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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

THE EVOLUTION OF HUMAN RIGHTS: TRACING ORIGINS AND DEVELOPMENT OF HUMAN RIGHTS LAW

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Abstract

The evolution of human rights, intrinsic entitlements bestowed upon individuals and groups by virtue of their humanity, unfolds through a complex interplay of philosophical premises, societal dynamics, and ethical imperatives. Rooted in the inherent vulnerability of human beings, these rights constitute an indispensable foundation for nurturing a just and equitable society. The theoretical underpinnings of human rights encompass a broad spectrum of values and capabilities, empowering individuals and safeguarding their interests. At its core, the universality of human rights transcends temporal and spatial boundaries, offering an equitable and shared foundation for the well-being of all, irrespective of their present or future existence. However, this universal aspiration often collides with the harsh realities of societal constraints and natural forces, leading to a lamentable array of afflictions ranging from exploitation to persecution. These fundamental observations form the crucible from which the concept of "human rights" has emerged, subsequently finding expression through intricate legal frameworks at both national and international levels. The conceptualization of human rights is not a static construct but a dynamic and responsive framework, adapting to the evolving challenges of the human experience. The evolution of human rights law serves as a testament to humanity's ongoing commitment to fostering a more just, compassionate, and equitable world. In essence, this exploration unravels the threads of philosophy, societal dynamics, and ethical imperatives into a cohesive narrative of universal import, providing a unique and authentic perspective on the profound journey of human rights.

Keywords: Human Rights, United Nations, India, Evolution, International Law

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Introduction

The term "Human Rights," although relatively modern in its formulation, finds its roots in the very essence of human civilization. The idea of human rights has existed since time immemorial, interwoven with the fabric of societal values and ethical considerations. The formal and universal recognition of human rights gained prominence with the establishment of the United Nations in 1945. "Human Rights" encompasses the entirety of rights inherent to our human nature, integral for our existence as human beings³. These rights are fundamental for individuals to cultivate their personalities, harness their human attributes, intelligence, talents, and conscience, and fulfill their spiritual and higher needs. The concept of human rights is dynamic, evolving, and expanding to accommodate the ever-evolving nature of human society. The term "Human Rights" has evolved to encompass a spectrum of rights that include not only the fulfillment of vital needs like food, shelter, healthcare, and education but also civil and political liberties. This evolving comprehension of human rights has given rise to what are referred to as "third generation" rights. These encompass collective rights such as the right to self-determination, the right to sovereignty over natural resources, and the right to development, as well as special protection for disadvantaged groups.

Human Rights in Different Philosophies⁴

The historical trajectory of human rights⁵ finds its early echoes in pivotal documents that extolled individual rights and liberties, laying the conceptual foundation for the 20th-century human rights paradigm. Notable among these heralds of human dignity are the **Magna Carta (1215)**, the **English Bill of Rights (1689)**, the **French Declaration on the Rights of Man and Citizen (1789)**, and the **US Constitution and Bill of Rights (1791)**, which resonate as the forebears of today's expansive human rights framework. Yet, a sobering undercurrent runs through these early declarations, as the realization of these principles often faltered in excluding marginalized segments such as women, people of color, and specific social, religious, economic, and political groups. The gap between rhetoric and practice compelled oppressed populations across the globe to harness these principles in their quests for self-determination and liberation. The concept of human rights finds resonance not only in modern legal and political discourse but also in the teachings of various philosophies and

³ Sen, A. (2009). *The Idea of Justice*. Harvard University Press.

⁴ Kaur, S. (2014). *Philosophies and Human Rights*. *Journal of Social Sciences Research*, 6, 997-999.

⁵ A Short History of Human Rights, <http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm>.

religions throughout history. From the Declaration of Independence to the tenets of Buddhism, Jainism, and Islam, the notion of fundamental rights has been woven into the fabric of human understanding across different cultural and philosophical landscapes.

Magna Carta (1215)⁶: The Magna Carta, a product of King John's negotiations with rebellious barons, is a defining landmark in the journey towards human rights recognition. It was a response to the arbitrary rule of the monarchy and the desire for justice. The Magna Carta established principles that transcend time, including habeas corpus, due process, and limitations on taxation without consent. By curbing the arbitrary power of the monarch and asserting the rights of free men, the Magna Carta laid the groundwork for the modern concept of the rule of law and the protection of individual liberties.

English Bill of Rights (1689)⁷: Emerging from the Glorious Revolution, the English Bill of Rights represents a significant shift in governance. It was a direct response to the excesses of King James II's reign and aimed to prevent a recurrence of absolute monarchy. The Bill of Rights ensured parliamentary supremacy, established the prohibition of cruel and unusual punishments, and guaranteed the right to petition the king. It not only solidified the primacy of elected representatives but also introduced the idea of rights as a check on governmental authority, setting a precedent for modern constitutional democracies.

French Declaration on the Rights of Man and Citizen (1789)⁸: The French Declaration on the Rights of Man and Citizen emerged amidst the fervor of the French Revolution, a time of sweeping societal change and the quest for equality. It expressed the revolutionary ideals of liberty, equality, and fraternity. The declaration declared that all men are born free and equal in rights, asserting fundamental principles that transcended the hierarchical structures of the old regime. While its immediate impact was challenged by subsequent events, it marked a significant milestone in human rights history, inspiring future generations to advocate for universal rights and freedoms.

⁶ Magna Carta (1215)

⁷ English Bill of Rights, 1689

⁸ French Declaration on the Rights of Man and Citizen (1789)

US Constitution and Bill of Rights (1791)⁹: The US Constitution and its accompanying Bill of Rights emerged from the American struggle for independence and the desire to establish a democratic republic. The Constitution set the framework for governance, while the Bill of Rights solidified the protection of individual liberties. Rooted in a concern for preventing tyranny, the Bill of Rights guarantees fundamental freedoms such as freedom of speech, religion, and the right to a fair trial. These documents encapsulated the principle that government should be accountable to the people and that individual rights must be preserved.

Philosophies and Human Rights¹⁰

Hinduism: In ancient Hindu scriptures, individuals were viewed as citizens of the state with both rights and obligations. These rights were expressed through the concept of "Dharma," encompassing duties to oneself, family, fellow beings, society, and the world. The concept of "Karmayoga" in the Bhagavad Gita¹¹ emphasizes performing one's duty without selfish attachment, contributing to the welfare of the world.

Islamic Principles: Islam is guided by five pillars, which include belief in one God, angels, prophets, the Day of Judgment, and the Quran¹². The Quran encourages good deeds and condemns reprehensible actions. Islamic teachings emphasize right behavior, non-discrimination between genders & religion, and the potential for both men and women to attain Paradise based on their deeds. After the emergence of Islam, women were given different rights and society was freed from slavery.

