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17	THE GOODS AND SERVICES TAX (GST) EFFECT ON FISCAL FEDERALISM IN INDIA Dr.M.P.Sivakumar & V.Raja Pandi	82
18	A STUDY ON WOMEN RIGHTS IN INDIA K.Prema	87
19	AMBEDKAR'S VISION AND MISSION ON EQUALITY AND SOCIAL JUSTICE Dr.R.Sankar	90
20	Dr.B.R.AMBEKAR ON PARLIAMENTARY DEMOCRACY IN INDIA E.Sathappan & Dr.D.Ramakrishnan	93
21	Dr.B.R.AMBEDKAR AND HUMAN RIGHTS E.Selvaraj & Dr.D.Ramakrishnan	98
22	Dr.B.R.AMBEDKAR ROLE IN WOMEN EMPOWERMENT Dr.P.Nagarajan & Ms.S.Gandhimathi	103
23	RIGHTS OF WOMEN IN THE VISION OF Dr. AMBEDKAR - A SOCIOLOGICAL ANALYSIS OF CONSTITUTIONAL LAW Dr.P.Sethurajakumar	108
24	Dr.AMBEDKAR- THE LION AT THE ROUND TABLE CONFERENCES R.Anthony Raj	113
25	Dr.B.R.AMBEDKAR'S PERSPECTIVES ON EDUCATION Dr.K.Jeyakodi	116
26	Dr.B.R.AMBEDKAR'S PHILOSOPHY ON EDUCATION Dr.P.Lakshmi & Dr.P.Palpandi	121
27	Dr.B.R.AMBEDKAR ON WOMEN EMANCIPATION AND EMPOWERMENT: IDEAS, VISION AND POLICY PRESCRIPTIONS Dr.C.Muthu Kannan	126
28	REQUIREMENT OF SOCIAL JUSTICE UNDER THE CONSTITUTION OF REPUBLIC OF INDIA Dr.J.Prabhakaran	130

Dr.B.R.AMBEKAR ON PARLIAMENTARY DEMOCRACY IN INDIA

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Introduction

The present century is regarded as the century of Democracy. Democratic system of Government has been adopted by many countries in the world. It has become the most popular form of Government and cherished by almost the entire humanity. It has become so popular that almost everybody claims to be a democrat. Democracy can be broadly divided into direct democracy and indirect democracy. In direct democracy, the people take part in the affairs of the State directly. They run the Government directly and not through elected representatives. There will be no elected legislatures, all citizens meet together to pass laws, decide policies and appoint public officials. Direct Democratic system of Government existed in the ancient Greek and Roman city-states. But direct democracy became a thing of the past. For its proper functioning, it requires the presence of some conditions, such as small territory, less population etc. These conditions however are not present in the modern nation states. As a result direct democracy gave way to the representative democracy. The representative democracy is practiced in the form of Parliamentary form of Government and Presidential form of Government. In India democracy is practiced in the form of Parliamentary form of Government. Dr.B.R. Ambedkar believed that in democracy revolutionary changes in the economic and social life of the people could be brought about without bloodshed. He believed that democracy in India could be practiced well with the creation of Parliamentary form of Government. In this paper an attempt has been made to enlighten the characteristics of Parliamentary form of Government and the conditions laid down by Dr.B.R.Ambedkar for the success of democracy.

Parliamentary form of Government

In India we have a Parliamentary form of Government. The Constitution, of India while dealing with the executive power of the Union, provides that there shall be a President of India and that the executive power of the Union vested in him shall be exercised by him "either directly or through officers subordinate to him in accordance with this Constitution". The supreme command of the defence forces of the Union is vested in him, the exercise whereof shall be regulated by law. Every President and every person acting as such shall, before entering upon his office, make and subscribe in the presence of the Chief Justice of India or, in his absence, the senior most judge of the Supreme Court available, an oath or affirmation that he would faithfully execute the office of the President (or discharge the functions of the President) of India, would, to the best of his ability, "preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of India." The President is liable for impeachment by Parliament for violation of the Constitution. There shall be a Council of Ministers 'to aid and advice' the President in the exercise of his functions. The question whether any, and if so what, advice was rendered by ministers to the President shall not be enquired into in any court. The prime minister shall be appointed by the President and other ministers shall be appointed by

