

# The Fundamental Rights under the Indian Constitution and International Covenant

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**Abstract – Indian culture has always recognized certain fundamental human rights, being one of the oldest civilizations in the world. Today's normative protection of human rights in India has developed through time, starting with the struggle for independence and developing further. This section discussed the development of the concept of human rights under the Constitution and the nature and content of fundamental rights and the directives on State Policy, the scope of the human rights enshrined in the Indian constitution, the distinction between constitutional recognition of human rights and the International Charter of Human Rights and constitutional wrongness not specific. The main aim of the article is to brief study on fundamental rights under the Indian constitution and international covenant.**

**Keywords – Human Rights, Indian Constitution, International Covenant**

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## 1. INTRODUCTION

There are now human rights in both the domestic and international spheres. It is considered to be relatively new in the international system, which dates from about 400 years, even if the concept was in the national system. Indian culture has always recognized certain fundamental human rights, being one of the oldest civilizations in the world. Today's normative protection of human rights in India has developed through time, starting with the struggle for independence and developing further. This section discussed the development of the concept of human rights under the Constitution and the nature and content of fundamental rights and the directives on State Policy, the scope of the human rights enshrined in the Indian constitution, the distinction between constitutional recognition of human rights and the International Charter of Human Rights and constitutional wrongness not specific.

Fundamental Rights are the people's fundamental rights, as well as the charter of rights included in Part III of the Indian Constitution. It ensures civil rights so that all Indians may live peacefully and harmoniously as citizens of India. The Indian Constitution recognizes seven fundamental rights, which are listed below.

**1. Equality rights (Articles 14-18):** It comprises equality before the law, the prohibition of discrimination on the basis of religion, race, caste, gender, or place of

birth, equal job opportunities, the elimination of untouchability, and the abolition of titles. From Article 14 through Article 18, the Indian constitution guarantees the right to equality.

## 2. Freedom of expression (Articles 19-22):

It encompasses freedom of expression, assembly, organization, union, or cooperatives, mobility, domicile, and the right to pursue any profession or activity, as well as the right to life and liberty, as well as protection against arrest and imprisonment in certain circumstances. Articles 19 through 22 of the constitution guarantee the right to freedom.

## 3. The right to be free from exploitation (Articles 23-24)

bans all kinds of forced work, child labor, and human trafficking. Articles 23 and 24 of the Indian constitution allow for it.

## 4. Right to religious liberty (Articles 25-28):

Freedom of conscience, free profession, practice, and spread of religion, freedom to administer religious affairs, exemption from some taxes, and exemption from religious teaching in certain educational institutions are all included. The right to religious freedom is enumerated in Articles 25 to 28.

5. **Cultural and educational rights (Articles 29-30):** Preserve every citizen's right to preserve their culture, language, or script, as well as minorities' freedom to create and manage educational institutions of their choosing. Cultural and educational rights are guaranteed under Articles 29 and 30 of the Indian constitution.
6. **Right to constitutional remedies (Article 32):** This is in place to ensure that Fundamental Rights are upheld. Articles 32 through 35 of the Indian constitution allow for it.
7. **Right to Education:** The 86th Constitutional Amendment included the right to education by establishing a new Article 21A in the Chapter on Fundamental Rights in 2002. It is a significant step toward eradicating illiteracy in the nation. However, it was not put into effect until 2009, when Parliament approved the Right to Education Act. This Act seeks to ensure that every child in India between the ages of 6 and 14 who is out of school attends school and gets a decent education, since this is his or her right.
9. To safeguard public property and to abjure violence.
10. To strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavor and achievement.
11. Who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years