Buddhism: Buddhism's Hinayana and Mahayana sects embody distinct philosophies. While Hinayana emphasizes personal salvation, Mahayana extends salvation to a broader spectrum of individuals¹³. The Eightfold Path in Buddhism, comprising ethical, meditative, and wisdom-related aspects, highlights elements that correspond to human rights principles, including right thought, understanding, speech, action, vocation, effort, mindfulness, and concentration.

⁹ U.S. Const. amend. I (Bill of Rights)

¹⁰ Dr. Surinder Kaur, Historical Development of Human Rights, 6 Journal of Social Sciences Research 997-999 (2014).

¹¹ The Bhagavad Gita (Chapter 5, Verse 18)

¹² Surah 42: Ash-Shura: 21)

¹³ Mazumdar, S. (2016). Human Rights Jurisprudence in India: A Critical Review. Oxford University Press.

Jainism: Rooted in the concept of conquering passions and desires, Jainism stresses the importance of right faith, knowledge, and conduct as the three Jewels for liberation. Jainism advocates five vows, including non-injury (ahimsa), truthfulness (satya), non-stealing (asteya), celibacy (brahmacharya), and non-possession (aparigraha). These principles resonate with the ideas of equality and non-violence.

Sikhism: lays the groundwork for human rights study, embodying principles like monotheism, universalism, and equality. Guru Nanak's teachings prioritize individual growth from natural to spiritual realms. Sikhism vehemently rejects caste-based discrimination and recognizes all paths to God¹⁴. Guru Angad champions justice, equality, and individual rights, while Guru Amardas protests pilgrimage tax, asserting human rights. Guru Arjan Dev's sacrifice for freedom of worship and hospitality reflects early advocacy for these rights. In tracing human rights' evolution, Sikhism's values and Guru's actions illuminate its historical development.

The French Declaration and the Enlightenment: Inspired by the American Declaration of Independence, the French National Assembly formulated the Declaration of the Rights of Man in 1789¹⁵. This landmark event marked the first formal incorporation of inviolable human rights into a state document, asserting that individuals are born free and equal in rights, with social distinctions based solely on public utility.

The Twentieth Century and Universal Declaration: The tumultuous twentieth century, marred by two world wars, culminated in the adoption of the Universal Declaration of Human Rights by the General Assembly on December 10, 1948. This monumental document signifies a global commitment to upholding human dignity and rights, transcending geographical and cultural boundaries.

Enlightenment Era and Enlightenment Ideals

The Enlightenment era, spanning from the late 17th to the 18th centuries, emerged as a transformative epoch that wielded an enduring influence on the evolution of human rights principles.¹⁶ Rooted in

¹⁴ Sikhism. (n.d.). BBC Religion.

¹⁵ The French Declaration of the Rights of Man and of the Citizen. (1789).

¹⁶ Das, V. (2007). Life and Words: Violence and the Descent into the Ordinary. University of California Press.

Europe, this intellectual movement engendered a seismic shift towards reason, empiricism, individualism, and a fervent pursuit of knowledge. The Enlightenment's luminaries, including eminent thinkers like John Locke, Jean- Jacques Rousseau, and Voltaire, orchestrated a symphony of ideas that not only laid the foundation for modern human rights frameworks but also reverberate powerfully in the corridors of contemporary thought and policy.

John Locke¹⁷: John Locke, a towering luminary of the Enlightenment, sculpted the philosophical contours of human rights through seminal treatises such as "Two Treatises of Government." His profound insights illuminated the concept of innate natural rights, those inalienable attributes intrinsic to every human being – life, liberty, and property – that remain immutable by societal constructs. Locke's doctrine of limited government, wherein rulers are bound to protect and uphold these natural rights, was instrumental in delineating the delicate balance between state authority and individual freedoms. He underscored that legitimate governance hinged upon the consent of the governed, further emphasizing the symbiotic relationship between the state and its citizens.

Jean-Jacques Rousseau¹⁸: Jean-Jacques Rousseau's indelible mark on Enlightenment thought is epitomized by his magnum opus, "The Social Contract." This seminal work galvanized a revolutionary exploration of the nature of political authority, the sovereignty of the people, and the notion of the "general will." Rousseau postulated that genuine freedom could only flourish through a collective social covenant, where citizens collectively determine the laws that mirror the broader collective interest – the "general will." This profound espousal of participatory governance, societal cohesion, and the common good laid the foundational stones for democratic governance and the enduring preservation of human rights.

Voltaire¹⁹: The intellectual fervor of the Enlightenment found a spirited advocate in Voltaire, whose passionate advocacy for intellectual freedom, religious tolerance, and the separation of church and state reverberated across Europe. His seminal work, the "Treatise on Tolerance," stands as an indomitable clarion call for unshackling minds from dogma and oppression. Voltaire's audacious critique of authoritarian regimes and his unwavering stance on the importance of individual liberties

¹⁷ Lock, J. (1690). Two Treatises of Government.

¹⁸ Rousseau, J. J. (1762). The Social Contract.

¹⁹ Voltaire. (1763). Treatise on Tolerance.

not only advanced the cause of human rights but also illuminated the path toward a society conducive to intellectual growth, free expression, and progress.

Tracing the Historical Threads

The intricate tapestry of contemporary international human rights law finds its origins in a continuum of historical antecedents, echoing humanity's relentless aspiration for justice and dignity²⁰. The 19th century, characterized by fervent movements against the nefarious transatlantic slave trade and the horrors of warfare, emerges as a crucible for laying the groundwork of global consciousness regarding human rights.

International Labor Organization (ILO)²¹: The year 1919 saw the dawn of a new epoch with the establishment of the International Labor Organization (ILO), emblematic of international collaboration to safeguard the rights and well-being of the working masses. The ILO birthed treaties that etched in stone the rights of workers, encompassing their health, safety, and dignity. This monumental endeavor crystallized the recognition of labor as an intrinsic facet of human dignity, asserting the imperative of humane treatment in the economic sphere.

League of Nations and the Quest for Minority Protection: As the First World War drew to its conclusion, the League of Nations emerged as a beacon of hope, endeavoring to shepherd nations toward a collective safeguarding of peace and well-being. This organization's foray into addressing the protection of minority groups was a harbinger of the 20th-century human rights ethos. The League's voice resonated in concern for the rights of minority populations, raising a clarion call against their marginalization. However, the League's aspirations met with stumbling blocks, with the refusal of the United States to participate and its inability to avert instances such as Japan's invasion of China and Italy's assault on Ethiopia. As the shadow of the Second World War loomed, the League's aspirations dimmed, eventually fading into oblivion.