him on the advice of the prime minister. The Council of Ministers shall be collectively responsible to the House of the People. The rules regarding transaction of business of government and allocation thereof among ministers shall be made by the President. A duty is cast on the prime minister to communicate to the President all decisions of the Council of Ministers relating to the administration of the affairs of the Union and proposals for legislation; to furnish such information relating to the administration of affairs of the Union and proposals for legislation as the President may call for ; and if the President so requires, to submit for the consideration of the Council of Ministers, any matter on which the decision has been taken by a minister, but which has not been considered by the council. The Constitution does not, therefore, impose any legal obligation— that is to say, any obligation that can be enforced in the courts— upon the President to act upon the advice of his ministers. The only question can be whether and to what extent it requires him to do so as a matter of convention. Basu observes: [T]here is no provision in our Constitution making it obligatory upon the President to act only in accordance with the advice tendered by the Council of Ministers. Ultimately, if he is still convinced that if he accepted the advice, he would be breaking his oath, he will reject it and take all the consequences. The President is empowered to promulgate ordinances if he is satisfied that circumstances exist which render it necessary for him to take immediate action when Parliament or either House thereof is not in session. This power of the President is co-extensive with the power of Parliament itself. The ultimate responsibility of making laws rests with the President as a part of Parliament. The Constitution provides for three circumstances in which the declaration of emergency may take place and in these circumstances, the President, as the head of the State, assumes extraordinary powers. These circumstances are :—(i) a grave emergency whereby the security of India or any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance; » (ii) a financial emergency either in the whole of India or in any state within the territory of India; and (iii) failure of the constitutional machinery in any state. By virtue of the provisions relating to emergency arising from the breakdown of constitutional machinery in the states, the President is to wield enormous powers. The President is empowered to act on the report of the Governor "or otherwise". Whether there is the necessity of emergency is not a matter for the judiciary to decide. In this sovereign democratic republic the constitutional position of the President is sui generis. When a clear party majority and a stable government exist, the President will not have any key role to play. He will be the symbol of the State invested with the executive power to be exercised with the aid and advice of the Council of Ministers. But when there is instability and no majority, the President may emerge as the real executive.

Working of Democracy in India

The Constitution, which came into force on January 26th, 1950, upholds the principles of liberty, equality and fundamental rights. It also introduces the other features of democracy like adult franchise, periodical elections, free press, local self-Government institutions, secret ballot system, decentralization of power, independent judiciary, political parties etc.

But when we make a critical appraisal of our Indian democracy, we find our democracy lacking in certain requisites. Many people expressed great discontentment on the performance of our democratic institutions. The common man feels disillusioned and utterly frustrated. There are a number of factors which crippled our democracy and they are eating away its very vitality. Hence, some people went to the extent of demanding the imposition of dictatorship in the country at least for some period. The reasons that compelled them to offer this extreme suggestion are:

1. Illiteracy has not yet been weeded out. Masses in general are steeped in ignorance.

2. Glaring disparities between rich and poor still persist. Poverty is appalling and unemployment is rampant in all spheres of life particularly in the political and administrative fields;
3. Enlightened citizenship has yet not dawn. People have yet to imbibe in themselves the true spirit of democracy;
4. Caste exclusiveness, linguistic and communal feelings, regional and religious tendencies still persist,
5. Sound and effective opposition party has not yet been evolved. Both at the centre and in the States, the Opposition party has are extremely weak and disorganized. Political parties are constituted not on social or economic principles but on regional, sectional, linguistic considerations. Personality is given greater importance and prominence than Ideologies.
6. Social evils like Sati, dowary, untouchability, bonded labour, etc have not yet been totally eliminated;
7. Indiscipline, lawlessness, violence, exploitation atrocities on weaker sections, etc are on the increase,
8. There is a crisis of values in all fields of life. Moral values, the spirit of tolerance, cooperation and compromise are conspicuous by their absence.
9. Inefficiency in administration, lack of wise leadership, growing scams, exploitation, rural poverty, gagged press, absence of economic democracy and an umpteen other short comings and deficiencies made Indian democracy a farce.