## 2. DEVELOPMENT OF THE IDEA OF HUMAN RIGHTS UNDER THE CONSTITUTION OF INDIA

"It has a strong, independent legal system and, in spite of difficulties and failings, works tirelessly to safeguard human rights." "Through its constitutional provisions, India and many other States are dedicated to human rights. In devotion to traditional values and customs, they are not absolute. The Indian Constitution bans some traditional and religious practices, including unfair treatment and decay of lower castes, ensuring equality between women and men. According to the history of human civilization, rights have been found in some form or another throughout history. "Evolution of Rights in India" the aims of enshrining fundamental freedoms and human rights for everyone and everybody even existing in Vedic days were no new idea for India's political thinkers and philosophers, Three civil rights are referred to in the Rig Veda: Tana Body, Skridhi, and Jibhasi (Life). In the Mahabharata we examine the importance of individual freedom or civil rights in a State. Our texts illustrate the idea of Dharma as well as human, community and Caste rights and duties. Indeed, the initial wording of Manus civil and legal rights, including economic rights, extends Arthshastra. "Ancient civilizations like the Indians had a global perspective of human welfare," it is said. The whole universe, according to ancient Indian philosophy, is one big family. Since the globe has been split into political and geographical divisions for administrative reasons, these units, known as States, have had the authority to rule themselves and their people. Individual and state sovereignty were both elements of the state unit. Individuals first submitted to the ultimate institution known as States, or Leviathan as Thomas Hobbes termed it, for the sake of recognition and security of their own. Despotism began to creep into the character of state operations as time went on, and democratic movements began to emerge. Democracy, state accountability, and people's growth have all gotten a lot of attention. During British administration in India, the current type of human rights law arose. "The British looked down on Indian values, myths, mores, and lures as a torch of loathing for some and degrading thought," according to legend, In the exercise of civil and

### Fundamental Duties noted in the Indian Constitution under Article (51A) are as follows.

Every Indian citizen has a responsibility to do so. —

1. To abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.
2. To cherish and follow the noble ideals which inspired our national struggle for freedom.
3. To uphold and protect the sovereignty, unity and integrity of India.
4. To defend the country and render national service when called upon to do so.
5. To promote harmony and the spirit of common brotherhood amongst all the People of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women.
6. To value and preserve the rich heritage of our composite culture.
7. To protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.
8. To develop the scientific temper, humanism and the spirit of inquiry and reform.

political rights, Indians were discriminated against. Enlightened liberation warriors and people of the period, This was criticized in their own distinctive ways, such as Gandhi and others. Gandhi really saw his contribution to India as a service to the human race. In order to achieve basic rights, collective movements were also created. This was originally formalized in the Charter of 1813, which sought to promote the interests and welfare of India's indigenous people.

Similarly, in allowing Indians to participate in governance under certain constraints, the charter law of 1833 afforded them limited political rights. Furthermore, the declaration made by Queen Victoria in 1832 in respect of religion, when she became a secular state, ensured that there were no interference with any religious faith and adoration of any subject, further stating that, because of religious faith and observance, no one was favoured or bothered. It further states that "everyone should be equally and impartially admitted to public posts and be assigned to duties which any subject has the power, education and honesty to carry out." Then the Indian Swaraj Bill of 1895 dealt with free speech, privacy, equality, voting rights and penalty only for certain crimes. The next major shift could be traced back to the Government of India Act 1915, which provided equal opportunities in the public sector in response to the demands for basic rights launched by the National Congress's Home Rule Bill. It was also emphasized that such public service initiatives must not be concerned with religion. The desire for civil rights and equal standing with the Commoners was reiterated by several resolutions approved by the national congress between 1917 and 1919. The Indian National Congress was highly involved in the Montague-Chelmsford Report, which led to the adoption of the Government of India Act of 1919. The Indian National Congress ion released a 'Commonwealth of India Charter' in 1925, enabling the proclamation of an Irish Constitution-influenced bill of law. That was not enough and so in 1927 the Congress of the Indians pushed an inclusion in any future constitutional act of a declaration of fundamental rights.

