
NEED BASED HUMAN RIGHTS IN THE CONSTITUTION OF INDIA: AN ANALYTICAL STUDY

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ABSTRACT

Human rights are the rights that every person possesses just because he or she is a human being. The idea of human rights is based on the premise that all people should be allowed to live in dignity. Human rights violations are a denial of our inherent humanity. Throughout history, a number of notable individuals have contributed to the understanding and idea of human rights. Plato believed in the kindness and universal truth. It has continued to become global, in the sense that human rights are universal and hence transcend national borders. It refers to the activities, conditions, and freedoms that all individuals have a right to enjoy as a result of their humanity. Rights such as civil, political, economic, social, and cultural are all included. Human rights are inherent, inalienable, interconnected, and indivisible, and so cannot be given or taken away; the enjoyment of one right influences the enjoyment of others, and all must be preserved. Governments, on the other hand, are the only ones capable of enacting the laws and policies required to protect human rights and to regulate public and private behaviour that affects people's ability to exercise their rights. As a result, we think that national governments ("States") either protect or infringe on human rights.

Human rights, as defined by the United Nations, protect individuals against government acts that jeopardise or restrict basic freedoms such as life, physical integrity, and liberty. In essence, international human rights law is a set of rules that governs state behaviour toward individuals, and it obligates states to ensure that individuals have access to their fundamental freedoms. World Treaties on Human Rights, like national constitutions, are agreements between states and the world community in which nations pledge to ensuring specified rights inside their respective territories. As a result, the degree to which each country participates in the International human rights system varies. Lastly, human rights in Indian Constitution are provided under Article 14 to Article 35.¹

¹ OVERVIEW OF THE HUMAN RIGHTS FRAMEWORK , available at: <https://ijrcenter.org/ihr-reading->

INTRODUCTION

In recent decades, there has been an increase in interest in and knowledge of human rights. The Universal Proclamation of Human Rights, the most important declaration supporting basic equality and dignity, was issued by the United Nations in 1948.

Human rights are the inalienable rights among all people, regardless of country of origin, gender, residency, religion, colour, language, or other status. These rights are given to everyone, wherever, without discrimination. These rights are seen to be interconnected, interdependent, and indivisible. Because the concept of human rights is ever evolving, it cannot be put down in a watertight container. Many governments and international organisations from all over the globe banded together after the conclusion of World War II to promote these basic human rights for everyone. Legislation expresses and maintains universally recognised human rights found in treaties, customary international law, general principles, and other sources of international law. The government has a duty under international human rights law to act in specified ways or refrain from acting in order to promote and safeguard people's or groups' human rights and fundamental freedoms. Human rights are essential for protecting a person's dignity and acknowledging his or her existence. People's rights, in other words, enable people to live dignified, free, equitable, and peaceful lives. It strive to provide individuals with complete access to fundamental requirements such as food, shelter, clothes, education, and so on. People may perceive possibilities and develop their own potential with the help of human rights. People are united by a true existence devoid of fear, harassment, or alienation.

The substance of the rights proclaimed and recognised by the General Assembly was incorporated into the Universal Declaration of Human Rights by the Constituent Assembly. Furthermore, on 10 December 1948, when India's Constitution took shape, the General Assembly broadcast and accepted the Universal Declaration of Human Rights, which, without a doubt, changed the confines of India's Constitution. Human rights in India are not, in a sense, synthesised as a coherent texture via the basic assurances and different constitutional conditions outlined in the 1950 National Charter. The country has emerged as a human rights champion as a result of these regulations and their detailed interpretation by the Hon'ble Supreme Court of India.²

[room/overview-of-the-human-rights-framework/](#) (Visited on April 27, 2021)

² Introduction to Human Rights: <https://notjustlex.com/introduction-to-human-rights/#:~:text=Introduction%3A%20Human%20Rights%20are%20those%20rights%20which%20are,around%2>