All this does not mean to say that Democracy has miserably failed in our country. The experience in the last five decades reveals that democracy and parliamentary institutions have been doing much better in our country than most of the Asian and African countries which have adopted democratic system of Government along with us. In fact, some of the countries in these two continents have abandoned democracy and switched over to dictatorships. Moreover, fifty years of independence is not a big period to assess the success or failure of a political system in the history of a nation. A country with vast territory and huge population which grown under the heels of foreigners could not have established democratic values and traditions overnight. By and large the people of India have exhibited democratic spirit and traditions. Though majority of them are illiterate, ignorant and steeped in poverty, they have shown that they are not unworthy of adult franchise and democratic institutions, So far fourteen general elections have been held successfully and peacefully to the Lok Sabha besides elections to the state legislatures and local bodies. With all their weaknesses, the Indian masses cooperated with their leaders, showed much tolerance and patience.

Conditions Necessary for the Success of Democracy

The success democracy requires the existence of certain conditions in India for its functioning and success. They are proper education, wise leadership, Independent press, well organized Political parties, absence of gross economic and social inequalities, existence of local government, faith in democratic principles, independent judiciary, peaceful conditions in the society and eternal vigilance.

If democracy is not be degenerate into a rule of ignorance and incompetent, proper education must be provided to the people. People must have political consciousness. This they can have when they receive properly education. Education sharpens the intellect and develops a proper sense of understanding amongst the people. It makes them vigilant and conscious of governmental defects. It induces them to be critical of governmental politics and activities. Ignorance and illiteracy of the people are the greatest enemies of democracy. Wise leadership is indispensable for the success of democracy. Democracy virtually fails in a country if the leaders at the helm of affairs are selfish, corrupt and incompetent. The leaders must be able to lead the people on the right path by their personal

example. Democracy reaches the pinnacle of glory if the leaders are men of integrity, honesty and character. Democracy cannot flourish in a country where the press is gagged and does not enjoy the freedom. Press is regarded as the back-bone of democracy. A free press brings to light the arbitrary actions of the Government. Hence it is described as the watch-dog of democracy. It serves as a link between the people and the government by ventilating the grievances of the people. It offers constructive criticism and force the Government to be responsible and responsive to the needs of the people. It can fulfill these obligations properly only when it is free from the clutches of Governmental control.

The existence of well-organized parties is also vital for the successful working of democracy. It is better if there is bi-party system so that one party forms the Government, while the other safeguard democracy from becoming despotic and corrupt. A strong opposition makes the ruling party behave properly. Political parties should be based on healthy political and economic principles and not on sectional and communal basis.

Democracy can work best in a society where economic differences are the least. If a few persons are enormously rich and the majority is miserably poor, democracy is an enemy of democracy. For a starving individual the right to vote has no value. He cannot eat it or drink it. It is rightly said that a man to thrive must keep alive. Hungry masses cannot enjoy fruits of democracy in the real sense. If people are paupers, they are apt to sell away their votes. Similarly, differences on the basis of caste, color, creed and sex are the greatest enemies of democracy. A vigorous system of local Government is very essential for the success of democracy. Local bodies are the schools to the democratic university. They are the nurseries of democracy. The people receive their training in public life in the local self-Government. This training will prove very useful when they participate in large national affairs. Lord Bryce very rightly said, "The best school of democracy and the best guarantee for its success is the practice of local self-Government". For the successful working of democracy, people must exercise tolerance in their mutual relations. They must have full faith in democratic principles. They should be willing to solve their problems through discussion and persuasion. The ruling party and the opposition, the majority and the minorities should follow the principle of "give and take". They should possess the qualities of tolerance, compromise and due regard for the feelings and opinions of each other. If these qualities are not cultivated, democracy is bound to be a failure.

