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## Human Rights Development: Need for Dignity in Every Sphere

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*Human rights are universal legal guarantees that protect individuals and groups against actions and omissions contrary to fundamental freedoms, rights and human dignity. Human rights law compels governments (primarily) and other obligors to do certain things and prevents them from doing others. The political and religious traditions in other parts of the world also proclaimed what have come to be called human rights, calling on rulers to rule justly and compassionately, and delineating limits on their power over the lives, property, and activities of their citizens.<sup>i</sup>*

Their main features are:

- they are universal - these rights are acquired at birth for all human beings
- they are focused on intrinsic dignity and worth identical to all human beings
- they are equal, indivisible and interdependent it is impossible to renounce or withdraw them
- they impose obligations in terms of action or of omission, in particular to States and actors public
- they are guaranteed at international level
- they are protected in the legal sense
- they protect people and, to some extent, the groups

Human rights standards have been increasingly defined in recent years. Codified within international, regional and national legal systems, they constitute a set of operating standards against which duty-bearers at all levels of society - but in particular State bodies - can have to be held to account. Commitments made under international human rights treaties are overseen by committees of independent experts called “treaty monitoring bodies” which can also help clarify the meaning of certain human rights.<sup>ii</sup>

Their meaning is also explored by specialized bodies and experts appointed by the United Nations Commission on Human Rights (a body based in Geneva made up of 53 United Nations Member States), in accordance with procedures known as “Special procedures”<sup>iii</sup>, and obviously through regional and national courts and tribunals. There are also other systems of human rights law. For example, the conventions and standards of the International Labour Organization protect in particular labour rights, while international humanitarian law applies to armed conflicts and has many elements in common with human rights law.

Among the rights guaranteed to all human beings under international treaties, without any discrimination based on race, color, sex, language, political or other opinions, national or social origin, wealth, birth or any other situation, include:

- the right to life, liberty and security of the person
- freedom of association, expression, assembly and movement
- the right to the best possible state of health
- the right not to be subject to arbitrary arrest or detention

- The right to a fair trial
- the right to just and favorable conditions of work
- the right to adequate conditions of food, housing and social security
- the right to education
- the right to equal protection of the law
- the right not to be subjected to arbitrary interference with one's privacy, family, home or correspondence
- the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment
- the right not to be subjected to slavery
- the right to a nationality
- freedom of thought, conscience and religion
- the right to vote and to participate in the conduct of public affairs
- the right to participate in cultural life

### **UN and Human rights**

On December 10, 1948, the United Nations General Assembly approved and announced the Universal Declaration of Human Rights. The United Nations Charter of 1948 states that it is the only official international document that reveals human rights. This is an important cornerstone in the history of the human rights development. There is no doubt that the Universal Declaration of Human Rights has adopted and ratified excellent. It is about your rights, your life, your freedom, your personal security, torture, the protection of cruelty, inhuman or degrading treatment, arbitrary arrest and detention.

Throughout history, people have acquired rights and duties as part of a group: family, indigenous nation, religion, class, community or country. Most Golden Don't in Doing companies have traditions for others the way they want. Hindu laws, Babylon Hammurabi, Bible, Koran (Quran) and Confucian-Confucian are five of the earliest written sources on the duties, rights and duties of the people. Furthermore, the behavior of the Incas and Aztecs, as well as the law of justice and the composition of the Iroquois were sources for Indians that existed before the eighteenth century. Indeed, all associations have oral or written properties and judicial systems, as well as opportunities to take care of the health and well-being of their members.

Evidence includes individual rights such as the Magna Carta (1215), the English Declaration of Rights (1689), the French Declaration of Human and Civil Rights (1789) and the United States Constitution and Declaration of Rights (1791). Many of these documents, originally translated into politics, as well as representatives of some social, religious, economic and political groups, did not contain women or colored people. However, global persecution is based on the principles set out in these documents to support revolutions that emphasize the right to self-determination.