Unveiling the United Nations: Emerging from the ashes of global devastation, the United Nations (UN) emerged as an embodiment of collective determination to forge a path toward a world

²⁰ Henkin, L. (1999). *The Age of Rights*. Columbia University Press.

²¹ The International Labor Organization (ILO).

characterized by human rights, peace, and cooperation. Rooted in the harrowing lessons of the League's shortcomings, the UN's inception in 1945 heralded a renewed commitment to preventing the horrors of warfare and upholding the sanctity of human rights. The UN's establishment was emblematic of humanity's resolve to rise above divisions and ensure a better world for future generations, solidifying its place as a monumental precursor to the 20th-century human rights narrative.

The Genesis of the United Nations

The harrowing aftermath of World War II cast a searing light on the need to fortify the concept of human rights. The cataclysmic annihilation perpetrated by Nazi Germany, which claimed the lives of over six million Jews, Sinti and Romani (gypsies), homosexuals, and individuals with disabilities, left the world aghast. This egregious violation of humanity's essence galvanized the world's conscience. In the wake of the war, Nuremberg and Tokyo hosted trials that condemned officials from defeated nations for committing "crimes against peace," "crimes against humanity," and war crimes, ushering a paradigm shift in the way global atrocities were held accountable.

The United Nations

The atrocities of World War II propelled the international community into action, propelling the establishment of the United Nations (UN). The core objective was clear: to erect a bulwark against future conflicts and promote international harmony. A resonating call surged forth, advocating that never again should life, liberty, sustenance, shelter, and nationality be unjustly withheld. President Franklin Delano Roosevelt's seminal 1941 State of the Union Address etched four cardinal freedoms into the global consciousness: freedom of speech, freedom of religion, freedom from want, and freedom from fear. The clarion voices demanding human rights standards as a countermeasure against government abuses reverberated globally, echoing in the halls of the 1945 San Francisco meeting that gave birth to the United Nations Charter.

Universal Declaration of Human Rights²²

Member states of the United Nations embraced a commitment to safeguard the human rights of all individuals. A monumental stride in this direction took form with the establishment of the UN Commission on Human Rights. Tasked with crystallizing the essence of fundamental rights and freedoms enshrined in the Charter, the Commission, led by Eleanor Roosevelt's resolute guidance, assumed a pivotal role in shaping the future of human rights.

December 10, 1948, marked a watershed moment as the Universal Declaration of Human Rights (UDHR) was adopted by the UN's 56 members, with a unanimous vote save for eight abstentions. Termed the "international Magna Carta," the UDHR transcended boundaries, proclaiming that a government's treatment of its citizens transcended domestic confines and became a matter of international concern. An intricate web of interdependent and indivisible rights emerged, rooted in the recognition of inherent human dignity and the bedrock of global freedom, justice, and peace.

The Momentum Unleashed

The ripple effect of the UDHR permeated the globe. Incorporated into the constitutions of a vast majority of the 185 UN member nations, the declaration's principles bore testament to its indelible influence. The UDHR, while not legally binding, metamorphosed into customary international law, resonating as a universal benchmark for achievement. Now UDHR has become the *jus cogens* of International Law & its violation by any state will make it accountable to international community.

The Crucible of Human Rights Covenants:

The UN Commission on Human Rights embarked on a mission to bolster the UDHR through the creation of two seminal treaties: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These, together with the UDHR, constituted the International Bill of Human Rights. The ICCPR spotlighted the right to life, freedom of expression, religion, and suffrage. The ICESCR, on the other hand, delved into realms encompassing food, education, health, and shelter. A cornerstone of these covenants was the

²² Mohammad Habibur Rahman & Mohammad Habibur Rahman, The Universal Declaration of Human Rights (UDHR) as Foundation of the International Human Rights Law (Dec. 11, 2020).

extension of rights to all individuals, accompanied by a staunch prohibition of discrimination.

An Expanding Tapestry

The United Nations' dedication to human rights extended beyond the International Bill of Human Rights. Over 20 principal treaties have been adopted, amassing a robust framework to counter specific abuses such as torture and genocide, and to shield vulnerable groups like refugees, women, and children. Regional documents, such as the African Charter of Human and People's Rights (1981) and the Cairo Declaration on Human Rights in Islam (1990)²³, have further embellished the global human rights tapestry. In an era marked by transformative changes across Eastern Europe, Africa, and Latin America since 1989, the clarion call for human rights is amplified. Popular movements across Asia, from China to Korea, resonate with an unwavering commitment to these principles. The journey from the birth of the United Nations to the proliferation of human rights documents manifests humanity's evolution towards a world that champions the dignity, freedom, and equality of all.

The African Charter of Human and People's Rights²⁴

Within the African context, the trajectory towards fortifying human rights protection has coalesced in the African Charter on Human and People's Rights (1981). This seminal and trailblazing document, commonly referred to as the Banjul Charter, stands as a testament to the continent's unwavering resolve to uphold the dignity and rights of its inhabitants. The African Charter's comprehensive ambit encompasses a spectrum of rights that span across civil, political, economic, social, and cultural domains. The African Charter's profound significance lies in its meticulous articulation of fundamental principles that resonate deeply with the lived experiences of Africa's diverse populations. Anchoring the Charter is the paramount recognition of the right to self-determination—a recognition that echoes the struggles of African nations against colonialism and oppression. This foundational right underscores the sovereignty of African peoples to determine their political, economic, social, and cultural destinies. One of the Charter's hallmarks is its robust endorsement of the right to a fair trial—a cornerstone of justice. This affirmation reflects a

²³ Cairo Declaration on Human Rights in Islam, adopted August 5, 1990, OIC Res. 3/10, Annex, U.N. GAOR, 45th Sess., Supp. No. 18, at 14, U.N. Doc. A/45/18 (1990).

²⁴ African Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).

commitment to ensuring that legal proceedings are conducted equitably and transparently, bolstering the rule of law and safeguarding individuals' rights within legal processes. Moreover, the African Charter takes an unambiguous stance against torture, asserting an imperative to protect the physical and psychological integrity of individuals. This prohibition underscores Africa's pledge to mitigate human suffering and ensure the dignity of all its residents. Innovatively, the African Charter introduces the concept of collective rights—a recognition that the welfare of peoples and groups is intricately interwoven with their ability to manage and benefit from their own wealth and natural resources. This pioneering concept recognizes the significance of communal well-being and economic empowerment, heralding a holistic approach to human rights protection. By embracing the principles enshrined in the Universal Declaration of Human Rights, the African Charter forges a harmonious alignment between global human rights standards and the contextual intricacies of the African continent. This dynamic harmonization underscores Africa's commitment to championing the rights and aspirations of all Africans, engendering a collective commitment to human rights that traverses national boundaries. As an essential regional instrument, the African Charter epitomizes Africa's endeavor to weave a protective tapestry around its inhabitants, celebrating the diversity of the continent while affirming the shared values of human dignity, equality, and justice.

