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HUMAN RIGHTS LAW

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ABSTRACT

Human Rights, a broader and most often used term deals with the rights of human as they possess certain, basic, natural and inalienable rights since birth. These are rights which are embedded in the roots of origin of human being. The beginning of protection of such natural rights led by advent of **Magna Carta** the first document for human rights in 1215 era which imparted an unprecedented growth in dignified life. Firstly, the US inserted it as a concept of fundamental rights later in part III of India's constitution. The milestone development in the field of Human rights begin by adoption of Universal declaration of Human rights (UDHR) in 1948 by General assembly of United Nations organization and that was remarkable day which is celebrated every year on 10 December . Various agencies of UNO, such as Human Rights Council, Economic and social Council agencies broadly deal with protection and promotion of fundamental rights. UN sustainable goals, commonly known as 17 SDGs operating in safeguarding violation of Human rights. On National level, the appointment of **National Human rights commission (NHRC)** under the regulation of protection of human rights Act, 1993. Various human rights convention or conference adopted by UN general assembly for the protection of vulnerable groups , child rights , women rights , rights of disabled persons . Now it's our time to come together and raise a voice by cooperation with this association in protecting and promoting the safeguard of Human rights in all spheres of each and every individual.

KEYWORDS: Human rights, Magna Carta, Fundamental Rights, UDHR, Economic and social council, National human rights commission.

INTRODUCTION

(Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Preamble, UDHR)

The basic, natural and fundamental rights of an individual can be traced back by various phase of evolution.

I) American declaration of independence

II) Virginian declaration of rights, 1776

III) 10th amendment of US Constitution adopted in 1792

IV) 1789 - National assembly of France

V) 1929, the institute of international law, adopted a declaration of International rights of man

VII) International bill of rights

VIII) International covenants on civil, political and cultural rights

IX) Universal declaration of Human Rights.

MAGNA CARTA - THE FIRST DOCUMENT OF HUMAN RIGHTS

Magna carta, the greater charter which was a peace treaty between king and rebel barons, issued by King John of England (1215) a practical solution to raising political crisis in 1215, most 63 clauses deals with specific grievances the most famous 39th clause which gave all "free men" the right to justice and a fair trial later some principles inserted in US Bill of rights (1791), Universal declaration of Human Rights and European Convention of Human Rights (1950).

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THE ADOPTION OF UDHR

A non-binding document but a remarkable growth in the field of human rights, Mr. Cassin of France considered it as wide moral scope, the introduction of UDHR led to foundation of corpus of international human rights law. All members of UN per se affirmed themselves to promote universal protection of Human Rights and fundamental freedoms. It declares "the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world ".

It includes political, civil, social & economic rights as right to life, Liberty, speech, social security, health and education. Even non-binding but over the years by widely practiced, now it becomes a customary international law.

After this adoption later various development -

I) INTERNATIONAL COVENANTS ON CIVIL AND POLITICAL RIGHTS (ICCPR)

the international covenant on civil and political rights consists of 53 articles devoted with implementation procedures for effective realization of these rights along with final clauses Article 1 deals with right of self-determination states all people have right to choose their own political status , social , economic disposal of wealth , no person shall be deprive of their subsistence for their life . Most importantly Article 4 deals with public emergency which threatens the life of the nation some of these rights are non-suspend able rights as they have been identified as a core of ' essential human rights'.

II) INTERNATIONAL COVENANTS ON SOCIAL, ECONOMIC AND CULTURAL RIGHTS

The international covenant on social, economic and cultural rights consists of 31 articles, divided into 5 parts some rights are provided hereunder

1) Right to work (Article 6)

2) Right to just and favorable conditions of work (Article 7)

3) Right to social security (Article 9)

4) Right to food, clothing and shelter (Article 11)

5) Right to physical and mental health (Article 12)

These covenants set up as promotional convention for enhancing standard and for effective implementation of all facility for all.

