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Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and diploma in Public

a professional Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal



Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat



Associate Professor at School of Law, Apex University, Jaipur,
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

HUMAN RIGHTS LAW & PRACTICES

AUTHORED BY – PADMANABH SHARMA

EMAIL ID- sharmapadmanabh3@gmail.com

INSTITUTION NAME & ADDRESS- GOVERNMENT LAW COLLEGE, INDORE GACC
CAMPUS, BHAWARKUA INDORE

YEAR OF STUDY – 3rd YEAR, B.A.LLB (HONS)

CONTACT NO- +91 70678 63056

INSTITUTIONAL AFFILIATION - DEVI AHILYA VISHWA VIDYALAYA

CO- AUTHOR - STUTI GUPTA

EMAIL ID-stutig65@gmail.com

INSTITUTION NAME & ADDRESS- GOVERNMENT LAW COLLEGE, INDORE GACC
CAMPUS, BHAWARKUA INDORE

YEAR OF STUDY – LLM 1st YEAR

CONTACT NO- +91 6264349337

INSTITUTIONAL AFFILIATION - DEVI AHILYA VISHWA VIDYALAYA

“Human Dignity is the Quintessence of Human Rights”

The current book offers a comprehensive overview of the fundamental concepts encompassing the "Law of Human Rights." It delves into the core facets of Human Rights, addressing the Development of International Human Rights Law by the UN Charter, UDHR, ICCPR, ICESCR, Development of Human Rights in India in the light of Ancient and Medieval Indian perspective by Hindu Religion Methodology through Satya, Ahinsa, Dharma, British Indian Perspective by Rule of Law, Justice rights, Liberties of People & Protection of Condition of Life & lastly Post Independence Perspective through Indian Constitution and the Protection of Human Rights Act, 1993, is an Indian legislation that establishes the National Human Rights Commission & State Human Rights Commission to protect and promote human rights in India. The author explains the Composition, Tenure, and Powers & Functions of the members very well. Sections 30 and 31 of the Act deal with establishing Human Rights Courts in India. Right from the outset, the author adeptly elucidates the essential principles that underpin Human Rights.

Considering the historical context in which the term "Human Rights" was incorporated into the UN Charter, Durga Das Basu made the observation – “Human Rights are those minimal rights which every individual must have against the state or other public authority by virtue of his being a member of the human family, irrespective of any other consideration”.

The book comprises a total of nine chapters, each introduced with a brief summary. It extensively explores the historical evolution of human rights law in India, spanning from ancient times through the medieval period and into the post-independence era. Furthermore, this particular chapter investigates the application of international legal principles by Indian courts before independence for resolving disputes. Within this chapter, the author elaborates on five key categories of theories:

1. Theories rooted in natural rights, with a focus on advancing the fundamental well-being of individuals.
2. The theory is based on the equality of respect and concern, aiming to harmonize the principles of liberty and equality.
3. Theories grounded in the concept of human dignity, striving to uphold interconnected values.
4. An examination of John Rawls justice theory and its intersection with the domain of human rights law.
5. An exploration of Amartya Sen's theory of human rights, which extends beyond conventional legislative pathways.

Chapter 2 delves deeply into the various aspects of the International Bill of Human Rights. Within its pages, it offers valuable insights into India's approach to reservations within human rights treaties. This exploration is framed within the context of critical considerations, including the right to self-determination, the issue of compensation, the rights of aliens and limitations on specific rights, such as those related to the formation of trade unions, freedom of expression, employment and the jurisdiction of the International Court of Justice. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights are all International human rights instruments that delineate a range of rights and liberties. Below are essential provisions from each of these instruments: -

Universal Declaration of Human Rights (UDHR)¹

It says that we're all born equal and should be kind to each other. Everyone should be safe and free. It makes sure no one gets hurt on purpose. It also protects our privacy, like our home and messages. Everyone can have our own thoughts and speak our minds freely, without anyone stopping us, no matter where we are.

International Covenant on Civil and Political Rights (ICCPR)²

It says that everyone has a right to live, and the law should make sure no one is unfairly taken away from their life. It talks about how everyone should be treated equally when they go to court, and they should have a fair and public trial by judges who follow the law and are not biased. It talks about how everyone can believe in what they want and practice their religion freely. It also states that people can have their own opinions and express them without being stopped. It clear that no one should ever be tortured or treated in a way that's very painful or humiliating.

International Covenant on Economic, Social and Cultural Rights (ICESCR)³

That people should have the chance to work and earn a living doing a job they choose, and governments should make sure of this. It also makes sure everyone can have a decent life with enough food, clothing, and a place to live, and that their living conditions get better over time. ICESCR also talks about how everyone has a right to good physical and mental health. And it also focused about the right to get an education.

These articles constitute a partial representation of the numerous rights and principles enshrined within these pivotal international human rights instruments. They establish a fundamental framework for the global safeguarding and advancement of human rights.

In Chapter 3, the book thoroughly explores the pivotal role of human rights law in preventing and dealing with serious human rights violations, which can include acts like genocide, apartheid, torture, and racial discrimination among others. Slavery, forced labor, human trafficking and capital punishment. Additionally, it sheds light on India's legal positions concerning these critical issues.