The concept of human rights and the bulk of human rights established in the Universal Declaration of Human Rights were greatly influenced by the framers of the Indian Constitution. While civil and political rights are enshrined in the Indian Constitution's Part III (Fundamental Rights). Part IV of the Constitution, i.e. economic and cultural rights, is addressed (State Directive Principles). As previously stated, India's Constitution guarantees a number of basic rights to its citizens. The fundamental human rights specified by the Indian Constitution are based on several of the rights endorsed by a number of countries. The primary influences that impacted India's basic human rights were the United States Bill of Rights (1689), the United States Bill of Rights (December 15, 1791) and the French Declaration of the Rights of Man and Citizen (created during the 1789 revolution). Essential rights are addressed in Part III of the Constitution. (Rules 12-35 apply.) These privileges were decided by a committee of the Constituent Assembly chaired by Sardar Vallabhbhai Patel. These rights are not explicitly stated in the constitution, despite the fact that they are critical. Fundamental Rights are so named because they are the most important rights, before all other laws. As a result, unlike ordinary laws, they may only be modified by a constitutional amendment. Fundamental rights, unlike other legitimate rights, are protected by the Constitution. As a result, basic rights are not absolute, but are subject to a number of restrictions. (*By submitting a direct application to the Supreme Court under Article 32, Part III.)³

IMPORTANCE AND NEED OF HUMAN RIGHTS

Human rights are significant because they acknowledge the inherent dignity of human existence. They fight for core human ideals such as liberty and dignity. Human rights are not discriminated against on the basis of race, gender, religion, or employment position. The same therapy is given to everybody. These rights are necessary because they guarantee that everyone is treated with respect. Human rights are propelled forward by our collective consciousness. This implies that, regardless of their differences, everyone is entitled to the same degree of protection for their human rights. Human rights are not limited to certain social groups. It doesn't matter whether you're wealthy or poor, whether you're a woman or a man. They are applicable to both men and women, as well as youngsters and the elderly. Human rights are critical in preserving the interests of society's poor and marginalised citizens. The bulk of the

[0the%20world%20without%20any%20kind%20of%20discrimination](#). (Last Modified on October 12, 2020)

³ An Introduction to Human Rights, available at: http://cbseacademic.nic.in/web_material/doc/Chapter%201-An%20Introduction%20to%20Human%20Rights%2012-4-13.pdf (Visited on April 27, 2021)

population is unable to ignore the minority. Because of human rights, minorities are able to express their concerns. In the human rights texts, there are regional alternatives as well. The African Charter on Human and Peoples' Rights, for example, highlights the significance of African culture's history and values while still safeguarding human rights. The value of community and individual rights is emphasised throughout the Charter.⁴

Reasons of Human Rights being so Important for the people :

- Human rights guarantee that people's fundamental necessities be addressed, i.e. medicine, food and water, clothes, and shelter.
- Victims of human rights violations are protected by human rights.
- People may use their human rights to fight social corruption.
- Individual rights are promoted by human rights.
- People's religious freedom is guaranteed under human rights (or not practise any)
- Human rights provide individuals the freedom to love whoever they want to.
- Equal job possibilities are encouraged by human rights.
- People with human rights have access to education.
- Human rights provide a common standard by which governments are held responsible.
- Environment is also protected by human rights.⁵

HUMAN RIGHTS IN INDIAN CONSTITUTION

Human rights were included in Part III and Part IV of the Fundamental Rights Chapters, as well as the State Political Principles Directive, when the Constitution was written. They make up what is known as 'constitutional consciousness.' In order to create an equal social order for everyone, constitutional founders believed that civil and political liberty should be paired with social and economic justice. The Directive Principles

⁴ INTRODUCTION TO HUMAN RIGHTS – WHAT ARE THEY? WHY DO WE NEED THEM?, available at: <https://rightforeducation.org/2017/12/11/introduction-human-rights/> (Last Modified on December 11, 2017)

⁵ 10 Reasons Why Human Rights Are Important, available at: <https://www.humanrightscareers.com/issues/10-reasons-why-human-rights-are-important/> (Visited on April 27, 2021)

are meant to serve as a guide for all policies and laws, as well as to identify the direction of development and the goals that the state must pursue. The Directive Principles are equally as important as basic rights, but unlike a fundamental right, which allows someone to sue the government in court if it violates it, citizens cannot sue the government if it violates one of the Directive Principles. The guidelines, on the other hand, are not dead notions; they have laid the groundwork for new rights like the right to education and the right to sustenance.