Thus, with the report of Jawaharlal Nehru, the first official document was produced in 1928. A number, including free primary education, a good salary, maternity protection and child welfare, were included in this research. Therefore, the research may be regarded as a forerunner to the basic rights and the State Policy Directive, later incorporated in the Indian Constitution. Nevertheless, the Simon Committee rejected this proposal and moved the National Congress to hold its next major session in Karachi to endorse a full "Fundamental Rights and Divisions and Economic and Social Change" agenda. The Indian Act of 1935 was drafted as a replacement for the Indian Government Act of 1919 at the same time.

However, no provisions on civil liberties or basic rights were in place under the government of India Act of 1935 that the British deemed an important step forward in India's constitutional evolution. Consequently, it was recommended to include fundamental rights in the British government. The British government promptly denied the request for rights, claiming a different reason from the previous one that of having decided that Prince's States in India opposed such rights being established by the British Government's Statutory Commission.

In 1939, the Second World War broke out, involving Europe and the United Kingdom, and the nation's nationalist aspirations were undermined in India. The issue of the independence of India was re-examined after the war ended in 1945, and in 1946 the Constituent Assembly was formed to draw out an independent India Constitution; In the meanwhile, the SAPRU Committee, founded in 1945, recognized that the constitution of India needs the inclusion of fundamental rights. The report of the Committee distinguished the first approach to the writings of justice and the non-justiciable, which significantly affected the Constituent Assembly. Consequently, a lengthy line of "individual rights" were demanded by the Constituent Assembly.

The Constituent Assembly has been created to intentionally include people with a wide range of skills and experience in order to achieve its goals. The Constitutional Assembly, which wrote the newly independent Constitution of India, has carried out three years of work. The Second World War influenced constitutional development, as did the 1948 Universal Declaration of Human Rights, the 1945-1946 Nuremberg Tribal Crimes and draughts of the 1950 European Convention on Human Rights. The constitutional safeguards of fundamental rights were a foregone outcome in India's protracted battle for political independence. Indian leaders respect significantly the state's ability as a nation and its obligation to create the economic and social circumstances in India that are required to effectively enjoy civil and political rights.

The Committee on Fundamental Rights, as a result of the contradiction between "individual rights" and "individual responsibilities or collective rights," has been allegedly sought refuge in the Irish constitution, leading to the establishment, in Parts III and IV, of the justified and unjustifiable dichotomy. In the context of secularism and federalism, individual rights were exercised which are the cornerstone of the constitutional system of India. While secularism and federalism are macroeconomic concepts, they immediately affect the achievement of personal rights. These two are part of the Indian Constitution's "Basic Structure". After this, "the institutionalization of human rights as an important component of state administration

was one of the greatest achievements of culture of the twentieth century."

The United Nations General Assembly adopted a resolution by 1948 which states that human rights constitute a common objective for all people and nations, and the Universal Declaration on Human Rights (UDHR). Because the UDHR was merely a statement rather than a treaty, nations had to adopt human rights measures in accordance with the obligations of the UN Charter. Human rights, including written constitutions of states, were acknowledged in domestic realms as a consequence of this movement

Fundamental rights were established in order to provide basic rights to individuals that would act as a verification of the government.

At the same time, the Indian Constitution was created that disputed the UDHR, and the architects of the Constitution thus affected the concept of human rights. Due to lack of enforcement mechanisms at the United Nations Human Rights (UDHR), the International Convention on Civil and Political Rights (1966) and the International Convention on Economic, Social and Cultural Rights (1966). The Indian Constitution has long previously established a framework for the implementation of the rights provided for in Part III of the Constitution. The responsibility to take care of the patient is entrenched in the fundamental law of the nation, strengthened and expanded by subsequent common law. By enforcing rights, they'll have greater value. The Supreme Court and the High Court thus have concomitant written jurisdiction over fundamental rights enforcement in accordance with the Constitution. The power of the courts must not be limited to the issuance of letters, but shall have the ability to order, even a declaratory order or instruction, that they consider to be required for the aggravating parties to provide adequate relief. Moreover, in particular, in order to give complete justice for a matter, the Supreme Court of India has the power to make any order, decree, directive or other suitable order. On November 26, 1949, It approved the Indian Constitution, some immediately in force parts, and others in effect on 26 January 1950. As the nation's basic legislation, India has a written constitution. The Constitution should function as a social, juridical and moral document, with legal sanctity, thus it is not transitory in nature and consequently has an end. This means that constitutional power must come from the Constitution and respect the highest Law, including the governments, legislative, judicial and administrative offices and other government organizations. The Constitution's preamble includes the people's significant decisions, pledges and declarations. There is much promise to protect the dignity of the person and to maintain national unity and integrity, most of which are broad ideas in the Declaration, in order to guarantee the social, economic and political justice for all citizens, freedom of thought,

