UNIT 7  FUNDAMENTAL RIGHTS AND THE DIRECTIVE PRINCIPLES

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7.0 OBJECTIVES

In this Unit we shall:

- study the manner in which human rights are assured by the Constitution,
- explore Parts III and IV of the Constitution on Fundamental Rights and Directive Principles, respectively, to understand the nature of rights guaranteed,
- explore the section on Fundamental Duties to assess their implications for the rights guaranteed in the previous sections, and
- analyse the extent to which the right to human dignity sought by such constitutional guarantees has been achieved.
Both the Fundamental Rights in Part III and the Directive Principles in Part IV of the Constitution seek to bring into practice the principles of human rights assuring to each individual a life of dignity. The idea of rights as a claim to a life of freedom and dignity, irrespective of one's caste, race, birth, class, gender etc, became influential in the struggle against the colonial rule. The colonial rule was based on the 'rule of difference'. This meant that while the rule of law and the rights to liberty and equality were assured within Britain, the same principles did not apply in the colonies. The struggle for national liberation upheld the principles of equality, and considered it rightful to resist an 'immoral' rule which denied the life of dignity to the colonised people. The movement for national liberation sought to bring in conditions where the Indian people could be assured rights by virtue of being human. The Fundamental Rights and Directive Principles are reflections of this aspiration. In the sections which follow, we shall elaborate on the manner in which human dignity and equality are sought in both these parts.

7.2 THE CONSTITUTION AS THE SOURCE OF RIGHTS

The principles of human dignity and equality in the Constitution have been enshrined in the provision of some fundamental rights to all Indians and the promise of ushering in conditions in which these rights can be effective. By assuring these basic conditions of dignified human existence within a framework of rights, protected by a democratic government working within the framework of the rule of law, the Constitution transformed the status of the people of India. Thus (a) Indians are no longer colonial subjects and as citizens of India are free and equal members of a sovereign nation, and (b) A large majority of Indians deprived of dignified human existence within oppressive caste and feudal structures became, for the first time, equal citizens of the nation.

It is frequently claimed that the Preamble, Fundamental Rights and Directive Principles embody the values of freedom, equality, and economic and social justice which are necessary for the effective exercise of rights. In the Preamble of the Constitution, for instance, the people of India 'give to themselves' the Constitution and make the 'solemn' declaration to 'secure to all its citizens', justice, liberty and equality, and fraternity 'assuring the dignity of the individual'. The people of India are made the source of all authority. The government derives the authority to rule from the people and governs to uphold the rule of law. The Constitution thus makes it amply clear that the emerging nation was to be characterised by democratic processes where the relationship among people, and between the people and the state was bound by mutual trust and the obligation to respect the rights of citizens.

Check Your Progress 1

1. How does the Constitution assure dignity and rights to the people of India?

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7.3 FUNDAMENTAL RIGHTS AS HUMAN RIGHTS

We pointed out in the previous section the difference which the Constitution made to the status of Indians by making them free and equal citizens of a sovereign nation. This implied that every member of the national community was equal in all respects. The status of citizen thus redefined in several ways the relationship among people, and that of the people with the state.

7.3.1 Constitution and the Caste System

It assured first of all a ‘horizontal’ equality among people, ironing out the inequalities which had historically permeated the social structure in India. Historically, the caste system has determined social relations in India and contributed to the unequal distribution of privileges and power in society. It created a hierarchy of purity and pollution so that those at the bottom of this hierarchy of castes were forced to live a life of indignity and servility. These social inequalities were also reflected in the pattern of ownership of the means of production and livelihood. A feudal relationship of production thus permitted the exploitation of peasants and labourers by the owners of land who also belonged to the upper castes. Struggles against colonial rule frequently took the form of resistance against the combined repression of the brahmanical-feudal-colonial rulers. They focussed attention on freedom from the repressive caste and feudal system and a life of dignity where opportunities for education, occupation and improvement of economic status would be available to all.