The relationship between both covenants was recognized by International Conference on Human Rights held in Tehran in 1968 and finally proclaimed that some social , economic, civil and political rights are necessary for full realization of life and liberty . Human rights are colour blind and direction blind, inherent among all individuals.

III) INTERNATIONAL COVENANTS ON INHUMAN ACTS

UN decided to prevent commission of certain acts which are inhuman in character , such acts harm the dignity of human being as genocide , slavery , apartheid , slave trade , child labour , bonded and forced labour , torture cruelty inhuman and degrading treatment .

Genocide is acts exterminate fully or partially a national, ethical or religious group at large. On 9 December 1948, General assembly adopted convention on the prevention and punishment of Genocide with a main object to eliminate and prevent the genocide and prescribe the punishment. The convention invoked by Bosnia and Herzegovina.

Against racial discrimination and to condemn apartheid, the UN adopted the International convention on elimination of all forms of racial discrimination and international convention on the suppression and punishment of crime of apartheid on 30 November, 1973. The problem of apartheid was practiced in South Africa regions. Henceforth Article 1 of this convention provides apartheid is a crime against humanity.

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INDIA AND CONVENTION AGAINST TORTURE

The convention against torture was signed by India on October 14, 1997 however it was not ratified the national human rights commission still waiting to ratify it. In support of this the prevention of Torture Bill 2010 was introduced Bill defines torture by Public Servant or being abetted by Public Servant with causes -i) grievous hurt

ii) Danger to life, limb or health / mental or physical. However the problem of slavery is still persistent globally under the auspices of League of Nations, the international slavery convention adopted on September 25, 1926.

INTERNATIONAL LABOUR ORGANIZATION (ILO)

One of the specialized agency of Economic and social Council, provides the basic standard of living and safeguarding right of labour unions. On June 25, 1957 a convention on abolition of forced labour was adopted by conference of international labour organization under Article 23 of Indian constitution provides beggar, forced labour and other similar forms of forced labour are prohibited. The meaning of life for them by Supreme Court in ***People's union for democratic rights v. Union of India*** low wages would amount to violation of their rights; no one should be compelled to do work against their wishes. ***In Bandhua Mukti Morcha v. Union of India*** the Supreme Court held that bonded labour is also included within the preview of forced labour under Article 23 hence strictly prohibited.

UDHR AND INDIAN CONSTITUTION

the adoption of UDHR in 1948 sets a guidelines to all native states , setting an alarm for the safeguard of human rights by realizing the importance of human rights being a human . Part III of the Indian constitution provides a safeguard to some fundamental rights also preamble provides social, economic, political justice. Liberty of thought expression, belief, faith and worship and to promote equality among all (Article-14), there is some relation between UDHR and article incorporated under Constitution.

PROTECTION OF RIGHTS OF VULNERABLE GROUPS

There are certain groups of person who remained back and exploitive due to deep rooted customs which has made them weak and vulnerable such child , women , disabled person , migrant workers , aged persons .

WOMEN - the focused area for the advancement of women in the society by providing them a safe environment as Article 1 of the UN charter proclaims that purpose of UN is to achieve international cooperation irrespective of race, sex, language or religion. In furtherance of it in 1946, a commission on status of women was established to deal with women's issues. Later on November 7, 1967 General assembly adopted a declaration on Elimination of discrimination against women and convention of elimination of all forms of discrimination against women in 1979. Article -10 provides equality in education, Article -11 provides equal opportunity in employment. At National level Prevention of sexual harassment at workplace adopted after the guidelines issues against sexual harassment of women at workplace in Vishaka v state of Rajasthan. Against domestic violence, protection of women from Domestic violence Act, 2005 adopted to protect from any kind of domestic violence.