The existence of an impartial and independent judiciary is also regarded as an important condition for the success of democracy. Independence of the judiciary means that judges should be able to perform their functions without fear or favor. They must be protected from political influence or other pressures which might affect their decisions. Rights and liberties of the people can be safe only when judges perform their duties in an independent and impartial way. The judges, if independent, can give bold judgments and protect the rights of the people. Peaceful conditions in the society are very essential for the success of democracy. Democracy cannot flourish and survive under tension and conditions of warfare because they provide an opportunity to the rulers to impose restrictions on the freedom of the people. Finally, eternal vigilance on the part of the people is the most important condition for the success of democracy. People must keep a vigilant eye on the actions of the Government. They must protect and guard their rights against undue encroachment by the rulers. If the people are active, vigilant and alert, they will keep the Government on its toes. They should always keep in mind that "good Government is no substitute for self-Government". The price of liberty is eternal vigilance. People must be prepared to make every sacrifice for it. The conditions for the success of democracy according to Dr. B.R. Ambedkar are that: "(1) there should not be glaring inequalities in society, that is, privilege for one class; (2) the existence of an opposition; (3) equality in law and administration; (4) observance of constitutional morality; (5) no tyranny of the majority; (6) moral order of society; and (7) public conscience."

Conclusion

As a form Government, democracy has been praised and criticized by its supporters and opponents respectively. Under democratic system of Government elections are held periodically. Through election meetings, active and hectic canvassing and propaganda the people are politically educated. Thus it has immense educative value. Under democracy people get opportunities in the form of rights for the development of their personalities. Democracy reduces the chances of violent revolutions. Under this type of Government the opposition plays a key role. It always criticizes the policies, programs and activities of the ruling party and thereby keeps it on the right track. It keeps the rulers both responsive and responsible to the needs and requirements of the people. Under this Government, people get training in the art of administration. Democracy promotes the welfare of the people in a better way than it can be done by any other form of Government. It provides such conditions which enable the common man to lead a healthy and decent life. Therefore, the Government should take steps to fulfill the conditions laid down by Dr.B.R.Ambedkar for the success of democracy.

References

1. The term 'executive power' means either (a) those powers of the government which are executive in their nature as distinguished from the legislative and judicial powers of the government or (b) every power which is exercised by the executive as distinguished from powers which are exercised by the legislature and the judiciary.
2. See Part V Chapter I, The Constitution of India.
3. Article 52.
4. Article 53(1).
5. Article 53(2).
6. Article 60.
7. Article 61.
8. Article 74(1).
9. Article 74(2).
10. Article 75(1).
11. Article 75(3).
12. Article 77.
13. Article 78.
14. B.N. Rau, India's Constitution in the Making 375 (1960).
15. Basu, 1 Commentaries on the Constitution of India 32 (5th ed. 1965).
16. K. Santhanam, "The President of India", Vol. III, No. 3 Journal of Constitutional and Parliamentary Studies, 1 (1969).
17. Article 123, The Constitution of India.
18. Basu, 3 Commentaries on the Constitution of India 61 (5th ed. 1965).
19. Articles 79 and 111, The Constitution of India.
20. Articles 352-359.
21. Article 352(1).
22. Article 354.
23. Articles 355 and 357.
24. See articles 356 to 359
25. Article 356(1).
26. See *Bhagat Singh v. Emperor*, A.I.R. 1931 P.C. 111 decided under section 72 of the Government of India Act, 1919. This was followed by the Federal Court in *Basanta Chandra v. Emperor*, A.I.R. 1944 F.C. 86.
27. See Henry W. Holmes Jr., "Powers of President—Myth or Reality," 12 J.I.L.T. 399 (1970).