expression, faith, faith and religion for all. The objectives of the Preamble were realized via the provisions of the Constitution, especially in Parts III and IV. Dr B.R. Ambedkar stated in the following terms the importance of fundamental rights. "There is a dual function to basic rights. Firstly, each person must be able to uphold those rights and secondly, all authorities must be able to enforce them. This involves all bodies, including governments, district boards, Panchayats, municipalities and other State tools, being obliged, to safeguard Fundamental Rights.

The Indian Constitution is a constitution which is "transformative." It deals with the administrative principles, rights and extent of the national power. "They aim to 'stock and shape social and economic changes inside India' especially Parts III and IV of the Constitution, that is the Basic Rights and State Policy Directive Principles which are referred to as the 'conscience' of the Constitution. They allow "enormous social and economic change" while safeguarding individual freedoms, including international norms for human rights. In India, the Constitution serves as the basis for the protection of human rights. With the goal of strengthening human rights protection, the government passed the Human Rights Protection Act of 1993. Both in India are regarded as national human rights efforts.

### 3. NATURE AND CONTENTS OF FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF STATE POLICY

Part III's rights have been deemed paramount, 48 sacred, transcendental, inalienable, and inviolable by the court, which serves as a protector of Fundamental Rights. The "individual, his individuality, and those objects branded with his personality must be free from government intervention unless when a legitimate ground for intrusion exists," according to Fundamental Rights. Article 32's remedy is a Fundamental Right in and of itself since it appears in Part III. It is a fundamental duty, not just a capacity, for the Court to safeguard and prevent the violation of Fundamental Rights.

Fundamental rights are not absolute by definition since they are subject to legitimate limitations imposed by the law. The Fundamental Rights must be respected in every laws. Justice Beg said in ADM Jabalpur v. Shukla that the purpose of declaring some broad elements of rights basic is to protect them against unlawful invasion by the state's executive, legislative, or judicial organs. Article 352 of the Constitution allows for the suspension of fundamental rights during the declaration of a national emergency.

Fundamental Rights are those great and fundamental rights that are recognized and protected as natural rights inherent in the position

of a free country's citizen. Part III contains mostly civil and political rights, which are stated in negative terms to prevent the State from denying or limiting individual liberty, while the directive principles are aspirations, which are presented as positive obligations.

The Constitution provides a broad range of fundamental rights, subject to some stated limitations. The goal of enumerating these fundamental rights in the Constitution is to "protect fundamental human rights from the vicissitudes of political controversy and to place them beyond the reach of political parties who, by virtue of their majority, may come to form the government at the Centre or in the State." Part III (Articles 14 to 32) covers a very broad spectrum of human rights. Some of these rights apply to both citizens and non-citizens. Citizens and non-citizens have equal access to the rights granted by Articles 14, 20, 21, 22, and 25 to 28. Enemy aliens are not entitled to the protections afforded by Article 20 against arrest and imprisonment. Apart from that, people have exclusive access to all other rights given by the Constitution.