CHILD - The UDHR under para 2 of Article -25 provides children a special care and assistance the protection also provided under Article 23 of International covenants on civil and political rights and Article 10 of international covenant on Economic, social and cultural rights . UNICEF a specialized agency provides a proper facility and care for the child, Article -24 of the Indian constitution strictly prohibits employment of any children below the age of fourteen years in any hazardous activity in that series the 86th constitutional amendment provides Article -21 (A) incorporated as Fundamental right, fundamental duty and directive principles of

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state policy for free and compulsory education for the children between the age group of 6 to 14 years. The convention on right of child (CRC) was adopted by general assembly on November 20,1989 CRC was first globally binding treaty for the protection of civil , political , economic and cultural rights . International labour organization is working for abolition of child labour various acts Child labour prohibition and regulation Act, 1986, Mines act 1952, beedi and cigar workers (conditions of employment) Act, 1966.

For migrant workers, international convention on the protection of rights of all migrant workers and members of their families on 1990. Protection from arbitrary arrest, slavery and servitude, freedom of thought, conscience and religion and other several freedoms provided for them.

Convention relating to status of refugees Act, 1951 under Article -1 provides protection of refugees persons.

HUMAN AND HUMANITARIAN RIGHTS

when a country undergoes a war, there is ultimate crisis among the people of that particular country indulging in war, contemporary issue of Ukraine and Russia war which led a devastating impact on mankind and a loss to their humanitarian rights normally known as human rights Geneva convention of 1949 provides a rights of prisoners and army of second world war, terrorism is antithesis to human rights and mankind.

In India, a leading case which provides protection against custodial violence also led several guidelines while making arrest of any person ***in D.K. Basu vs.state of West Bengal*** right to speedy trial under article 21 ***under Hussainara khatoon vs.state of Bihar.***

NHRC (NATIONAL HUMAN RIGHTS COMMISSION) AND PROTECTION OF HUMAN RIGHTS ACT (1993)

Section 2 (d) defines human rights means the right relating to life, Liberty, equality and dignity of individual guaranteed by constitution or embodied in the international covenants and enforceable by the courts in India.

The human rights commission a governing body for the safeguard and promotion of human rights at national level a governing body comprising of five members mainly to address the global challenges to combat violation of human rights the commission act as a watchdog to the protection of civil, personal life and liberty principles. This was made in conformity with Paris principles other than this a state human right commission also set up at a state level for providing safety at each stage. The mission of NHRC to curve all the disabilities , resolving conflicts, arbitration and conciliation, conflict management , protection of harassing segment of the society along with upliftment of weaker section of any community.

CONCLUSION

"To deny people their human rights is to challenge their very humanity"

Nelson Mandela

As we have seen from the above discussion there is a wide umbrella of great network spreading in most of the regions for protecting and promoting rights of person which includes (UDHR)(Universal declaration of Human Rights) , ECOSOC (economic and social Council), specialized agencies UNESCO,UNICEF ,ILO,WHO and so on .the ever evolving convention adopted by general assembly , convention on child , women, racism, apartheid , disabled group or highly admirable . Same at national level the appointment of National Human Right commission and state human rights commission to secure the person human rights in every space.

But the major issue such ***as poverty, unemployment, war , terrorism, economic and***

social condition of the country adversely affecting these rights .the world after the second world war faced a lot of crisis ,era of decolonization ,armed race ,space race ,armaments, collective security, the phase of cold war and the recent Russia and Ukraine war harming the sovereignty and integrity of the country and ultimately sufferer are the people of the countries. The economic crises of Sri lanka and Pakistan, crisis in Seria and Turkey, Congo crisis still awaiting a glory of hope for their upliftment and no obligation of Vienna convention by various country, non-enforceability of charter making them willful neglect of these provisions. Today, the World demanding the effective regulation subject to elimination of root cause of evils which are suppressing the regulation of human rights it's our time to fight for our rights after facing a long time protest and the most recent COVID lockdown imparts a lot of suffrage to our basic needs the need to upliftment of societal human rights.

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