The parts of the Indian Constitution that provide citizens rights are known as the Rights and Fundamental Rights. These Basic Rights are considered essential human rights that apply to all people, regardless of gender, caste, religion, or creed. Between 1947 and 1949, the Constitution of India established these portions, which are fundamental components of the Constitution. Six fundamental human rights exist in India. They are:

- Right to equality(Articles. 14-18)
- Right to Freedom (Articles. 19-22)
- Right Against Exploitation (Articles. 23-24)
- Right to Freedom of Religion (Articles. 25-28)
- Cultural and Educational Rights (Articles. 29-30), and
- Right to Constitutional Remedies (Articles. 32-35)

1) Right to equality (Article 14 to 18)

- Article 14 of the Indian Constitution states that it does not deprive anyone before the law equality or equality of protection of laws within the territory of India. This right is granted to everyone, including aliens and even legal entities, like a business or a firm. This 'equality before law' idea has British roots whereas the 'equal protection of law' idea has American heritage (it has been taken from the American Constitution).
- Article 15 of Indian Constitution stipulates that no Indian citizen will be discriminated against for reasons of religion, caste, sex or place of birth by the State.
- Article 16 of the India Constitution states that Indian nationals have equal opportunities in issues involving employment or appointments to any position of the State. Therefore,

no citizen of India should, on grounds of religion, caste, place of birth and gender, be discriminated against or ruled inadmissible to any occupation under the state.

- Article 17 of the Indian Constitution abolishes the 'Untouchability' idea and outlaws its practise in any form or manner.
- Article 18 of the Indian Constitution abolishes the 'titles' idea and states that:
 - The title must not be bestowed by the State (except military and academic titles).
 - Citizens of India must not accept any title from any foreign state.
 - Any position of any foreign state without the assent of the President of India and any title of any foreign state cannot be accepted by a foreign person (while holding any profitable post or trust post within the State).
 - No Indian citizen or foreign national who has an office of profits or a confidence under the State may, without the agreement of the President of India, accept any presence or office from or under any foreign State.

2) Right to freedom(Article 19 to 22)

The right to freedom includes the different liberties. These rights include freedom of expression, freedom of expression, free assembly without arms, freedom of travel throughout the nation's territories, freedom of association, freedom to pursue any trade, freedom to live anywhere in the nation. These rights have their own limitations, though.

- Article 19(1)(a), the right to freedom of speech and expression means that every person in India has the legal right, in whatever way, to openly express his thoughts, thoughts and beliefs by means of spoken or written words, prints or paintings. This is subject to reasonable parliamentary constraints.
- Article 19(1)(b), Right to assemble peacefully and without arms:

-This right allows Indian citizens to peacefully amass firearms, ammunition, melee weapons, and other similar items.

-Only on public ground may this freedom be exerted and the gathering should be peaceful and unarmed.

-The right to strike does not encompass this right.

- Article 19(1)(c), Right to form associations or co-operative societies means all Indian people are allowed to create organisations or cooperative corporations, including the freedom to create political parties, businesses, partnership corporations, clubs, etc.
- Article 19(1)(d), This right protects freedom of movement and permits any Indian citizen to roam freely throughout India. Every Indian citizen is entitled to migrate freely from one nation to another. The aim is to create national sentiment among the people of the country.
- Article 19(e), this right grants to every citizen of India the right to reside or reside in any part of India, with the exception of the State of Jammu and Kashmir granted a special status in accordance with Article 370 authorising Article 35A, with a provision that does not enable residents of other states to reside in the State of Jammu and Kashmir. All citizens enjoy, save Jammu and Kashmir, the right to dwell and settle in any other state in India. This article is, nevertheless, also subject to reasonable constraints.
- Article 19(1)(g), All Indian people have been guaranteed the liberty to practise any profession or to do any business they desire. However, this right does not include the right to work in a profession or company involving something unethical (for example trafficking) or harmful in nature (drugs or explosives).
- Previously, Article 19 comprised seven rights but was subsequently deleted by the Amendment Act of 1978 on the right to acquire, maintain and disposal of the property. The State may also place reasonable limits on the exercise of those rights, referred to in Article 19 itself.
- Article 20 of the India Constitution provides for the protection of an accused, whether a citizen of India, a citizen of any foreign nation or even a legal person, such as a company or a company, against unreasonable and excessive punishment. There are three other clauses in this Article:

-No ex post-facto law: This implies that no one is guilty of any offence save for an infringement of a law in effect at the time of perpetration that may be of some kind.

-No double jeopardy: This ensures that nobody is convicted more than once for the same crime. No individual shall be accused of the offence he previously committed more than once.

-No self incrimination: It implies that no one accused of any crime is permitted to be a witness.