7.3.2 Constitution and the Indian Women

Apart from the injustices of an iniquitous caste system, the Constitution has also sought to erase injustices and inequalities suffered by women. Historically entrenched patriarchal structures have generated the belief that women have separate spheres of activity and their biological constitution and emotional qualities make them unsuitable for public life. Such beliefs have for innumerable years denied women access to economic, political and educational opportunities. The large scale participation by women in freedom struggle and their simultaneous struggle to break the barriers to educational opportunities and political rights from the latter half of the nineteenth century paved the ground for the explicit mention of gender equality in the Constitution.

7.3.3 Liberty from All Types of Bondage

We have since our school days been taught to think of India as a nation with a plurality of cultures and religious beliefs. The Constitution has sought to give due freedom to religious communities to preserve their ideas and culture.

Part III of the Constitution on Fundamental Rights aims to give liberty from bondage of caste and class, equality for all irrespective of caste, gender and religion, and social justice. It has sought to give effect to the promise which the citizens make in the Preamble i.e. to assure a life of liberty, equality, justice and dignity.

7.3.4 Special Status of Fundamental Rights

It is important to point out that ‘Fundamental Rights’ enumerated in the Constitution enjoy a very special status. They set the parameters of obligations and responsibilities which a modern state owes to its citizens. If the state fails in its obligation to assure these rights to any of its citizens, the latter can appeal to the courts and they in turn can instruct the government to restore the
rights. It is in this sense that the Fundamental Rights are 'justiciable' and here lies the difference in the ways in which Fundamental Rights and Directive Principles have been incorporated in the Constitution.

Further, Article 13 explicitly lays down that the Fundamental Rights intend to protect these inherent rights and freedom of individual from any arbitrary violations by the State. Clause 2 of Article 13 states that the 'State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause, shall to the extent of the contravention, be void.' Articles 12 to 35 which constitute the Chapter on Fundamental Rights have been categorised into six groups viz., (a) Right to Equality (Articles 14 to 18), (b) Right to Freedom (Articles 19 to 22), (c) Right against Exploitation (Articles 23 and 24), (d) Right to Freedom of Religion (Articles 25 to 28), (e) Cultural and Educational Rights, (Articles 29 and 30), and (f) Right to Constitutional Remedies (Articles 32 to 35). Let us take up each group separately.

7.3.5 Right to Equality

The Right to Equality guaranteed by Articles 14 to 18 has two important elements: (a) it subscribes to the ideal of equality of all human beings, and (b) it also recognises that certain conditions viz a person's caste, restrict equality in real life. The Preamble declares that 'equality of status and opportunity' shall be given to every citizen. It implies that equality should not be merely formal but adequate and positive steps should be taken by the state to make it substantive. Thus, Article 14 promises to every citizen 'equality before the law or the equal protection of law'. Article 15 assures that 'the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth' and Article 16 likewise guarantees 'equality of opportunity in matters of public employment'. These articles, as we can see, assure a formal equality of status among individuals. In order to make this formal status effective, the articles carry clauses which aim at erasing inequalities which are brought about by circumstances of caste, gender, religion etc. Thus, Clause 3 in Article 15 reserves for the State the discretion to provide special provisions for women and children. Clause 4 added by the Constitution (First Amendment) Act, 1951 authorises the state to make special provisions for the advancement of the socially and educationally backward classes of citizens, i.e., for the Scheduled Castes and Scheduled Tribes. Article 17 abolishes 'untouchability', and forbids its practice in any form. The Untouchability (Offences) Act 1955 and its later form, Protection of Civil Rights Act, 1976, are the parliamentary laws which have sought to give effect to this principle in the Constitution.