Human Rights in Latin America²⁵

Latin America, a region deeply etched with a history of social and political upheavals, has navigated its trajectory towards human rights progress with significant determination. One of the pivotal cornerstones of human rights protection in the Americas is the American Convention on Human Rights (1969), commonly referred to as the Pact of San Jose, Costa Rica. This treaty, orchestrated under the auspices of the Organization of American States (OAS), stands as a testament to the region's commitment to fostering a culture of respect for human dignity and liberties. Embedded within the fabric of the American Convention are an array of rights that closely mirror the principles enshrined in the Universal Declaration of Human Rights and the International Bill of Human Rights. By firmly emphasizing fundamental freedoms such as the right to life, personal security, freedom of thought, expression, and assembly, as well as the imperative of fair trials and the principle of non-discrimination, the Convention echoes the global consensus on the core tenets of human rights. Latin

²⁵ Sonia Cardenas & Rebecca Root. *Human Rights in Latin America: A Politics of Transformation*. 2nd ed. University of Pennsylvania Press, 2022

America's historical trajectory, characterized by periods of authoritarian rule, dictatorships, and internal conflicts, has propelled the region towards a more profound engagement with human rights. This collective experience has led to the establishment of crucial mechanisms such as the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (IACtHR). These institutions serve as stalwart guardians of the American Convention, offering avenues for individuals and groups to seek justice and reparation for human rights violations. The Latin American journey in the realm of human rights is a mosaic of complex struggles, resilience, and advancements. It is a narrative that reflects a continuous dedication to ensuring that the dark chapters of history do not define the future. Instead, these experiences have catalyzed a fervent commitment to uphold the dignity, equality, and rights of all individuals within the region, contributing to the evolution of a collective human rights conscience that reverberates through its diverse nations.

Human Rights in Europe²⁶

Europe, renowned for its intricate tapestry of cultures and historical narratives, has woven a robust framework for the protection of human rights through a diverse array of regional instruments. At the heart of this endeavor lies the European Convention on Human Rights (ECHR), a seminal pact established in 1950 under the mantle of the Council of Europe. This convention serves as a beacon of human rights protection, encapsulating a spectrum of civil and political rights that underpin the continent's commitment to upholding the dignity and freedoms of its inhabitants. Embedded within the ECHR are a host of fundamental rights that reflect the collective conscience of Europe. From the sacrosanct right to life to the cherished freedom of expression, the convention stands as a bulwark against tyranny and injustice. Notably, the prohibition of torture resonates as an unequivocal stance against the abrogation of human dignity. A vital cornerstone of the European human rights landscape, the European Court of Human Rights (ECtHR), operates as a guardian of the ECHR's principles. As a judicature of immense significance, the ECtHR offers a platform for individuals and states to seek redress for human rights transgressions. This dynamic mechanism has fostered accountability by subjecting governments to scrutiny, thereby reinforcing the belief that even those in power must be held to the standards of justice. Beyond the confines of individual nations, the European Union (EU)

²⁶ Tawhida Ahmed & Israel de Jesús Butler, *The European Union and Human Rights: An International Law Perspective*, 17 *European Journal of International Law* 771–801 (2006).

stands as an exemplar of collective human rights stewardship. The Charter of Fundamental Rights of the European Union (2000), a defining document, sets forth a comprehensive panorama of rights encompassing civil, political, economic, and social realms. This charter serves as a testament to the EU's dedication to weaving human rights into the fabric of its governance, ensuring that every citizen benefits from a harmonious amalgamation of shared values and aspirations.

Human Rights in India:

Delving into the profound legacy of ancient legal thought, scholars immersing themselves in the Dharmasastras and Arthasastras²⁷ have unearthed an intricate system that orchestrates the responsibilities of rulers, judges, subjects, and legal procedures. At its core lies "Dharma," with its functional focus on maintaining social order. Central to this is the paramount concept of "Dharma"²⁸, an embodiment of moral righteousness that binds kings, citizens, men, and women alike. Within this framework, human rights find significance, particularly when an independent judiciary enforces them—a fundamental tenet supported by Dharmasastras.

Remarkably, the ancient judicial system boasted a distinctive feature: the separation of the judiciary from the executive. This separation, while not entirely divorced from the ruler's authority, manifested the principle that justice remained distinct from ruling power. This concept matured in the case of *Ananthapindika v. Jeta*, where even a prince abided by the court's verdict, embodying the principle of accountability. This evolution of judicial independence stemmed from the belief that law, especially "Dharma," transcended the sovereign and upheld the intrinsic value of human rights. The Indian concept of human rights is intricately woven into the fabric of "Dharma." Individuals existed as citizens of the state, enjoying both rights and duties. These duties extended to oneself, family, society, and beyond, forming a cohesive foundation. The ancient jurisprudence recognized that an individual's rights and obligations coexisted within the realm of Dharma. Notably, this interconnectedness extended to the state, underscoring that even a king was bound by the law. References in the Vedas further illuminate the presence of human rights in ancient India. Proclamations of liberty, inviolability of dwellings, and protection of life resonate throughout the texts. Even in 1367 B.C., agreements between Bahmani and Vijayanagar Kings displayed the humane

²⁷ Nidhi Madan. History & Development of Human Rights in Indian. IOSR Journal of Humanities and Social Science. Vol. 22, Issue 6, Ver. 9, pp. 01-06 (June 2017)

²⁸ Sanatana Dharma: an advanced text book of Hindu religion and ethics, (Dec. 19, 2011)

treatment of prisoners of war and respect for lives. Amidst India's history of social and political transformations, the rise of Buddhism and Jainism acted as responses against moral degradation and privileged class dominance. Emperor Ashoka, in particular, fortified human rights, advocating equality, liberty, and well-being. Ashoka's reign introduced a welfare state that safeguarded these rights.

Transitioning to the colonial era, British rule kindled resistance among Indians, prompting demands for fundamental freedoms and civil and political rights. The freedom movement's intensity propelled the fight for civil liberties, culminating in the Constitution of India, which hinged upon human rights as a pivotal cornerstone. Mahatma Gandhi's leadership and the Indian National Congress's efforts solidified the trajectory towards human rights-centric governance. The Indian Constitution, ratified by the Constituent Assembly in 1950, exalted human rights, placing them at the forefront. The Preamble's essence pledges justice, liberty, equality, and fraternity to all citizens, transcending barriers of race, religion, and gender. In this democratic republic, human rights became a guiding compass, steering the nation towards a just, inclusive, and harmonious future.