- Article 21 asserts one, if not the most essential, basic right to life. It says that no individual should be deprived of his or her life or personal freedom unless in accordance with the law. This privilege is accessible to both Indian and Indian citizens of other countries.
- Additionally Article 21A states that, in whatever way determined by the State, the state shall give free and compulsory education to all children or minors of the age range six to 14 years.
- In some instances, Article 22 gives protection against arrest and imprisonment. First, it grants the right to all persons who are arrested to be notified of the reasons of their arrest; second, the right to a lawyer of their own choosing to consult and to defend them. Thirdly, any individual arrested and held in custody should, within a period of 24 hours, be brought before a closest magistrate and shall only be retained in ongoing custody with the authorization of that officer.

3) Right to exploitation (Article 23 and 24)

- Human trafficking, forced labour, and other similar forms of forced labour are all prohibited under Article 23 of India's Constitution, which states that these offences will be prosecuted. This right applies to both Indian citizens and foreign nationals residing in India.
- Article 24 of the Indian Constitution forbids the employment of children under the age of 14 in any industry, mine, or other hazardous vocation, such as construction or railway. This paragraph, however, does not exclude the employment of youngsters in any non-hazardous or harmless work setting.

4) Right to freedom of religion (Article 25 to 28)

- According to Article 25 of the Indian Constitution, everyone has the equal right to freedom of conscience and religion, which they are free to practise and disseminate. All Indian citizens, as well as people of any other country currently residing in India, have certain rights.
- Article 26 of the Indian Constitution expresses the freedom to handle religious matters by stating that each person has a right to religious denominations; in many other terms, Article 26 protects public religious freedom. Articles 25 and 26 both relate to rights that are subject to public order, morality, and health, but not to any other fundamental rights norm.
- Article 27 of the Indian Constitution states that no individual shall be obliged to pay taxes to promote or sustain any religion or religious confession; in other words, the State must not utilise public funds acquired via taxes to support or support any religion.
- Article 28 of the Indian Constitution specifies that religious instruction will not be offered in any educational institution that is entirely sponsored by the government. This provision, on the other hand, does not apply to state-run institutions, but rather to any trust or endowment that requires religious instruction.

5) Cultural and Educational rights (Article 29 and 30)

- Article 29 of the Indian Constitution states that any group of people having their own language and cultural heritage, regardless of where they live in India's territory, has the right to maintain it. Furthermore, Article 29 specifies that no Indian shall be denied entry to any educational institution supported by the government or receiving government funds because of their race, religion, caste, or language. It also gives religious and linguistic minorities a sense of protection.
- Minorities (linguistic or religious) in India have the right to establish and operate their own educational institutions under Article 30 of the Constitution. This right extends to the ability to educate their children in their local language.

6) Right to Constitutional Remedies(Article 32 to 35)

- Article 32 of the Indian Constitution grants a suffering citizen of India the right to seek remedy for the violation of his or her essential rights. At the Court of Justice, this ensures that fundamental rights are upheld. Article 32 has also been recognised an essential component of the Indian constitution by the Supreme Court. It also contains the following four clauses:

-The ability to delegate basic rights to India's Supreme Court.

-The Supreme Court's power to provide recommendations, directives, or letters to aid in the implementation of these fundamental rights. The papers that may be issued are writs of habeas corpus, mandamus, prohibition, certiorari, and quo warranto.

-Any other court may be authorised by the parliament to issue all forms of instructions, orders, and documents. High courts must not be included in any other court under this clause since they have already been given such powers under Article 226 of the Indian Constitution.

-The right to appeal to the Indian Supreme Court shall not be stopped until the Supreme Court specifically permits it.⁶

- Article 33, enables Parliament to amend the applicability of fundamental rights to the military forces or forces responsible for maintaining public order.
- Art 34, Notwithstanding any provision of the present Part, Parliament may, by law, indemnify, in respect of any act done by it in respect of maintaining, rehabilitating and ordering in any area in the territory of India where martial law has been in force or validating any penalty passed, the punishment inflicted, f.
- Article 35, Parliament and the State Legislature shall not have the authority to create legislation.⁷

HUMAN RIGHTS VIOLATION

Every individual's human rights must be protected by the state under the law. It is a breach of the contract if the State or its agents (such as police officers, bureaucrats, forestry officers, or military officials) or anyone acting on behalf of the State (such as a contracting state contractor)

⁶ Fundamental Rights in the Constitution of India, available at: <https://blog.ipleaders.in/fundamental-rights-in-the-constitution-of-india/> (Last Modified on May 07, 2019)

⁷ Fundamental Rights Of Constitution Of India, available at: <https://www.adda247.com/jobs/fundamental-rights> (Visited on April 27, 2021)

are unable to do so, or if the State or its agents (such as police officers, bureaucrats, forestry officers, or military officials) do anything to undermine, disrespect, or interfere with other people's human rights. Human rights are only invoked against the government, not private persons. In circumstances when a person infringes on someone's rights to life, liberty, equality, or dignity, the victim may seek reparation from the government. It becomes a violation of human rights if the state does not intervene and punish the criminal.