Articles 14 to 18 cover the right to equality. 60 Citizens have, in accordance with Article 19, the right to "speak and say," "peaceful assembly," the right to "create organizations or unions or cooperation societies," the right "mobility," "residence" and the right to "pursue any profession, business, activity or enterprise." The justifications provided for in Article 19, "reasonable restrictions," Article 20 protects individuals convicted of crimes from retroactive law, more stringent penalties and self-incrimination than those in force at the time the offence has been committed. Article 21 guarantees life and freedom, Even if in compliance with the legal process it may be kidnapped. In the case of *Maneka Gandhi v. Union of India*, the Supreme Court ruled that all procedures on a legal basis were fair, fair and reasonable. Article 21 also provides for a Charter of Unrecognized Rights.

Persons are subject to arbitrary detention and imprisonment in accordance with Article 22. According to Article 23, human trafficking is illegal, as are beggars and other forced labor. Article 24 should ban children's exploitation and work in factories, mines and other harmful working circumstances. Article 25 guarantees the right of everyone, subject to other basic rights of public health, morality and public health, to freedom of conscience, to freely proclaim, practice and encourage all religions of their choice. Each denomination must be given the right, in accordance with Article 26, to manage its business and to form and maintain religious and philanthropic organizations. Article 27 prohibits a person from having to pay any taxes for the promotion or preservation of a particular religion or name. In India, Article 28 prohibits religious instruction in government-funded educational institutions.

Article 29 and Article 30 provide religious and linguistic minorities the right, along with the rights to form and administer their own educational establishment, to preserve and respect their traditional traditions, languages and cultures. The State cannot discriminate when it comes to giving support to minority institutions. "All of the above rights would be worthless without the power to request the court to enforce them." As a consequence, Article 32 allows everyone to seek the enforcement of their basic rights by the Supreme Court of India. Fundamental rights include those "who would eventually be a mirage, but without whom regular laws would not be able to take away." They prohibit the government from acting, whereas directives give the government with a framework within which to function. The State Policy Directive is not in itself justiciable, but "important in the administration of the nation." Article IV of the Constitution was considered a topic of the Fundamental Rights included in Part III from the beginning of the Supreme Court of India.

But since the mid-1970s this attitude has changed. From then on the Supreme Court recognized the applicability of social and economic rights to enjoy fully the basic freedoms of Part III. In light of this change of perspective, the Court found that the Directive Principles of State policy should be interpreted and enforced in conjunction with or in the context of the fundamental rights. As a result, for example, of the rights to life given for in Article 21 of the Indian Constitution, rights to human dignity, education, health care and the healthy and sustainable environment as provided for in Article 21 of the Constitution were included.

In the *Minerva Mills* affair, the Court underlined the additional, complementary and as such a harmonic construction is needed in the principles of the fundamental rights and State Directive. In combination with the fundamental rights, the Directive establishes the fundamental characteristics of the legally designed social order. The distinction between basic rights and state policy principles is not the product of discussions between the first generation and the second generation on human rights. The chapter on basic rights contains many economic, educational or cultural laws, all justified.

The Principles of State Policy include two distinct features. Initially, they cannot be enforced because they offer no legal recourse to compel affirmative action by the State. Secondly, for the government of the country the principles are essential and the legislature must act appropriately. The guidelines for State policies are thus essentially constitutional instruction letters from the final sovereign power of the Indian people to all governmental organizations. Since these concepts are essential to country government, all legislation must be compatible with these principles. The objectives

and aspirations of the preamble have not yet been completely achieved due to structural difficulties, budgetary limitations, reluctance of the political parties to confront backlog and lack of resources for addressing backlogs."

There are five different types of Directive Principles of State Policy. The first category comprises socialist principles that emphasize approaches to addressing socio-economic issues by requiring that States direct their policies to ensure that all citizens, both men and women, live adequately as well as the possession and control of the community's material resources so that they can serve the common good in the best way possible and the functioning of the community.