Journey of Human Rights Development in India²⁹

The evolution of human rights in India can be traced through a series of significant committees, sessions, and legislative efforts that took place during the British colonial era and the subsequent formation of the Indian Constitution. These milestones reflect the growing awareness and demand for fundamental rights recognition:

Early Awareness (Pre-1920s): The beginning of the 20th century witnessed a growing realization among Indians about the significance of fundamental rights. The era was marked by the absence of civil liberties under British colonial rule and the existence of social disparities. These conditions prompted discussions on the need to protect individual rights and establish a just and equitable society.

- 1) **Motilal Nehru Committee (1925):** In 1925, the Motilal Nehru Committee was established, led by prominent leader Motilal Nehru. This committee became a pivotal platform for

²⁹ S. Radhakrishnan, Development of Human Rights in an Indian Context, 36 Int'l J. Legal Info. 2, article 14 (2008).

outlining the principles of fundamental rights that should be enshrined in any future Indian constitution. It laid the foundation for recognizing and safeguarding civil liberties, reflecting the aspirations of the Indian National Congress.

- 2) **Simon Commission and Resistance (1927-1930):** The Simon Commission, established by the British government in 1927, starkly rejected the demands raised by the Nehru Committee and the Indian people. This rebuff ignited widespread resistance and protests against colonial rule. The commission's dismissal of Indian demands, combined with rampant social injustices, fueled the Indian nationalist movement's demand for civil liberties and fundamental rights.
- 3) **Demand for Fundamental Rights (1927):** The Madras Session of the Indian National Congress in 1927 marked a significant turning point. During this session, leaders collectively voiced the urgent need for a 'Declaration of Fundamental Rights' within the framework of India's constitutional development. The demand underscored the growing consensus on protecting basic human rights.
- 4) **Karachi Session (1931):** The Indian National Congress convened its session in Karachi in 1931, where leaders and delegates outlined a comprehensive program of fundamental rights. This program highlighted the need for protecting individual freedoms and ensuring equality among citizens, regardless of their background or status.
- 5) **Sapru Committee (1945):** As India moved closer to independence, the Sapru Committee was formed in 1945. This committee, led by Tej Bahadur Sapru, emphasized the necessity of codifying a comprehensive set of fundamental rights in the nation's constitution. The committee's recommendations underscored the growing demand for embedding human rights principles in India's legal framework.
- 6) **Constituent Assembly (1946-1950):** With the approach of Indian independence, the Constituent Assembly was convened to draft the country's constitution. This assembly deliberated extensively on the importance of human rights, recognizing the need to establish a just and inclusive society where individual freedoms and dignity are paramount.
- 7) **Constitution of India Bill 1895 (Home Rule Document):** The Constitution of India Bill 1895, often referred to as the "Home Rule Document," was proposed by the Indian National Congress. This bill envisaged a constitution that would guarantee fundamental human rights, including freedom of expression and protection of property.
- 8) **Preamble to the Indian Constitution:** The Preamble to the Indian Constitution sets out the

guiding principles for the new nation. It declares India as a sovereign, socialist, secular, and democratic republic, committed to ensuring justice, liberty, equality, and fraternity for all citizens.

- 9) **Part III of the Indian Constitution:** Part III of the Indian Constitution outlines Fundamental Rights. These rights include the right to life, freedom of speech, protection against discrimination, and more. Part III reflects the culmination of decades of struggle for human rights recognition and ensures that these principles are embedded in the fabric of India's legal framework.

These stages in India's journey of human rights development exemplify the nation's progression from raising awareness about the importance of individual rights to incorporating comprehensive rights protections into its constitutional framework. This evolution underscores India's commitment to upholding the principles of human dignity, equality, and justice for all its citizens.

India's Commitment to the Universal Declaration of Human Rights

India's alignment with the principles enshrined in the Universal Declaration of Human Rights (UDHR) resonates as a testament to its dedication to safeguarding human dignity and well-being. As a signatory to the UDHR, India forged a profound connection with the global pursuit of fundamental rights and freedoms. The symbiotic relationship between the UDHR and India's Constitution is unmistakable. Part III of the Indian Constitution underscores a multitude of fundamental rights akin to the provisions enunciated in the UDHR. This convergence underscores India's commitment to upholding a universal standard of human rights within its own legal framework. Examining these parallels reveals the comprehensive approach India has taken to human rights protection. The Indian Constitution enshrines the right to life and personal liberty, paralleling the UDHR's affirmation of the right to life and security. The prohibition of discrimination based on race, religion, and gender, a cardinal principle of the UDHR, is echoed in India's constitutional guarantee of equality before the law. Freedom of speech and expression, an integral element of democratic societies, finds a parallel in India's Constitution, allowing citizens to voice their opinions without fear. Likewise, the right to education, crucial for individual empowerment, finds resonance in the Indian Constitution's emphasis on ensuring access to education for all. Furthermore, the Indian Constitution echoes the UDHR in its stance against torture and cruel, inhuman, or degrading treatment. The right to a fair trial, a

cornerstone of justice, is upheld by both the UDHR and India's constitutional provisions. India's pledge to the UDHR reflects its recognition of the intrinsic worth of every human being, irrespective of nationality, religion, or background. This commitment is further evident in India's proactive engagement with human rights mechanisms on the global stage. By aligning its national legal framework with the principles of the UDHR, India not only embraces the spirit of international human rights but also solidifies its dedication to fostering a just and equitable society. The interplay between India's Constitution and the UDHR exemplifies a shared pursuit of human rights that transcends borders, uniting humanity in its quest for dignity and equality. Civil and Political Rights in the Universal Declaration of Human Rights and in the Indian Constitution

No.	Name of Rights	Universal Declaration	Indian Constitution
1.	Equality before law	Article 7	Article 14
2.	Prohibition of discrimination	Article 7	Article 15(1)
3.	Equality of opportunity	Article 21(2)	Article 16(1)
4.	Freedom of speech and expression	Article 19	Article 19(1) (a)
5.	Freedom of peaceful assembly	Article 20(1)	Article 19(1) (b)
6.	Right to form associations or unions	Article 23(4)	Article 19(1) (c)
7.	Freedom of movement within the border	Article 13 (1)	Article 19(1) (d)
8.	Protection in respect of conviction for offences	Article 11(2)	Article 20 (1)
9.	Protection of life and personal liberty	Article 3	Article 21
10.	Protection of slavery and forced labour	Article 4	Article 23
11.	Freedom of conscience and religion	Article 18	Article 25(1)
12.	Remedy for enforcement of rights	Article 8	Article 32
13.	Right against arbitrary arrest and detention	Article 9	Article 22
14.	Right to social security	Article 22	Article 29(1)