The following are some instances of human rights violations:

- Failure of the pollution control committee to prevent dangerous chemicals from being discharged into water sources by corporations that provide water to the whole city. This is a violation of one's right to life.
- Police suspects and criminals are subjected to physical abuse. This is a violation of human dignity and the right to physical security.
- A police officer's reluctance to register a female F.I.R. who was being harassed by a bunch of boys on a train. The right to equal protection under the law is being violated in this way.
- Refusal of collectors' measures against people from upper castes who refuse to allow Dalits to worship in temples or drink from wells. It's a violation of people's right to be discriminated against.
- The town's failure to establish suitable trash disposal processes due to the municipality's failure to do so. A person's right to a clean and healthy environment has been infringed upon.
- The school administration's refusal to release exam papers to pupils. This is a violation of the public's right to know.
- The purchase of multiple-family houses by the P. W.D. for the building of a road or flyover without compensation to the house owner. This is a violation of one's right to a means of subsistence.
- Wage and promotion practises that differ amongst employees in the same company. This is a violation of the right to equality of opportunity.

- The Home Ministry grabbed the local press to publish critical pieces of the present administration. This is an offence against the right to free speech.
- Forced modification of the faith of the bride or bridegroom so that someone of another faith may marry. It violates one's right to freedom of religion.⁸

CASE LAWS

Keshavananda Bharati v. State of Kerala

The courts in India have also opened the road for human rights to become legislation via their historic rulings. The Apex Court in this case remarked that the Universal Declaration of Human Rights at the time the constitution was established made clear to India what human rights were, albeit this declaration was not legally obligatory. Likewise, in the notorious case of the Supreme Court, it was noted that, even during an emergency, the right to life in accordance with Article 21 of the Constitution cannot be suspended and so, human life even in times of crisis, is important.⁹

Minerva Mills case

In this case the Supreme Court has made it clear that basic rights and the State Policy Guidelines complement one other and, as such, necessitate harmonious design. The State Policy Directive and Fundamental Rights provide forth the main aspects of the sought-after social order.

Satwant Singh case

The Supreme Court in this case found that the right to go abroad was fully covered by Article 21. The Parliament has so adopted the 1967 Passport Act to contravene the aforementioned statute. This Passport Act of 1967 authorises authorities to impose passports of some persons if needed for the sake of Indian sovereignty and integrity, India's security, India's friendly relations with any other country, or the public at large. The reasons for such an impoundment must also be given to the party affected, but these reasons may be rejected for the sake of the

⁸ INTRODUCTION TO HUMAN RIGHTS, available at: http://cbseacademic.nic.in/web_material/doc/Chapter%201-Introduction%20to%20Human%20Rights%2012-4-13.pdf (Visited on April 28, 2021)

⁹ **Human Rights And Indian Constitution**, available at: <https://lawcorner.in/human-rights-and-indian-constitution/#:~:text=Human%20rights%20in%20the%20Indian%20Constitution%20Human%20rights,as%20the%20world%E2%80%99s%20largest%20sovereign%2C%20secular%2C%20democratic%20republic> (Last Modified on August 09, 2020)

wider public. The authorities issued a notification on 4 July 1977 of the impoundment of a Petitioner's passport which was a recognised journalist for reasons of public interest. After the petitioner had received news of such an imposition, it gave the authorities detailed reasons as to why their passport was imposed. However, the authorities ruled that the reasons should not be divulged in the public interest. The petitioner so asked for an application by a 14th court of the Fundamental Right against the arbitrary behaviour of the authorities in accordance with Article 32 of the Supreme Court. Article 21, i.e. the protection of the personal life and freedom, Article 19(1)(a) and Article 19(1)(g) have been further changed and applied, i.e. right to mobility. The petition was however modified. One of the primary reasons for the petition was that the impugned judgement was unlawful, because the petitioner denied the right of the petitioner to a fair hearing to present his case.¹⁰

A. K Gopalan vs The State of Madras 1950

In this instance, the Supreme Court of Honor rejected the petition and confirmed the legitimacy of the behaviour. Instance, the Honorable Supreme Court made the first important attempt to define the expression "procedure defined by law," which said that both fairness in the law and equal and appropriate enforcement of law were implied by the procedure provided by law under Article 21. The Supreme Court also found that Article 31 of the Japanese Constitution defines and adopts the expression "law-based process." On either hand, India's language is entirely different.