7.3.6 Right to Freedom

The Right to Freedom constituted by Articles 19 to 22 give six basic freedoms: (a) freedom of speech and expression; (b) freedom to assemble peaceably and without arms; (c) freedom to form associations or unions; (d) freedom to move freely throughout the territory of India; (e) freedom to reside and settle in any part of the territory of India; and (f) freedom to practice any profession, or carry on any occupation, trade or business. Clauses 2 to 6 of the Article, however, subject these freedoms to 'reasonable restrictions' by the state. The state is thus empowered to restrict these freedoms in the interest of the 'sovereignty and integrity of India', 'security of the state', 'public order', and 'general interest of the public'. Articles 20, 21 and 22 give to citizens 'protection in respect of conviction of offences', 'protection of life and personal liberty' and 'protection against arrests and detention in certain cases', respectively. It is important to point out here that Article 22 provides for certain 'protections' or rights of the arrested or detained persons viz., right to be informed of the grounds of arrest, right to consult and be defended by a lawyer, right to be presented before a magistrate within 24 hours etc. These rights are, however, withheld from
'enemy aliens' and persons who are 'arrested or detained under any law providing for preventive detention' [Article 22, Clause 3(b)]. It is thus ironical that the fundamental right to freedom carries within itself the conditions under which it can be dismantled. The history of the numerous laws of Preventive Detention in India from the Maintenance of Internal Security Act (MISA, 1971) through National Security Act (NSA, 1980) and Terrorist and Disruptive Activities (prevention) Act (TADA, 1985), has shown that more often than not these laws have been used by the ruling powers indiscriminately. Often they have been used to quell political opposition and for purposes other than those stated as the objects of the Acts.

7.3.7 Right against Exploitation

Articles 23 and 4 are categorised as Right against Exploitation and assure important guarantees against 'traffic in human beings' and 'forced labour'. Slavery and other forms of servitude like 'begar' and 'bonded labour' have violated the dignity of entire communities or groups of people held in servility for generations. Article 23 is significant since it protects the right of children below 14 years against employment in factories, mines or other hazardous workplaces. It is important to point out again that despite these Constitutional provisions, exploitation of child labour in life-threatening and debilitating conditions, like fireworks industry and carpet making industry, continues unabated.

7.3.8 Right to Constitutional Remedies

Articles 32, 33, 34 and 35 titled Right to Constitutional Remedies give to the citizens the right to move the Supreme Court 'for the enforcement of the rights conferred' in Part III of the Constitution (Article 32). They also confer on the Parliament the power to modify the Fundamental Rights in their application to the Armed Forces, or in areas under Martial Law and also to enact laws to give effect to the Fundamental Rights.

7.3.9 Religious and Minority Rights

Let us now turn to Articles 25 to 30. It is often said that Articles 14 to 24 cater to the rights of individuals while Articles 25 to 30 concern themselves with the special rights of religious-cultural communities. A closer reading of the articles would, however, show that there is in fact, no separation and the seemingly individual catering rights are interwoven with a commitment to community rights. If, for example, one looks at Articles 14 and 15, one sees that they assure equality before the law for every citizen and seek to substantiate this equality by prohibiting discrimination based on caste, religion, race etc, thus mitigating differences provided by social contexts. Articles 25 to 30 concern themselves with freedom of religion and minority rights assuring freedom of conscience, the freedom to religious communities to establish and maintain religious institutions and to 'manage their own affairs in matters of religion', to acquire and administer property, impart religious education, preserve their language, script, culture etc. This cluster of rights deals explicitly with the rights of religious and cultural communities and minority groups and also forms the basis of the rights of religious communities to administer themselves in civil matters, i.e., matters relating to marriage, divorce, property, custody, inheritance etc, by their own 'personal laws'.

7.3.10 Fundamental Rights to All 'Persons'

It may be pointed out here, that in the tradition of international human rights, the Indian Constitution guarantees some Fundamental Rights to all 'persons' irrespective of whether they are Indian citizens or not. These rights pertain to equality before law and equal protection of all laws...
(Article 14), protection in respect of conviction of offences (Article 21), protection against arrest and detention in certain cases (Article 22), freedom of religion (Articles 25-28) etc. Some rights, however, like those pertaining to protection against discrimination on grounds of religion, race, caste, sex or place of birth (Article 15), equality of opportunity in the matter of public employment (Article 16) and freedom of speech and expression, assembly, association, movement, residence and profession (Article 19), can be claimed only by citizens.