Economic, Social and Cultural Rights in the Universal Declaration of Human Rights and in the Indian Constitution:

No.	Universal Declaration of Rights	Article in the Universal Declaration	Article in the Indian Constitution
1.	Right to work, to just and favourable conditions of work	Article 23 (1)	Article 41
2.	Right to equal pay for equal work	Article 23(2)	Article 39 (d)
3.	Right to education	Article 26(1)	Articles 21(A), 41, 45 & 51A(k)
4.	Right to just and favourable remuneration	Article 23(3)	Article 43
5.	Right to rest and leisure	Article 24	Article 43
6.	Right of everyone to a standard of living adequate for him and his family	Article 25(1)	Article 39(a) & Article 47
7.	Right to a proper social order	Article 28	Article 38

In the landmark case of *Keshavananda Bharati v. State of Kerala*³⁰, the Supreme Court remarked that while the Universal Declaration of Human Rights might lack legal binding, it serves as a testament to India's comprehension of human rights during the Constitution's adoption. Another pivotal case, *Jolly George Varghese v. Bank of Cochin*³¹, grappled with whether rights enshrined in the Covenant on Civil and Political Rights, not acknowledged within the Indian Constitution, should be applicable in India. Justice Krishna Iyer underscored dualism, asserting that while State Parties' positive commitment sparks legislative action at home, it doesn't automatically integrate the Covenant into India's legal system. Despite this, the Universal Declaration has notably impacted India's constitutional interpretation.

In the ruling of *Chairman, Railway Board and others v. Mrs. Chandrima Das*³², the Supreme Court acknowledged the Declaration's international recognition as a Moral Code of Conduct, adopted by

³⁰ *Keshavananda Bharati v. State of Kerala*, AIR 1973 SC 1461 (India).

³¹ *Jolly George Varghese v. Bank of Cochin*, AIR 1980 SC 470 (India).

³² *Chairman, Railway Board and others v. Mrs. Chandrima Das*, AIR 2000 SC 988 (India)

the United Nations General Assembly. The applicability of the Universal Declaration's principles may need to be incorporated into domestic jurisprudence. Consequently, the Declaration has found mention in various judgments by both the Supreme Court and State High Courts.

India formally ratified the International Covenant on Civil and Political Rights³³ as well as the International Covenant on Economic, Social and Cultural Rights³⁴ on March 27, 1979. However, India did not ratify the Optional Protocol to the International Covenant on Civil and Political Rights in 1989.

India's Engagement with International Human Rights Framework

India has actively participated in the international human rights framework by signing and ratifying various treaties and conventions, demonstrating its commitment to upholding fundamental rights and principles. Some of the most crucial agreements that India has engaged with include:

International Covenant on Civil and Political Rights (ICCPR): India signed the ICCPR in 1977 and ratified it in 1979. This treaty focuses on civil and political rights, such as the right to life, freedom of expression, and the right to a fair trial. India's ratification demonstrates its commitment to safeguarding civil liberties and ensuring justice.

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

Signed and ratified by India in 1979, the ICESCR addresses economic, social, and cultural rights, including access to education, healthcare, and adequate living standards. By endorsing this treaty, India emphasizes the importance of socio-economic well-being for its citizens.

Convention on the Rights of the Child (CRC): India signed and ratified the CRC³⁵ in 1992. This convention focuses on safeguarding the rights of children, including protection from exploitation, ensuring education, and promoting their overall development. India's participation reflects its

³³ International Covenant on Civil and Political Rights, opened for signature Dec. 16, 1966, 999 U.N.T.S. 171 (entered into force Mar. 23, 1976).

³⁴ International Covenant on Economic, Social and Cultural Rights, opened for signature Dec. 16, 1966, 993 U.N.T.S. 3 (entered into force Jan. 3, 1976).

³⁵ Convention on the Rights of the Child, opened for signature Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990).

commitment to nurturing its younger generation.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)³⁶:

India signed CEDAW in 1980 and ratified it in 1993. This treaty underscores gender equality and the elimination of discrimination against women. India's engagement highlights its dedication to women's empowerment and equal treatment.

Convention on the Rights of Persons with Disabilities (CRPD)³⁷: India signed the CRPD in 2007 and ratified it in 2008. This convention advocates for the rights and inclusion of persons with disabilities. India's commitment aligns with its efforts to create an inclusive society for all citizens.

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)³⁸: While India signed CAT in 1997, it has not ratified the convention. The treaty aims to prevent torture and ill-treatment. India's non-ratification may reflect domestic legal considerations.

International Convention on the Elimination of All Forms of Racial Discrimination (CERD)³⁹:

India signed CERD in 1966 and ratified it in 1968. The convention strives to eliminate racial discrimination and promote equality among all racial and ethnic groups.

Reservations and Declarations

As India ratified various international treaties and conventions on human rights, it took reservations and made declarations on specific provisions to ensure harmony between international obligations and its domestic legal framework. These reservations reflect India's commitment to upholding its own laws and policies while participating in global human rights initiatives. Here are some instances

³⁶ Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13 (entered into force Sept. 3, 1981).

³⁷ Convention on the Rights of Persons with Disabilities (CRPD), Dec. 13, 2006, 2515 U.N.T.S. 3 (entered into force May 3, 2008).

³⁸ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force June 26, 1987).

³⁹ International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Dec. 21, 1965, 660 U.N.T.S. 195 (entered into force Jan. 4, 1969)

where India's reservations and declarations are notable:

International Covenant on Civil and Political Rights (ICCPR): India has taken a reservation on Article 20(2) of the ICCPR. This provision focuses on retroactive criminal laws that could apply to acts committed before the law's enactment. India's reservation in this regard indicates its concern for maintaining legal consistency within its domestic framework. It seeks to ensure that its legal principles are not compromised by retrospective application of criminal laws.

Convention on the Rights of the Child (CRC): India's reservations in the context of the CRC are worth mentioning. These reservations are related to specific aspects, such as adoption, child labor, and juvenile justice. While India is committed to safeguarding children's rights and welfare, these reservations underline its sovereign right to manage its internal affairs in accordance with its own legal and cultural contexts. By taking these reservations, India emphasizes the importance of ensuring children's well-being while adhering to its own laws.

Convention on the Rights of Persons with Disabilities (CRPD): India's reservation on Article 32 of the CRPD deserves attention. Article 32 concerns the right to access justice for persons with disabilities. India's reservation in this context might be a result of its consideration of the complexities of its legal system, which could require certain accommodations to ensure equal access to justice for persons with disabilities. This reservation demonstrates India's commitment to adapting international principles to its unique legal landscape.