By a majority judgement, the Court decided that the words "law-constructed method" essentially meant any means a state might develop. The Court could not evaluate the logic of either the created "law" or the "process" provided in Article 21. The Court rejected the assumption that the term "law" inherently includes the principles of natural justice in accordance with Article 21. The majority also rejected the contention that the words 'legal procedure' imply the notion of 'procedural due process' which authorises the Court to determine whether the law comply with the fundamental components of due process. However, on all of these crucial concerns, Fazl Ali.J did not agree with the majority which affect the meaning and extent of the term "process established by law." According to it, the phrase does not exclude some essential legal aspects, including a warning, an opportunity to be heard, a fair judge and a correct procedure, which the American courts describe as a warrant, an opportunity to be

¹⁰ Human Rights Law Cases, available at: <https://www.lawteacher.net/cases/human-rights-lawcases.php> (Last modified July 16, 2019)

heard, an impartial judge and a legitimate trial.

It further said that enabling any procedure produced by legislation to be characterised as a "process created by law" might weaken the value of protection under Art21, irrespective of how severe or arbitrary.¹¹

Air India v. Nargesh Meerza AIR 1981 SC 1829

The Court ignored the idea that AFPs and AHS are different classes and hence allowed different services, which include classifications along sex lines. The Court found the service obligations of women to be lower than those of men, finding that both constituted independent executives in the field of service law and hence disparity of service was lawful. This argument is gruesomely inconsistent. After the Government notification in accordance with Article 16 of the Equal Remuneration Act brought up the question of the discrimination of the laws concerning sex, the Judge made 3 mistakes: firstly, an extension of the scope of Article 16 to the Constitution; secondly, the government's declaration on constitutional rights was regarded as definitive and, thirdly, disregarded;

The Court has not attempted to determine that Articles 15(1) and 16(2), regardless of the notification made by the Government pursuant to Article 16 of the ERA, are not applicable in these circumstances. The Court's arbitrary inquiry ultimately sustained and strengthened the exact prejudice of the repeal of discriminatory laws. These included the role of women as caregivers and families.¹²

M.C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699

In the matter of M.C. Mehta c. State of Tamil Nadu Shri MC Mehta consented to utilise Article 32, which allows the Court to examine the violation of its basic rights in accordance with Article 24. Sivakasi was regarded as a large criminal who used numerous underage workers. It took part in the production of pyrotechnics and matches. The Court found this to be a dangerous location. Recruiting adolescents under the age of 14 is thus unlawful.

The Court found that minors below the age of 14 should not be engaged in a dangerous

¹¹ A. K Gopalan vs The State of Madras, available at: <https://indianlegalsolution.com/a-k-gopalan-vs-the-state-of-madras/> (Last Modified on July 04, 2020)

¹² Case Summary: Air India v Nargesh Meerza, AIR 1981 SC, available at: <https://www.legalbites.in/case-summary-air-india-v-nargesh-meerza/> (Last Modified on December 14, 2020)

occupation and that all children up to the age of 14 should be trained. The Court also referred to Article 39(e), which stipulates that young children shouldn't be maltreated and provided the chance for healthy development. In violation of the 1986 Prohibition and Regulation Act, the Court determined that Rs. 2000 should be repaid by employer Sivakasi for hiring minors.¹³

Maneka Gandhi v. Union of India, AIR 1987 SC 597

In the case of Maneka Gandhi v. Union of India, J. Bhagwati stated: "The term 'personal liberty' has the broadest meaning in Article 21, and it encompasses a wide range of rights, including the human being's personal freedom, some of which have been designated as distinct fundamental rights, and additional protection is provided in Article 19. No individual's right to go abroad may be revoked unless the State's legislation specifies a procedure for doing so, and the deprivation is strictly carried out in accordance with that way."¹⁴

¹³ Human Rights Law Cases, available at: <https://www.lawnn.com/article-21-indian-constitution-right-life-indian-constitution/#:~:text=%20Constitutional%20Law%3A%20Article%2021%20of%20Indian%20Constitution,the%20person%20is%20one%20of%20the...%20More%20> (Last Modified on February 26, 2017)

¹⁴ Human Rights Law Cases, available at: <https://www.lawteacher.net/cases/human-rights-lawcases.php> (Last modified July 16, 2019)