### **Human Rights under the Constitution of India**

The Constitution of independent India came into force on 26<sup>th</sup> January. The impact of the Universal Declaration of Human Rights on drafting part III of the Constitution is apparent. India has acceded to the Universal Declaration of Human Rights as well as to the subsequent International Covenants

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of Economic, Social and Cultural rights and Civil & Political Rights adopted by the Central Assembly of the United Nations.

Fundamental Rights enshrined in Part III of the Constitution have emerged from the doctrine of natural rights. Fundamental Rights are the modern name for what have been traditionally known as Natural Rights. The Natural Rights transformed into fundamental rights operate as a constitutional limitation or a restriction on the powers of the organs set up by the Constitution or the State action.

Judicial Review, Justiciability or Enforcement became an inseparable concomitant of fundamental rights. As no right of freedom can be absolute, limitations have been imposed to each fundamental right in the interest of securing social justice. Enforcement of fundamental rights can even be suspended or prevented in emergency.

Directive Principles enshrined in Part IV of the Constitution epitomise the ideals, aspirations the sentiments, the precepts and the goals of our entire freedom movement. The wisdom of the forefathers of the Constitution was justified in incorporating non-justiciable human rights in the concrete shape of the directive principles.

Our Apex Court has been expanding over the decades, the dimensions of Article 21 i.e. Right to Life & Personal Liberty. In *F. C. Mullin vs. The Administrator, Union Territory of Delhi & others*<sup>iv</sup>, Justice Bhagwati observed:

"We think that the right to life includes the right to live with human dignity and all that goes with it, namely the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms freely moving about and mixing and mingling with fellow human beings.....Every act which offends against or impairs human dignity would constitute deprivation protanto of this right to life and it would have to be in accordance with reasonable, fair and just procedures established by law which stands the test of other fundamental rights."

The expression 'life' does not mean animal existence. Right to life guaranteed under Article 21 of the Constitution have certain positive aspects and as such subject to well-organised limitation apart from obligation of the State not to deprive a person of his life except in accordance with a valid law.

It is heartening to note that the Supreme Court has now been widening the scope of Article 21, though earlier in *A. K. Gopalan vs. State of Madras*<sup>v</sup>, the Court had taken very narrow view of Article 21. Life in its expanded horizons today includes all that give meaning to a man's life, including his tradition, culture and heritage, and protection of that heritage in its full measure would certainly come within the encompass of an expanded concept of Article 21 of the Constitution.

In *Keshavnanda Bharati v. State of Kerala*<sup>vi</sup>, the Supreme Court observed, The Universal Declaration of Human Rights may not be a legally binding instrument but it shows how India understood the nature of human rights at the time the Constitution was adopted.

In the case of *Jolly George Varghese v. Bank of Cochin*<sup>vii</sup> the point involved was whether a right incorporated in the Covenant on Civil and Political Rights, which is not recognised in the Indian Constitution, shall be available to the individuals in India. Justice Krishna Iyer reiterated dualism and asserted that the positive commitment of the State Parties ignites legislative action at home but does not automatically make the Covenant an enforceable part of the Corpus Juris in India. Thus,

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although the Supreme Court has stated that the Universal Declaration cannot create a binding set of rules and that even international treaties may at best inform judicial institutions and inspire legislative action.

In the judgement given in the Chairman, Railway Board and others v. Mrs. Chandrima Das<sup>viii</sup>, the Supreme Court observed that the Declaration has the international recognition as the Moral Code of Conduct having been adopted by the General Assembly of the United Nations. The applicability of the Universal Declaration of Human Rights and principles thereof may have to be read, if need be, into the domestic jurisprudence.

The Chief Justice Patanjali Shastri in State of West Bengal v. Subodh Gopal Bose<sup>ix</sup> referred to fundamental rights as those great and basic rights, which are recognised and guaranteed as the natural rights inherent in the status of a citizen of a free country.