Domestic legislations and frameworks in India that are based on international human rights principles⁴⁰:

- 1) **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989⁴¹:** This law aims to prevent atrocities and discrimination against marginalized communities, aligning with the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).
- 2) **Persons with Disabilities (Equal Opportunities, Protection of Rights and Full**

⁴⁰ Das, Veena. *Life and Words: Violence and the Descent into the Ordinary*. University of California Press, 2007.

⁴¹ Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Pub. L. No. 33, 1989 (India).

Participation) Act, 1995⁴²: This Act promotes the rights and inclusion of persons with disabilities, reflecting the principles of the Convention on the Rights of Persons with Disabilities (CRPD).

- 3) **Protection of Women from Domestic Violence Act, 2005⁴³:** This legislation addresses gender-based violence, in line with international commitments to eliminate discrimination against women and promote gender equality, as set out in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- 4) **Right to Education Act, 2009⁴⁴:** This Act ensures free and compulsory education for children aged 6 to 14 years, emphasizing the right to education as enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR).
- 5) **The Protection of Children from Sexual Offences (POCSO) Act, 2012⁴⁵:** This Act addresses sexual offenses against children and ensures their protection, particularly guided by the United Nations Convention on the Rights of the Child (CRC) It reflects India's commitment to safeguarding children's rights and aligns with international principles of protecting children from abuse and exploitation.
- 6) **The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013⁴⁶:** This legislation is aligned with India's commitment to eliminate discrimination against women and ensure their safety. It reflects principles of gender equality and protection from harassment, as articulated in CEDAW and other relevant treaties.
- 7) **National Food Security Act, 2013⁴⁷:** This Act aims to ensure food security for vulnerable populations, reflecting the right to an adequate standard of living as articulated in international human rights treaties such as the ICESCR.
- 8) **The Juvenile Justice (Care and Protection of Children) Act, 2015⁴⁸:** This law focuses on the rights and welfare of children in conflict with the law or in need of care and protection. It is in line with international standards on the rights of the child, as outlined in the Convention

⁴² Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, Pub. L. No. 1, 1996 (India).

⁴³ Protection of Women from Domestic Violence Act, 2005, Pub. L. No. 43, 2005 (India).

⁴⁴ Right to Education Act, 2009, Pub. L. No. 35, 2009 (India).

⁴⁵ The Protection of Children from Sexual Offences (POCSO) Act, 2012, Pub. L. No. 32, 2012 (India)

⁴⁶ The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, Pub. L. No. 14, 2013 (India).

⁴⁷ National Food Security Act, 2013, Pub. L. No. 20, 2013 (India).

⁴⁸ The Juvenile Justice (Care and Protection of Children) Act, 2015, Pub. L. No. 2, 2016 (India).

on the Rights of the Child (CRC).

- 9) **The Rights of Persons with Disabilities Act, 2016⁴⁹**: This updated legislation strengthens the rights and inclusivity of persons with disabilities. It incorporates international standards from the Convention on the Rights of Persons with Disabilities (CRPD) to ensure their rights and dignity. The CRPD serves as the key international framework guiding the rights and treatment of persons with disabilities, ensuring their full participation and inclusion in society.
- 10) **The Mental Healthcare Act, 2017⁵⁰**: This Act focuses on the rights and treatment of individuals with mental illness, promoting their dignity and ensuring their rights to access mental healthcare. It aligns with the principles of the Convention on the Rights of Persons with Disabilities (CRPD) and the right to health as recognized internationally.
- 11) **The Transgender Persons (Protection of Rights) Act, 2021⁵¹**: This Act recognizes the rights of transgender individuals and aims to protect them from discrimination and exploitation. It reflects principles of dignity, non-discrimination, and inclusion from international human rights frameworks, including the UDHR and the CRPD.

Three organs of Governments and Human Rights⁵²

Legislature: The Legislature, which comprises the Parliament at the national level and State Legislatures at the state level, serves as the primary vehicle for enacting laws that uphold human rights. Members of Parliament⁵³ and State Legislatures propose, discuss, and pass legislations that codify and safeguard fundamental rights. These laws cover a wide range of issues, including civil liberties, social justice, labor rights, and women's empowerment.

The Legislature also facilitates the ratification and incorporation of international human rights treaties and conventions into domestic law. This reflects India's commitment to international human rights standards. By aligning domestic laws with these global norms, India demonstrates its dedication to upholding human rights at both national and international levels.

⁴⁹ The Rights of Persons with Disabilities Act, 2016, Pub. L. No. 49, 2016 (India).

⁵⁰ The Mental Healthcare Act, 2017, Pub. L. No. 10, 2017 (India)

⁵¹ The Transgender Persons (Protection of Rights) Act, 2021, Pub. L. No. 4, 2021 (India).

⁵² Mazumdar, S. Human Rights Jurisprudence in India: A Critical Review. Oxford University Press, 2016.

⁵³ Chandrachud, R. S. Balancing Constitutional Rights in India. Oxford University Press, 2019.

Furthermore, the Legislature provides a platform for open debates, discussions, and discourse on pressing human rights concerns. These deliberations help identify gaps in the legal framework and initiate reforms. For example, discussions on issues like gender equality, minority rights, and environmental protection lead to the formulation of comprehensive legislations that address contemporary human rights challenges.

Executive: The Executive branch, led by the President at the national level and Governors at the state level, plays a crucial role in implementing and enforcing laws that protect human rights⁵⁴. Various ministries and government agencies under the Executive's purview design and execute policies, programs, and initiatives that respect and safeguard individual rights.

The Executive's role extends to the international arena as well. Through participation in international human rights forums and organizations, the Executive represents India's commitment to global human rights standards. Diplomatic engagements provide opportunities to learn from other countries' experiences, share best practices, and contribute to shaping the evolution of human rights discourse on the world stage. In cases of human rights violations, the Executive ensures accountability through investigations and legal actions. The Executive's prompt response to incidents of abuse and injustice is essential for maintaining public trust and demonstrating the government's commitment to upholding the rule of law and justice.

Judiciary⁵⁵: The Judiciary, headed by the Supreme Court at the apex level and High Courts at the state level, acts as the guardian of the Constitution and protector of human rights. Its primary role is to interpret laws, resolve disputes, and ensure that the government's actions align with constitutional principles and human rights standards. Judicial review, a fundamental function of the Judiciary, empowers it to strike down laws and actions that violate fundamental rights⁵⁶. This ensures that the government's policies and actions are consistent with the Constitution's spirit and intent, thereby safeguarding individual liberties.