7.3.11 Equality with Social Justice

The Constitution has thus sought to supplement equality with social justice. Thus, social and religious communities were given the right to be culturally different. Caste communities were compensated for past discriminations and segregation by including them in the body politic as equal citizens. This equality was assured by giving them special provisions to overcome circumstantial disabilities. It was to ensure that communities (e.g. Scheduled Castes or Dalits) which had in the past been victims of social discrimination and continue to be disadvantaged, would be able to compete on equal terms with the rest of society.

Check Your Progress 2

1. Equality is an important principle underlying human rights. How has the Constitution sought to mitigate historically rooted inequalities for different sections of people?

2. How have the Fundamental Rights in the Constitution assured a dignified human existence to all?

7.4 DIRECTIVE PRINCIPLES OF STATE POLICY

Articles 36 to 51 in Part IV of the Constitution constitute the Directive Principles of State Policy. The Directive Principles are different from Fundamental Rights in the sense that they are not, as Article 37 puts it, ‘enforceable’ by any Court. Unlike the Fundamental Rights which are addressed to the citizens who can appeal to the Supreme Court in case of violation of their rights, the Directive Principles are addressed to the State and do not automatically vest in the citizens as a matter of right. They are, ‘nevertheless’, as Article 37 says, ‘fundamental in the governance of the country’ and the state is expected to ‘apply these principles in making laws’.

The Directive Principles serve as reminders to future governments to bring about conditions of equality and social justice. Article 38 enjoins the state ‘to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all institutions of the national life’. By and large, the Directive Principles envisage an active role of the State in providing a range of socially ameliorative or welfare rights. These include access to an adequate means of livelihood, equal pay for equal work, health and strength of workers, living wage for workers, provision of just and humane conditions
of work, right to work, to education, to public assistance, to equal justice and free legal aid, to adequate nutrition and health etc.

7.4.1 Commitment to the Individual and the Community

Like the rights in the previous section, the principles of governance in this section show a ‘simultaneous commitment’ to both the cultural community and the individual citizen. Article 38, for example, directs the State to commit itself to ‘promote the welfare of the people’ by promoting a ‘social order’ in which ‘justice, social, economic and political, shall inform all the institutions of the national life’. To achieve this, the State is asked to ‘strive to minimise inequalities of income’ and also ‘eliminate inequalities in status, facilities and opportunities’. The significant reminder, however, is that this justice and equality is to be achieved ‘not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations’. Article 46 likewise instructs the State to ‘promote with special care the educational and economic interests of the weaker sections of the people and in particular, of the Scheduled Castes and Tribes’ and ‘protect them from social injustice and all forms of exploitation’.

Check Your Progress 3

1. How do Directive Principles substantiate the rights already assured by the Fundamental Rights?

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7.5 FUNDAMENTAL DUTIES

Following the recommendations of Swaran Singh Committee, a new section, Part IV A, on Fundamental Duties, was added to the Constitution. It consists of a single Article (51 A) containing a charter of ten Fundamental Duties for citizens. The legal status of Fundamental Duties is quite similar to Directive Principles, which as we know, are instructions addressed to the State, and it is not legally bound to follow these instructions. The Fundamental Duties are also in the nature of instructions, but addressed to the citizens; they too have no legal sanction in the sense that the State is not expected to monitor the citizens to see if the duties are being carried out.

The underlying principle of Fundamental Duties appears to be that the individual exercising their rights must respect the rights of other members of the community. Thus, a person cannot injure the religious sentiments of another person by way of speech or writing and assert that they are protected by their right to freedom of expression under Article 19. Although there are no provisions in the Constitution for their enforcement, any law seeking to prohibit the violation of Fundamental Duties, can be upheld by the Courts, even if the law restricts a Fundamental Right. We may also point out here that under the provisions of Article 31 C, a law seeking to implement the Directive Principles, and imposing in the process a restriction on a Fundamental Right, would similarly be upheld by the Courts.