The State shall, in addition, provide for adequate measures to guarantee the right to work, education and the right to public assistance for unemployment, old people, illness, disability, etc. within its economic capability and development. The State must aim for equitable and acceptable terms of employment and assistance for motherhood. The State must make every effort to ensure the provision of a reasonable standard of quality of life, full employment or recreational, social and cultural opportunities to all employees, whether farmers or laborers.

Gandhi's principles belong to the second group. This is how the State should commit itself to giving the village-based Panchayats power and power to function as self-governing units, promoting and protecting the education and economic interests of the populations of less populous sectors, in particular planned castes and planed tribes, and preventing social injustices and discrimination.

The third group includes basic concepts of social welfare which give priority to the wellbeing of all individuals. Consequently, the State is composed to seek early childhood care and education for all children up to the age of six years; develop modern, scientifically based agriculture and livestock husbandry; ensure that its citizens across India have uniform civil codes; guarantee equal access to courts and free legal assistance to those in need.

The State must, in line with fourth category of international values, promote international peace and security, create just and honourable relations among countries encourage conformity with International Law and treaty commitments by means of arrest. The concept of environmental preservation is part of the latter group. Wild and forest conservation is needed and the environment must be maintained and enhanced. In accordance with Article of the Constitution, states are asked to protect monuments or sites of historical significance from pillage, disfigurement, destruction, removal and disposal. The State Policies Directive is used to organize Parliament and government legislatures' legislation and policies.

#### 4. EXTENT OF HUMAN RIGHTS STANDARDS INCORPORATED UNDER THE CONSTITUTION OF INDIA

The Indian Constitution ensures basic rights which are afterwards labelled as the Constitution in four areas. (Articles 14–18), freedom to explore, freedom of religion and of education, freedom of religion (Articles 25–28) (Articles 29–30), (Articles 29-30), The International Charter of Human Rights has to be studied in order to have sufficient knowledge and awareness of the scope of the human rights standards in the Constitution. Since for these reasons ICCPR protocols 1 and ICESCR are excluded, as the particular process for individual communications is concerned. The ICCPR Protocol 2, which is optional and not ratified by India, on the abolition of death sentence, is likewise exclusive. In line with civil and political rights, the Human Rights Standards in the Indian Constitution begin and continue to respect economic, social and cultural rights referred to in the UDHR, ICCPR, ICESCR and the Indian Constitution..

##### 4.1 Civil and Political Rights

Among other things, the UDHR protects the right to life and freedom. The ICCPR provides for a fundamental right to life which cannot be arbitrarily removed as an addition to the UDHR-guaranteed right to life. The ICCPR requires the protection of the right to life under law and any penalty affecting life may take place only after a final judgment by the competent tribunal. The international Covenant on Political and Civil Rights (ICCPR), those sentenced to death has the chance to beg for forgiveness or to commute their sentence. As a consequence, a death sentence may be issued in all cases with amnesty, pardon, or commuting. More importantly, the ICCPR maintains that the tender age and motherhood of a person, even to the extent that it declares that death penalties for crimes committed by persons under the age of eighteen are not imposed on pregnant women, must be taken into due consideration in the imposing of a death sentence. Article 21 of the Indian Constitution explicitly acknowledges the right to live and freedom and Articles 72 and 161 expressly grant to the President and the Governor authority to grant the President, commute, relieve or refer the sentencing, for the sake of seeking for forgiveness or commuting an offence provided for by the ICCPR. The right to death sentence is not specifically guaranteed by the Constitution for offences committed by persons under age 18 and pregnant women. The Criminal Code of 1973 does, however, acknowledge the ability to appeal the pregnant woman's death penalty. Persons below the age of 18 years are protected by the Juvenile Justice Act from the death penalty.