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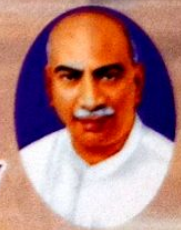
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Dr. B.R. AMBEDKAR AND HUMAN RIGHTS

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Introduction

There are certain rights of the individual which are inherent in his personality. Such rights are called as natural rights. Man is moral and rational being and his very status entitles him to the enjoyment of certain rights, which are called as human rights. The rights are derived from the inherent dignity of the human person and they should be available to man everywhere and at all times. These rights are the necessary condition for the development of human personality and without them man would really not be a man. The ideal of human rights and fundamental freedom is universally accepted and the problem never received so much attention as today. The first documentary use of the phrase "Human Rights" had been in the charter of the United Nations which was adopted at San Francisco on 25th June 1945. But the concept of human rights is not new as this refers to the minimal rights which every individual must have against the State or other public authorities. From times immemorial, the rights of man derived from religion, human experience, observations and reflections have been inspiring people against the oppressive rules and tyranny. Dr. B.R. Ambedkar as the Chairman of Constitution Drafting Committee considered certain rights are essential to safeguard the interests of the less privileged and has incorporated certain human rights as the basic rights of the citizens in the Indian Constitution. In this paper an attempt has been made to enlighten the human rights that has been incorporated in the Indian Constitution under the headings concept of human rights, Indian constitution and human rights, Preamble of Indian Constitution, fundamental rights and directive principles of State policy.

Concept of Human Rights

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. Human Rights is not moral or philosophical principles, it is law. In the event of violation of a rule of law, the society imposes a planned sanction. In case of infringement of human rights, sanctions can be imposed at the national or international level.

Indian Constitution and Human Rights

The Constitution of India, which is the supreme law of the country, has provided almost all human rights to the people. The constitution came in to existence after a very long struggle for freedom from

colonial rule. The Indian nationalism really speaking across from the system of imperialist exploitation from the sharp clash of interest of various sections of the Indian people on the one hand and those of the foreign bourgeoisie on the other. The Indian struggle for freedom was directed against the British colonial rule, racial discrimination and to secure basic human rights for all the people irrespective of race, color, sex, place of birth, caste etc, which were denied by the colonial masters. Even during the freedom struggle, Indians were trying to identify the rights of the people. The Indian National Congress, the main representative body of the nationalists tried to formulate the spectrum of human rights back in 1895 when an unknown author drafted the Constitution of India Bill. Later on, the first normal document of rights came in to existence in the Motilal Nehru Report in 1928 as asked by the Madras Congress (1927). The congress in its session in December 1928 resolved to adopt the Nehru Report. However, it was declared that if the Report was not accepted by the British Government within one year, the congress would opt for complete independence and fight to achieve it by civil disobedience. India having a continental size, its society was highly complex and pluralistic. Indian political leadership was committed to democratic ideas and aspirations. The people were having a various caste, regional, religious, linguistic and other loyalties with the problems of backwardness, poverty and illiteracy. Adding to this was the problem of large number of minorities and under privileged weaker sections who had for long remained depressed under inequitable social conditions. In the wake of partition, the country had witnessed worst communal riots and numerous killing of Muslims and Hindus by each other. In such a socio economic background of India the struggle for freedom was not merely for political independence, it was essentially freedom from want and hunger, from poverty and wretchedness, from exploitation and discrimination. It was a dream of Mahatma Gandhi to have a total revolution - social, economical, political and spiritual. He wanted to wipe every tear from every eye.

Jawaharlal Nehru emphasized on "the ending of poverty and ignorance and disease and inequality of opportunity". Baba Saheb Ambedkar emphasized for social justice, end of discrimination on caste lines, equality and human rights of weaker section of the people. To give real meaning and content to political freedom, on 15 August 1947 it was thought necessary to wage a peaceful war for economic freedom and to build a new social order free from exploitation of man by man. Our constitution was drafted by a Constituent Assembly composed of Indian people. The leadership of the Assembly rested with Nehru, Patel, Prasad and Azad yet the real author of the constitution was a small group of jurists and scholars who did not belong to any political party. Thus the constitution Assembly of India which prepared the constitution of independent India provided in it a strong political institution building for achieving social and economic change and progress through peaceful means.

