

BATU-EXAM

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Basic Human Rights Department

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1. Preamble of the Constitution of India

The Preamble to the Constitution of India serves as a brief introductory statement that sets out the guiding principles and purpose of the document. Adopted on November 26, 1949, and coming into effect on January 26, 1950, the Preamble states:

“We, the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens:

Justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship;

Equality of status and of opportunity; and to promote among them all

Fraternity assuring the dignity of the individual and the unity and integrity of the Nation;

In our Constituent Assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution.”

The Preamble highlights several key aspects:

- Sovereign: India is fully independent and not subject to external control.
- Socialist: The term signifies the commitment to social welfare and economic equality, with the aim of reducing income disparities.
- Secular: The state maintains an equal distance from all religions and does not endorse or support any religion.
- Democratic: Power is vested in the people, who exercise it through elected representatives.
- Republic: The head of state is elected, not a hereditary monarch.

The Preamble also articulates the core values the Constitution aims to promote:

- Justice: In social, economic, and political spheres.
- Liberty: Ensuring freedom of thought, expression, belief, faith, and worship.
- Equality: Guaranteeing equality of status and opportunity to all citizens.
- Fraternity: Promoting a sense of brotherhood among all citizens, ensuring the dignity of the individual and the unity and integrity of the nation.

2. Directive Principles of State Policy

The Directive Principles of State Policy (DPSP) are outlined in Part IV (Articles 36-51) of the Indian Constitution. They are non-justiciable, meaning they cannot be enforced by any court, but they are fundamental in the governance of the country and aim to establish social and economic democracy. The DPSP guide the state in making laws and policies. Key principles include:

- **Economic Welfare: Articles 38 and 39** emphasize securing a just social order, equitable distribution of wealth, and preventing the concentration of wealth.
- **Social Welfare: Article 41** provides for the right to work, education, and public assistance in certain cases like unemployment, old age, and sickness.
- **Health and Education: Article 45** emphasizes free and compulsory education for children, while **Article 47** focuses on improving public health and nutrition.
- **Environmental Protection: Article 48A** mandates the state to protect and improve the environment and safeguard forests and wildlife.
- **Promotion of Justice: Article 39A** promotes equal justice and free legal aid.
- **Village Panchayats: Article 40** encourages the organization of village panchayats as units of self-government.

These principles aim to ensure that the state works towards providing a decent standard of living, social justice, and an equitable society.

3. National Human Rights Commission in India

The National Human Rights Commission (NHRC) of India is an autonomous body established on October 12, 1993, under the Protection of Human Rights Act, 1993. Its main role is to protect and promote human rights in the country. Key features and functions include:

- **Composition:** The NHRC is composed of a Chairperson (a former Chief Justice of India), four full-time members (including a former judge of the Supreme Court and a former Chief Justice of a High Court), and various ex-officio members from national commissions related to minorities, scheduled castes, scheduled tribes, and women.
- **Functions:**
 - Investigating complaints or taking suo moto action on issues related to human rights violations.
 - Intervening in court proceedings involving human rights issues.
 - Conducting research and promoting awareness about human rights through seminars, workshops, and publications.
 - Advising the government on legislation and policies affecting human rights.
- **Powers:** The NHRC has the power to summon witnesses, require the production of documents, visit detention facilities to inspect living conditions, and recommend prosecution or other actions against offenders.
- **Reports:** The Commission submits annual and special reports to the government, suggesting actions to address human rights issues.

The NHRC acts as a watchdog for the protection of human rights, ensuring the government remains accountable to its citizens in upholding human rights standards.

4. Contribution of India to the Universal Declaration of Human Rights

India played a crucial role in the development and adoption of the Universal Declaration of Human Rights (UDHR) in 1948. Key contributions include:

- **Drafting Committee:** Hansa Mehta, an Indian freedom fighter and educator, was a significant member of the drafting committee. She advocated for the inclusion of gender-neutral language, ensuring that the rights outlined in the UDHR applied equally to men and women. For instance, she successfully lobbied to change the phrase "all men are created equal" to "all human beings are born free and equal in dignity and rights."
- **Philosophical Influence:** Indian culture and philosophy, with its emphasis on universalism, non-violence (Ahimsa), and the dignity of the individual, deeply influenced the principles of the UDHR. Leaders like Mahatma Gandhi promoted these values, which were reflected in the declaration.
- **Active Participation:** India actively participated in the debates and discussions leading to the adoption of the UDHR. Indian representatives stressed the importance of including social, economic, and cultural rights alongside civil and political rights, recognizing the interconnectedness of all human rights.

India's involvement ensured that the UDHR became a comprehensive document reflecting diverse perspectives and emphasizing the universal applicability of human rights.

5. State Human Rights Commission

The State Human Rights Commission (SHRC) is established under the Protection of Human Rights Act, 1993, for the protection and promotion of human rights at the state level. Each state in India can set up its SHRC to handle human rights issues specific to that state. Key aspects include:

- **Composition:** The SHRC typically consists of a Chairperson, who is a retired Chief Justice or Judge of a High Court, and members with experience in human rights matters. The composition ensures that the commission is led by individuals with legal expertise and a commitment to human rights.
- **Functions:**
 - Investigating complaints of human rights violations within the state.
 - Reviewing state laws and suggesting changes to ensure they align with human rights principles.
 - Promoting awareness about human rights among the public through education and outreach programs.
 - Advising the state government on human rights issues and policies.
- **Powers:** Similar to the NHRC, the SHRC has the power to summon witnesses, call for documents, and visit detention facilities to inspect conditions. It can also recommend actions or legal proceedings against those responsible for human rights violations.
- **Reports:** The SHRC submits annual and special reports to the state government, highlighting human rights issues and recommending measures for improvement. These reports aim to influence state policy and ensure accountability in addressing human rights concerns.

The SHRC plays a crucial role in monitoring and promoting human rights at the state level, addressing local issues and working towards better protection of individuals' rights.

6. Fundamental Duties

Fundamental Duties are listed in Article 51A of the Indian Constitution, added by the 42nd Amendment in 1976. These duties are moral obligations for all citizens to promote a sense of discipline and commitment to the nation. The eleven fundamental duties include:

- **Respect National Symbols:** To abide by the Constitution, respect its ideals and institutions, the national flag, and the national anthem.
- **Cherish Heritage:** To cherish and follow the noble ideals that inspired the national struggle for freedom.
- **Uphold Unity:** To uphold and protect the sovereignty, unity, and integrity of India.
- **Defend the Country:** To defend the country and render national service when called upon to do so.
- **Promote Harmony:** To promote harmony and the spirit of common brotherhood among all the people of India, transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to the dignity of women.
- **Preserve Culture:** To value and preserve the rich heritage of our composite culture.
- **Protect Environment:** To protect and improve the natural environment including forests, lakes, rivers, and wildlife, and to have compassion for living creatures.
- **Develop Scientific Temper:** To develop the scientific temper, humanism, and the spirit of inquiry and reform.
- **Safeguard Public Property:** To safeguard public property and to abjure violence.
- **Strive for Excellence:** 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.
- **Duty of Parents and Guardians:** To provide opportunities for education to their child or ward between the age of six and fourteen years.

These duties complement the Fundamental Rights and aim to foster a sense of responsibility and citizenship among Indians.

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