#### 4.2 Economic, Social and Cultural Rights

All individuals are born free in dignity and equal rights in line with Article 1 of the UDHR. According to Article 1 of the UDHR, human people must behave in a brotherly spirit with reason and conscience. Article 2 of the ICESCR requires Member States, under Article 51A (e), of the Constitution to guarantee that all measures to respect the rights enshrined in the Treaty are progressive and non-discriminatory. First, the right of the States to equal access to the economic, social and cultural rights of men and women under Article 3 of the Convention on Economic, Social and Cultural Rights, In line with Article 38(2) of the Indian Constitution, the government must try, not only for its people but also for its groups who live in diverse areas or who work in different professions, to reduce economic disparities and eliminate gap between them. This suggests that Article 38 is the basis for the concept of non-discrimination.

#### 5. HUMAN RIGHTS UNDER THE CONSTITUTION OF INDIA

On January 26th, the Constitution of independent India went into effect. It is clear that the Universal Declaration of Human Rights had an influence on Part III of the Constitution. India has ratified the Universal Declaration of Human Rights and the following International Covenants on Economic, Social, and Cultural Rights, as well as the Civil and Political Rights established by the United Nations Central Assembly.

The concept of natural rights gave rise to the fundamental rights contained in Part III of the Constitution. Fundamental Rights are the contemporary term for what are known as Natural Rights in the past. Natural Rights, which have been converted into basic rights, function as a constitutional constraint or restriction on the powers of the institutions established by the Constitution or by State action. Fundamental rights have been inextricably linked to judicial review, justification, and enforcement. Because no right to freedom can be unlimited, each basic right has been limited in the aim of ensuring social fairness. In an emergency, the enforcement of basic rights may even be delayed or prohibited.

Part IV of the Constitution's Directive Principles embodies the ideas, ambitions, emotions, precepts, and objectives of our whole liberation struggle. The wisdom of the Constitution's founders in integrating non-justifiable human rights into the concrete form of directive principles was vindicated.

#### 6. INTERNATIONAL HUMAN RIGHTS AND FUNDAMENTAL RIGHTS

On January 1, 1942, India ratified the Universal Declaration of Human Rights. The Fundamental Rights are included in Part III of the Indian Constitution, commonly known as the Magna Carta. These are the rights that can be directly enforced against the government if they are violated. Article 13(2) forbids the state from enacting legislation that violates fundamental rights. It always states that if a portion of a legislation is found to be in violation of the Fundamental Rights, that part of the law would be deemed invalid. If the invalid portion of the act cannot be distinguished from the rest of the act, the whole act may be deemed void.

"The Universal Declaration of Human Rights may not be a legally enforceable document, but it demonstrates how India understood the nature of human rights at the time the Constitution was adopted," the Supreme Court said in *Keshvanand Bharti v. State of Kerala*.

In the case of *Chairman, Railway Board & Ors. v. Chandrima Das & Ors.*, it was stated that the UDHR has been recognized by the United Nations General Assembly as a Model Code of Conduct. If necessary, the principles may have to be read in domestic jurisprudence.

Brief Description of Provision	UDHR	COI
Equality and equal protection before law	Article 7	Article 14
Remedies for violation of Fundamental Rights	Article 8	Article 32
Right to Life and personal liberty	Article 9	Article 21
Protection in respect for conviction of offences	Article 11(2)	Article 20(1)
Right to property	Article 17	Earlier a Fundamental Right under Article 31

Many of the civil and political rights included in the International Covenant on Civil and Political Rights (ICCPR) are also enshrined in Part III of India's Constitution. The ICCPR has been signed and approved by India.

#### CONCLUSION

Human rights are now penetrated both nationally and internationally. The concept has been stated to be present in national systems, although it is based on recent beginnings and has been in the international system for some 400 years. Some basic rights of the people have always been recognised as an Indian civilisation, one of the earliest civilizations. In India, the current normative protection of human rights has developed ever

since the time of the struggle for independence and then later on. The present study examines the evolvement of the concept of human rights according to the Constitution, the nature and content of fundamental rights and the State Policy Directive, the distinction between human rights under the Indian Constitution, and the International Charter on Human Rights and the Constitution.

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