Preamble of the Indian Constitution

The Preamble of the Constitution of India which outlines the objectives of the constitution States : "We the people of India, having solemnly resolved to constitute India in to a Sovereign, Socialist, Secular, Democratic Republic and to secure to all its citizens : Justice, social, economic and political ; Liberty of thoughts, expression, faith, belief and worship ; Equality of status and of opportunity ; and to promote them all Fraternity assuring the dignity of the individual and the unity and integrity of the nation"; In our constituent Assembly, this 26th Day of November, 1949 do hereby adopt, enact and give to ourselves this constitution."

The Preamble provides the basic glimpses of the human rights as included in the constitution. The Preamble is of great importance as any doubt regarding any article or any provision in the constitution can be cleared and interpreted in the light of the Preamble. It sets out the goal of Indian Government to provide social, economic and political justice to its entire people. The constitution has already included

several provisions in Fundamental Rights chapter and Directive Principles chapter to obtain these objectives. Similarly, the human rights of liberty of thought, expression, belief and faith and worship as well as equality of status and opportunity have been well emphasized and provided in the Constitution of India which are the goals before the Indian Government to be achieved.

The Constitution of India has provided a detailed list of human rights and incorporated them in the form of Fundamental Rights (Part III) and the Directive Principles (Part IV). The Fundamental Rights incorporates Right to Equality, Cultural and Educational Rights and the Right to Constitutional Remedies. The political dimensions of justice are an extension of the legal dimension.

Fundamental Rights

The Constitution of India guarantees Right to Equality which includes equality before the law and equal protection of law to all persons within the territory of India, State cannot discriminate on grounds of religion, race, caste, place of birth, caste or sex. It also provides public places for all without discrimination, equality of opportunity in matters of public appointment or public services, abolition of untouchability and abolition of Titles (Other than that of military and academic). These provisions clearly establish that all citizens have been guaranteed political and social equality. The constitution provides all the citizens against discriminatory treatment and provides them equal opportunity in social and public life.

The Constitution of India provides six fundamental freedoms. They are Freedom of speech and expression, Freedom to assemble peacefully without arms, Freedom to form associations and unions, Freedom to move freely throughout the territory of India, Freedom to reside and settle in any part of India and Freedom to practice any profession, or to carry on any occupation, trade or business.

This provides that no person shall be convicted of any offence except for violation of law in force at the time of Commission of the act. Nobody should be subjected to penalty or punishments greater than that provided under law at the time of offence. This also prohibits punishment on double jeopardy and ex- post facto laws.

The Constitution of India provides that "no person shall be deprived of his life or personal liberty except according to the procedure established by the law". The Right of Life and Personal Liberty is the most fundamental of all Fundamental Rights and it can never be suspended not even during emergency.

It lays down that no person who has been arrested shall be detained in custody without being informed, as soon as may be, of the ground for such arrest. Arrested person shall not be denied the right to consult and to be defended by a legal practitioner of his choice. Each arrested/detained person has to be produced before the magistrate within twenty four hours of such arrest and cannot be kept in custody beyond twenty four hours without the authority of the magistrate. The constitution however provides for arrest in Preventive Detention Act of person committing anti-national activities. In such a case, the initial detention may be of two months (or as fixed by the parliament) and the further detention can only be on the recommendation of an advisory board under the chairmanship of a judge of High Court also having two other High Court Judges as members.

Right against exploitation are prohibition of trafficking of human beings, beggars and forced labor and prohibition of employment of children below the age of fourteen years in factories, mines or other hazardous jobs.

Constitution of India provides freedom of religion under Articles 35 to 38 to all Persons. Freedom of conscience and right to profess, practice and propagate any religion (subject to public order, morality and health); freedom to manage religious affairs, to own and acquire movable and immovable property and to administer such property; and no person shall be compelled to pay and taxes for the promotion

or maintenance of any particular religion. No religious instruction can be provided in an educational institution wholly maintained out of State funds or receiving aid from the State. Similarly there is freedom to attend religious instructions or religious worship to certain educational institutions and nobody shall be forced or compelled to attend any religious instructions or functions.