¹ <https://www.un.org/en/about-us/universal-declaration-of-human-rights> Accessed on 28/09/2023 IST 3:21 PM

² <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> Accessed on 27/09/23 IST 4:00 PM

³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> Accessed on 29/09/23 IST 11:00 AM

Chapter 4 conducts an in-depth examination of the human right to a healthy environment⁴ and its intersection with the concept of sustainable development.

Chapter 5 of the book delves deeply into an array of human rights concerns enshrined within India's constitutional framework. These rights are meticulously detailed within Articles 12 to 35, alongside Article 51A. The subjects examined in this chapter encompass the right to a dignified conclusion of life, the right to privacy, the right to education, freedom of speech and expression, the privilege against self-incrimination, the rights of the LGBTQ community, and the interplay between freedom of speech and intellectual property rights.

The goal for this century should be to make sure that everyone's human rights are protected and respected all around the world. We need to work towards ensuring that everyone, no matter where they are, can enjoy freedom, well-being, and dignity. There are some important freedoms that are crucial, like:

1. Everyone should be treated fairly and equally, regardless of their gender, race, where they're from, or their religion.
2. People should have the basics they need to live a good life.
3. Everyone should have the opportunity to grow and achieve their potential.
4. People should not live in fear of violence, torture, or unfair arrests.
5. Everyone should have access to justice and the law should be followed.
6. People should be free to think, speak their mind, and be part of decision-making and groups.
7. The right to dignified employment without being subjected to exploitation.

The human rights perspective demands specific attention to the caliber and inclusiveness of these developmental procedures. Inclusion entails the meaningful acknowledgment of civil and political liberties, such as the right to participate in elections.

Chapter 6 provides an in-depth analysis of how human rights law acts as a safeguard for the rights of women and children. It references global human rights treaties like the Convention on the Elimination of All Forms of Discrimination against Women and the United Nations Convention

⁴ Subhash Kumar v. State of Bihar, AIR 1991 SCR (1) 5

on the Rights of the Child. This chapter underscores critical concerns such as the eradication of child labor, guaranteeing children's access to healthcare and nutrition, and strategies to prevent child marriage. It places special attention on pertinent articles within these treaties.

The Convention on the Elimination of All Forms of Discrimination Against Women consists of 30 articles. Here are some of the key articles from the convention:

- ❖ Article 2: Requires countries to take legislative and other measures to eliminate discrimination and ensure women's rights in various areas.
- ❖ Article 3: Establishes the development and advancement of women's rights as a national policy.
- ❖ Article 5: Addresses, stereotypes and cultural practices that perpetuate discrimination against women.
- ❖ Article 11: Emphasizes women's right to work and access to employment opportunities.
- ❖ Article 12: Highlights women's right to health, including family planning.

Chapter 7 delves into the realm of human rights law focused on safeguarding the rights of indigenous populations. It scrutinizes aspects such as the right to self-determination, land ownership rights, and safeguards against discrimination based on culture and language. This examination is grounded in Schedule 5 and 6 of the Indian Constitution. Additionally, it defines and highlights the significance of indigenous peoples in this context.

Chapter 8 delves into the arena of safeguarding minority rights, with a particular focus on educational institutions run by minority communities in India. This conversation centers on Article 29⁵ and 30⁶ of the Indian Constitution, which deal with safeguarding and advancing the educational rights of minority communities.

Chapter 9 offers a thorough exploration of the significance and legal grounds for utilizing human rights law to safeguard individuals with disabilities. This analysis encompasses both the global context and the legal structure within India. Within the Convention on the Rights of Persons with Disabilities (CRPD), Article 3 outlines the core principles of the convention, which encompass the respect for the innate dignity, personal autonomy, and independence of individuals with

⁵ Protection of Interest of Minorities, <https://indiankanoon.org/doc/1888152/> Accessed on 25/09/23 IST 14:30 PM

⁶ Rights of Minorities to establish and administer educational institutions, <https://indiankanoon.org/doc/1983234/> Accessed on 25/09/23 IST 15:13 PM

disabilities.

Evaluation: The author's choice of vocabulary aptly serves the purpose of defining and understanding the concept of Human Rights. The author excels in presenting intricate ideas in a clear and significant manner. Proficient writers possess the ability to unravel the complexity into understandable language, a trait that aids in handling even the most intricate subjects. The author's exceptional language style resonates effectively. A skillful writer can even captivate interest in mundane subjects. We're well aware that a fantastic beginning is exactly what's essential – it's like the entrance that leads readers into the captivating world the author has built within the pages. In the current book, the author has laid down a strong base that truly intrigues me, pulling me in to read the entire book.

To maintain reader interest, using bullet points or concise statements instead of lengthy paragraphs can be advantageous, as the latter might risk losing the reader's focus. However, while reading the book, I personally observed instances where the author's rhythm wavers, disrupting the flow. But while reading this book, I personally found that the author loses his rhythm at some points in time. Repetition of content is also evident. Assessing the book as a whole, it covers all key aspects of Human Rights comprehensively. It proves valuable for both Undergraduate and Graduate Students, as well as Research Scholars. Considering its cost, it comes across as budget-friendly. I strongly encourage students to give this book a read. On a rating scale, I'd rate it 7 out of 10