7.5.1 Implications of Inclusion of Fundamental Duties

Before coming to the specific duties listed in the section on Fundamental Duties, let us examine the implications of its inclusion. The insertion of a specific section on duties lays down some
obligations which a citizen is expected to fulfill while enjoying their Fundamental Rights. It also declares adherence to Article 29 (1) of the Universal Declaration of Human Rights which holds that ‘Everyone has duties to the community in which alone the free and full development of his personality is possible’. The Constitutions of Japan, USSR and China have separate charters on Rights.

It may be mentioned, however, that irrespective of the specific duties added by Article 51 A, the Constitution shows an expectation of ‘responsible’ participation by the people. It inheres, for example, in the promise which the ‘people of India’ make in the Preamble, to each other and to the nation. Thus, the pledge to constitute India into a ‘Sovereign, Socialist, Secular, Democratic Republic’ involves ‘securing to all its citizens’ justice, liberty, equality and fraternity. This in turn is geared towards achieving the ‘dignity of the individual’ and ‘national integrity’.

Most Fundamental Rights provided by the Constitution are an expression of this ‘solemn resolve’ of the people of India as declared in the Preamble. They include, therefore, a corresponding duty so that the aims of equality, liberty, justice etc. are secured in a manner that the dignity of the individual is not affronted and national integrity not compromised. The various rights to freedom in the Constitution would, for example, involve corresponding duties whereby the exercise of this right does not encroach on similar rights of others or endanger national security, public order, etc. Also, the Directive Principles which aim at building a just society also give expression to the promise which the people of India made to each other in the Preamble. Even before the insertion of Article 51 A, therefore, the Supreme Court observed that it was ‘fallacy to think that under our Constitution there are only rights and no duties. The provisions in Part IV enable the Legislatures to impose various duties on the citizens. The mandate of our Constitution is to build a welfare society and that object may be achieved to the extent that Directive Principles are implemented by legislation’ (Chandra Bhavan vs. State of Mysore, 1970, S.C., 2042).

7.5.2 Concept of Duty as a Part of Indian Political Tradition

The idea that duties and rights go together and that one cannot expect to enjoy rights without allowing oneself to be subject to obligations is part of the political tradition in India, where the notion of dharma (duty), whether rajadharma of the king or a reciprocal dharma of the praja took precedence over the notion of adhikar (right). Gandhi, for example, asserted what he learned from his ‘illiterate but wise mother’, that ‘all rights to be deserved and preserved come from duty well done’. ‘Thus the very right to live accrues to us’, expressed Gandhi, ‘when we do the duty of citizenship to the world. From this one fundamental statement, perhaps it is easy enough to define duties of man and woman and correlate every right to some corresponding duty to be first performed.’ (M.K.Gandhi The Harijan, 7 June 1948).

7.5.3 Recent Literature on the Importance of Duties

A strand in a growing body of literature on ‘citizenship and rights’ has also emphasised the importance of duties in the assurance of rights. These writings stress that ‘active’ and ‘responsible’ participation in public life is required to usher in conditions of social justice, equality and human dignity. Responsible participation would manifest itself in diverse social situations viz., how citizens view or act in the midst of competing forms of national, regional, ethnic, or religious identities; their ability to work with others who are different from themselves; their desire to participate in the political process to promote the public good and hold political authorities accountable; their willingness to show self-restraint and exercise personal responsibility in their economic demands and personal choices which affect their health and environment etc.
7.5.4 Range and Type of Duties

The duties which are incorporated in the Indian Constitution by the Forty Second Amendment range from asking individuals to develop their personalities to seeking a meaningful role for the nation in the world order. Some of these duties enjoining individuals to strive towards 'excellence' and developing 'scientific temper' or safeguarding 'public property' appear generally to instill sincerity and responsibility. A general slant is, however, towards imbibing a sense of national commonality. It is thus a duty of every citizen of India to respect symbols of national unity like the national flag, the constitution and the National Anthem, and sources of common heritage like the 'national struggle for freedom' and the tradition of 'composite culture'. Citizens are also expected to preserve the 'sovereignty' and 'unity' of the country not only by pledging to 'defend' the country and offering 'national service' but also by spreading a feeling of 'common brotherhood'.