The cultural and educational rights are protection of the interests of minorities and to enable them to conserve their language, script or culture and right of minorities to establish and administer educational institutions of their choice.

Article 32 grants the right to move to the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by the Constitution. The Supreme Court has been vested with the authority to issue writs, order or directions. The writs in the nature of Habeas Corpus, Mandamus, Prohibition, Quo-Warranto and Certiorari whichever may be appropriate for the enforcement of rights, can be issued by the Supreme Court. Under Article 226 the people can even move to the High Courts for the enforcement of fundamental rights.

Directive Principles of State Policy (Part IV)

The Directive Principles of State Policy which has been provided in part IV of the Constitution aims at realizing the high ideals of justice, liberty, equality and fraternity as outlined in the Preamble of the Constitution. The framers have borrowed these features from the Constitution of Irish Republic. The State cannot be compelled through Courts to implement the Directive Principles of State Policy. Articles 36 to 51 deal with Directive Principles. These cover a wide range of State activity embracing economic, social, legal, educational and international problems.

The Directive Principles which broadly incorporate the socio - economic rights are as much part of human rights. Some of these Directive Principles which show resemblance with human rights are to provide the right to an adequate means of livelihood to all, to ownership and control of the material resources of the community to be so distributed as to secure the common good, prevention of concentration of wealth and means of production, equal pay for work for both men and women, protection of health of workers, protection of children against exploitation, provision for securing right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement, provision for securing just and humane conditions of work and maternity relief, to secure all workers a living wage, better conditions of work and decent standard of life, to secure that legal system promotes justice on the basis of equal opportunity and also provide free legal aid, protection of educational and economic interest of weaker Sections, particularly Scheduled Castes and Scheduled Tribes, to secure uniform civil code, free and compulsory education to all children up to 14 years of age and to provide adequate standard of living and raise level of nutrition and public health.

In consistence with the constitutional provisions, several laws have been enacted to safeguard basic human rights in India, especially the Criminal Procedure Code, Indian Penal Code, the Evidence Act and a large number of social welfare laws. Since India has become a party to the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights by ratifying them, the rights guaranteed and provided in the constitution of India are required to be in conformity with the above of two covenants. It is also an obligation to provide these rights. If we compare these covenants and the rights in the Indian Constitution, we find that many of them have been recognized. These comparisons bear testimony to the fact that there are many similarities in contents and form between the constitutional provision and the provisions of United Declaration of Human Rights and International Covenant on Economics, Social and Cultural Rights. The fundamental Rights substantially cover almost all the civil and political rights enumerated in Article 2 to 21 of the Universal Declaration of Human Rights, and hence can truly be designed as fundamental human rights of India. In order to put to effect the various provisions of human rights enshrined in the Declaration of Human Rights by the United Nations, Universal Declaration of Human Rights, International Covenants on Human Rights, Convention

on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, National Charter for Children, 2003 and the Constitutional provisions relating to Preamble, Fundamental Rights and Directive Principles of State Policy, incorporated to protect the human rights, Human Rights Commission at the National Level and the Human Rights Commission at the State level have been established.

Conclusion

Human right is a global phenomenon. Rights are inherent in nature and have come up in our society over the years. Human rights refer to the fundamental freedoms and basic liberties without which men, women and children cannot live with respect and dignity. All men and women are equal partners in society. They live and grow up here. Members of a society depend upon one another. All human beings are motivated with reason and conscience. The concept of human rights has emerged out of mankind's reasoning and conscience. Everyone has the right to life, liberty and security of person. This means that everyone has the right to live and to live in freedom and safety. The societies are governed by political systems which exercise control over the actions of its members, institutions, and organizations both formal and informal. The responsibility of every government is to ensure and protect the human rights of its citizens. Since the right to life, liberty and security of a person are the fundamental rights of human beings, a Government must ensure these rights for all citizens irrespective of their religion, caste, creed, color, sex, race and place of birth. By incorporating the basic rights in the Preamble, Fundamental Rights and Directive Principles of State Policy in the Indian Constitution Dr.B.R.Ambedkar has ensured certain human rights to the citizens of India.

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