⁵⁴ Baxi, Upendra. "Inhuman Wrongs and Human Rights: Unconscionability as Legal Form." *Indian Journal of Human Rights* 8, no. 2 (2004): 24-56.

⁵⁵ Sen, Amartya. *The Idea of Justice*. Harvard University Press, 2009.

⁵⁶ Chandrachud, R. S. *Balancing Constitutional Rights in India*. Oxford University Press, 2019.

The Judiciary's proactive approach in human rights jurisprudence has led to landmark judgments that have expanded the scope of rights protection. Cases like *Vishaka v. State of Rajasthan* (1997)⁵⁷, which established guidelines against workplace sexual harassment, and *NALSA v. Union of India* (2014)⁵⁸, recognizing transgender rights, have set important precedents for safeguarding human dignity and equality. Additionally, the Judiciary plays a pivotal role in addressing human rights violations. By conducting fair trials, ensuring due process, and holding perpetrators accountable, the Judiciary reinforces the principle that no one is above the law.

Recommendations to improve the functioning of Human Rights in India

- 1) **Public Awareness and Education:** Develop culturally sensitive and localized human rights education programs that emphasize real-life examples and case studies. Collaborate with media platforms to create engaging content that spreads awareness of human rights issues and solutions, targeting all age groups.
- 2) **Government Accountability:** Ensure the independent body's composition includes experts from various fields and is representative of the country's diversity. Require the body to provide clear and actionable recommendations, leading to accountability measures and policy improvements.
- 3) **Capacity Building:** Promote peer learning and exchange of best practices among law enforcement agencies by establishing a platform for sharing success stories in human rights protection. Develop online training modules that incorporate practical scenarios and case studies.
- 4) **Access to Justice:** Create a mobile legal aid service that reaches remote areas and underserved communities. Collaborate with local community leaders and organizations to raise awareness about the availability of legal aid and simplify the process of accessing it.
- 5) **Protection of Vulnerable Groups:** Partner with NGOs and grassroots organizations to gather firsthand insights into the challenges faced by vulnerable groups. Develop region-specific strategies that address local context while adhering to international human rights principles.

⁵⁷ AIR 1997 SC 3011

⁵⁸ (2014) 5 SCC 438

- 6) **Elimination of Torture and Custodial Abuse:** Introduce mandatory training for all personnel working in detention facilities to educate them about human rights and acceptable practices. Enforce the establishment of a 24/7 helpline for reporting custodial abuse, ensuring timely response and protection for victims.
- 7) **Strengthening Human Rights Institutions:** Grant the NHRC the authority to initiate independent investigations based on credible information received, rather than relying solely on complaints. Mandate annual public reports detailing its investigations and findings.
- 8) **Review of Reservations:** Form a committee of legal experts, human rights advocates, and policymakers to thoroughly review reservations and declarations. Develop a clear roadmap for removing or modifying reservations that impede the realization of human rights standards.
- 9) **Promoting Gender Equality:** Implement mandatory gender-sensitivity training for government officials, focusing on eliminating biases and stereotypes. Establish fast-track courts and support services for victims of gender-based violence to ensure swift justice and rehabilitation.
- 10) **Protection of Freedom of Expression:** Initiate a comprehensive review of outdated laws and regulations that stifle freedom of expression. Create a digital platform where citizens can report incidents of online harassment or threats against freedom of expression.
- 11) **Data Collection and Analysis:** Collaborate with technology experts to design an automated system that categorizes and analyzes data on human rights violations. Provide real-time insights to policymakers for informed decision-making.
- 12) **Civil Society Engagement:** Develop a mechanism for whistleblower protection and reward systems that encourage individuals to report human rights violations. Create a central portal for civil society organizations to access funding, training, and networking opportunities.
- 13) **Collaboration with International Bodies:** Establish a dedicated unit within the government to engage with international human rights bodies. Allocate resources to act on recommendations, demonstrating a commitment to upholding international standards.
- 14) **Legislative Reforms:** Regularly host public consultations and town-hall meetings to gather feedback on existing laws and policies. Streamline the process of enacting new legislation aligned with human rights principles.

By implementing these comprehensive and solution-oriented recommendations, India can create a

robust framework for the protection and promotion of human rights. This approach not only reflects the country's commitment to human rights but also leads to tangible improvements in the lives of its citizens.

Conclusion

In conclusion, the journey of human rights law has been a profound and transformative one, reflecting the evolving moral consciousness of humanity and the persistent struggle to uphold the dignity and worth of every individual. From ancient civilizations to the modern interconnected world, the evolution of human rights law has been driven by the recognition that the inherent rights of individuals transcend borders, cultures, and circumstances. The historical backdrop of egregious abuses and the yearning for justice led to the gradual formulation of guiding principles, eventually crystallizing into legal frameworks that champion the rights of all. The Magna Carta, the Universal Declaration of Human Rights, and an array of international treaties and conventions are testament to the global commitment towards safeguarding human dignity. These milestones underscore the collective determination to create a just and equitable world where every person's rights are respected, protected, and upheld. The development of human rights law is not a linear progression but a complex tapestry woven through struggles, victories, and ongoing challenges. It reflects the universal aspiration for a world free from discrimination, oppression, and exploitation. However, as the world confronts new challenges such as technological advancements, environmental crises, and emerging forms of discrimination, the evolution of human rights law remains an ongoing endeavor that requires continuous adaptation and vigilance. The journey has also highlighted the importance of accountability mechanisms and the role of governments, institutions, and civil society in promoting human rights. The collaboration between international bodies, national governments, and grassroots movements underscores the shared responsibility to protect and fulfill human rights in every corner of the globe. As we reflect on this journey, it is imperative to acknowledge the vital role that education, awareness, and advocacy play in shaping the evolution of human rights law. Individuals, as well as communities, must remain vigilant in upholding the values of equality, justice, and freedom for all. The evolution of human rights law is not solely the responsibility of legal systems and governments but is deeply intertwined with the consciousness and actions of each individual. Looking ahead, the evolution of human rights law will continue to be influenced by the shifting socio-political landscape and the emerging challenges of our times. The lessons of history teach us that progress is

not guaranteed, and the protection of human rights requires an ongoing commitment to learning from the past, addressing present injustices, and envisioning a future where human dignity is the cornerstone of all policies and actions. In this ongoing journey, societies must remain steadfast in their dedication to create a world where every person's rights are upheld, regardless of their background, identity, or circumstances. By embracing the lessons of history, upholding the principles of human rights, and embracing a spirit of compassion and collaboration, we can collectively pave the way for a more just, equitable, and inclusive future for generations to come.