Check Your Progress 4

1. ‘...... all rights to be deserved and preserved come from duty well done’. How has the notion of duties influenced the manner in which rights are understood?

7.6 ROADS TO A HUMAN EXISTENCE

A number of factors viz., inadequacies within the Constitution, and social-economic inequalities of caste, class, religion, gender etc, make a uniform application of human rights difficult. The State may also fail to provide the resources for the realisation of human rights and alternatively, it may, through its institutions become an aggressor and violator of rights. A number of scholars feel that the sections on Fundamental Rights and Directive Principles are inadequate in protecting human dignity.

7.6.1 Inadequacies of Fundamental Rights and Directive Principles

A.R.Desai emphasises that not only are rights not reserved to the people, there is no preservation of the Fundamental Rights already guaranteed to them. The Constitution itself provides the procedure for their amendment and over-riding by the State. Further, the Directive Principles are not addressed to the people. The people cannot, therefore, have the courts instruct the government to provide for humane conditions of life. Again, asserts Desai, while there is no explicit system of accountability for the State, the people are given some 'fundamental duties' which could be used by governments to abridge people's rights. Finally, the fact that certain rights such as rights to work, shelter, education and medical amenities are not made 'fundamental' denies the poor the essential conditions for a truly human existence. Large sections of 'toiling' masses i.e. the socially and economically underprivileged, including women, are forced thus to live in conditions in which their human rights remain unrealised.

7.6.2 Preventive Detention and Violation of Fundamental Rights

Coupled with this are the extraordinary powers of policing which the State acquires under the provision for preventive detention, ironically in Part III of the Constitution (Article 22).
Preventive detention is intended as a ‘protective’ measure whereby the government can arrest a person to prevent the commission of a crime. Experiences with preventive detention laws like MISA, NSA, and TADA, have shown that frequently these laws are used to bypass normal legal procedures and detain innocent persons, often political rivals, without trial, for long periods.

7.6.3 Violation of the Rights of the Poor and the Disadvantaged

The rights of the poor and the disadvantaged, including women, children, dalits, tribals and minorities are frequently violated. Despite the existence of Commissions to look after the interests of specific groups, viz., the Minorities Commission, the National Commission for Women, etc, and the enactment of laws like the Prevention of Atrocities Act, 1989 to stop offences against dalits and tribals, and Prevention of Immoral Traffic Act, the Sati Prevention Act, Dowry Prohibition Act etc, crimes against dalits and women have not ceased. Similarly, despite the Bonded Labour (Regulation and Abolition) Act, 1979 banning bonded labour, and various labour laws (Regulation of Industrial Disputes Act and the Trade Union Act), and provisions against child labour, the exploitation of these sections has not abated.

7.6.4 Human Rights and People’s Struggles

This, however, does not mean that human rights is a static category. The history of human rights as a system of equality against hierarchical and ascriptive inequalities has shown that rights are substantiated by people’s struggles. Workers movements worldwide have contributed towards the regulation of work hours, amelioration of work conditions and welfare measures for industrial workers. Popular movements and struggles to redefine and enlarge the frontiers of human rights have also occurred in India. The women’s movement, the dalit movement, the environmental movement, the peasant movement etc have had important bearings on the definition of the nature and substance of rights. The struggles by the people of Narmada valley against the building of Sardar Sarovar Dam, for example, highlights the right of the people of the valley to protest against their displacement and their refusal to give up their identity, history, culture and means of livelihood.

