right to travel abroad (Article 21) The right to travel abroad is a guaranteed right under Article 12 paragraph (2) of the Covenant on Civil and Political Rights and right to privacy (Articles 21 and 19 (1) (d)) This right is stipulated under Article 17 paragraph (1) of the Covenant on Civil and Political Rights. In *Kharak Singh v. State of Uttar Pradesh*³ it was held by the Supreme Court that the 'domiciliary visit is an infringement of the right to privacy and is violative of the citizen's fundamental rights of personal liberty guaranteed under Article 21.

Human Rights and Indian Women

Pandit Jawaharlal Nehru said that, "You can tell the condition of a nation by looking at the status of its women".

This basic study of Human Rights aims at finding out whether status of women has actually been enhanced in the society as a human being, and as an individual at par with men. The researcher has attempted to examine if law has been instrumental in achieving gender balance on the basis of analysis of decided cases related to the following rights of women

- Right to education
- Right to life.
- Right to development
- Right to work
- Right to personal liberty

Evolution of Children's Rights as Human Rights

The effect of children's rights is shown by women respect in our society. The United Nations found it necessary to make certain special provisions for women and further direct other nations to follow the guiding principles laid down for curbing gender disparity.

Conclusion

In India constitution gives us rights to live our lives. There is no doubt that we have to live our life according to the rules which are decided by Indian constitution and government. In our society there is many rules and regulations which are tire us but these are only for our security. So, we should obey the government rules and regulations.

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