7.6.5 Role played by an Activist Judiciary

Over the years a number of governmental institutions have also contributed towards the broadening of the scope of citizens’ rights. In recent years, the Supreme Court has positively responded to the Social Action Litigations (SALs) and Public Interest Litigations (PILs) brought by Non-Governmental Organisations (NGOs) or concerned individuals, adding new facets to human rights. From the late 1970s, for instance, the Supreme Court reversed the existing legal attitude towards prisoners to give them ‘all rights enjoyed by free citizens except those which explicitly taken away by the terms of their sentence’ (Charles Sobraj vs. Superintendent, Central Jail, Tihar, AIR, 1978, SC, 1514). It has similarly passed orders prohibiting child labour, sexual harassment of women and protection of environment.

7.6.6 Role of the National Commission for Women

The National Commission for Women, set up in 1992, under a Parliamentary Act (The National Commission for Women Act, 1990) has concerned itself with women’s rights under the Constitution and issues of women’s socio-economic conditions, health and violence against them. Over the years, the Commission has taken up cases of violence, torture and harassment of women including molestation, rape, dowry related violence, custodial rape and death, torture and harassment within family, in the workplace, and issues of women’s legal and political rights for investigation and redemption.
7.6.7 National Human Rights Commission (NHRC)

The National Human Rights Commission is another institution established by an Act of Parliament (The National Human Rights Act, 1993) to inquire into violations of people's rights. Institutions like the National Commission for Women and National Human Rights Commission, when effectively used or pressurised by the people, could contribute towards supplementing human rights.

Check Your Progress 5

1. How can human rights as enshrined in the Constitution be made effective?

7.7 LET US SUM UP

The Constitution of India laid down an elaborate set of rights for the people of India. The idea that there are certain basic rights essential for a human existence which inhere in the individual are manifested in Part III of the Constitution on Fundamental Rights. This part assures to the people equality and freedom. The Directive Principles seek to make these rights substantive by enjoining future governments to bring in conditions of social and economic justice. The Fundamental Duties attempt to instill among individuals a sense of responsibility towards fellow members of the community. It may, however, be noted that rights depend not only on sensitive exercise by individuals, but also on the will of the government to enforce them. For several people rights are not available owing to their circumstances of birth, class, gender etc. Frequently, the State may itself become the aggressor and restrict the rights of people. Rights, however, are not static and a long history of struggle has always accompanied their enhancement.

7.8 KEYWORDS

Ascriptive hierarchies: refers to systems where conditions of birth would determine the hierarchical organisation of people. Caste system is an example of ascriptive hierarchy.

Citizens: Citizens are full and equal members of a political community living in a nation-state.

Ethnicity: Ethnicity is commonly understood as a form of distinctive cultural identity encompassing values and traditions. It involves a sentiment of loyalty towards a population, cultural group(s) or territorial area.

Gender: Unlike sex which is indicative of biological difference, gender refers to social and cultural distinction between men and women. According to feminists, gender discriminations take place when biological differences become the basis for different, dependent and subservient social roles and positions for women.

Preamble (to the Constitution): A document setting out the ideals, aims and objects which the constitution makers intended to realise through the Constitution.
**Race:** A scientifically and politically controversial category, race refers to biological (genetic) differences which supposedly distinguish one group of people from another. For long, race has been used to explain cultural differences among people, and the attribution of civilisational inferiority and backwardness to some and superiority to others.

**Suffrage:** The right to vote, or the exercising of that right.

### 7.9 SOME USEFUL BOOKS


### 7.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

**Check Your Progress 1**
1. See Section 7.2. Your answer should make mention of the Preamble, the Fundamental Rights and Directive Principles of State Policy.

**Check Your Progress 2**
1. See Section 7.3. Your answer should make special mention of relevant constitutional provisions for Scheduled Castes and Tribes.
2. See Section 7.3 and especially, subsection 7.3.10.

**Check Your Progress 3**
1. See Section 7.4.

**Check Your Progress 4**
1. See Section 7.5 and especially, subsections 7.5.2 and 7.5.3.

**Check Your Progress 5**
1. See Section 7.6 and especially, subsections 7.6.4 - 7.6.7.