In National Legal Services Authority versus U.O.I.<sup>x</sup>, the Supreme Court has held that Article 14 does not restrict word “persona” and its application to only males and females and transgender who are neither male or female falls within the expression “persona”. They are entitled to legal protection of laws in all spheres of state activity including health care, employment, education as well as equal civil citizenship rights, as enjoyed by every other citizen of this country.

In Naz Foundation v. Govt of NCT of Delhi<sup>xi</sup>, The Delhi High Court declared Section 377 of IPC, which criminalizes Homosexuality in India, as unconstitutional and violative of fundamental rights guaranteed under Article 14, 15 and 21 of the Constitution. Later on in Suresh Kumar Kaushal & Anr. V. NAZ Foundation & Others, the Supreme Court of India struck down the decision of Delhi High Court and held the Section 377 of IPC does not suffer from any constitutional infirmity and has left on the legislature to deal with the legality of the Section.

The Supreme Court in Peoples Union for Democratic Rights v. Union of India<sup>xii</sup>, held that non-payment of minimum wages to the workers employed in various Asiad Projects in Delhi was a denial to them of their right to live with basic human dignity and violative of Article 21 of the Constitution. Bhagwati J. held that, rights and benefits conferred on workmen employed by a contractor under various labour laws are clearly intended to ensure basic human dignity to workmen. He held that the non-implementation by the private contractors engaged for constructing building for holding Asian Games in Delhi, and non-enforcement of these laws by the State Authorities of the provisions of these laws was held to be violative of fundamental right of workers to live with human dignity contained in Art. 21.

In Vishakha v. State of Rajasthan<sup>xiii</sup>, the Supreme Court has declared sexual harassment of a working woman at her work as amounting to violation of rights of gender equality and rights to life and liberty which is clear violation of Articles 14, 15 and 21 of the Constitution. In the landmark judgment, Supreme Court in the absence of enacted law to provide for effective enforcement of basic human rights of gender equality and guarantee against sexual harassment laid down the following guidelines:

All employers or persons in charge of work place whether in the public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:



1. Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
2. The Rules/Regulations of Government and Public Sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
3. As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act, 1946.
4. Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.
5. Where such conduct amounts to specific offences under I.P.C, or under any other law, the employer shall initiate appropriate action in accordance with law by making a complaint with appropriate authority. The victims of Sexual harassment should have the option to seek transfer of perpetrator or their own transfer.

Thus in concluding remark we can say, consistently legal executive has found a way to secure common liberties however the laws and legal framework can't do only anything until and except if there is legitimate usage of existing laws and arrangements in the nation. On the off chance that individuals are not even mindful about their fundamental basic liberties, at that point under legal executive nor severe laws can do anything. Consequently it's essential that individuals ought to get mindful about their fundamental common freedoms. Law and society contemplates address the common connection among law and society with its very surprising entertainers, foundations, and cycles. Law is framed and place into apply through social gathering measures. Simultaneously law impacts influences on social change. On the far side a causative relationship, law is more perceived to speak to social foundations like the commonwealth, family, property, organization, wrongdoing, even the person. Law and society contemplates speak to a multi-and information base field. On the off chance that double accentuation and stress is being set down on making mindfulness and executing existing laws and strategies appropriately, at that point eventually we can accept that everybody will comprehend the pith and significance of fundamental basic freedoms and the instances of infringement of a similar will fall.

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**ENDNOTES:**

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- <sup>i</sup> Jack Donnelly, Coercive versus non-coercive implementation of international human rights.
- <sup>ii</sup> Bayefsky, Anne F. The UN Human Rights Treaty System in the 21st Century. Kluwer Law International, 2000.
- <sup>iii</sup> Nouwen, Sarah M. H: Complementarity in the Line of Fire: The Catalyzing effect of the International Court on Uganda and Sudan. Cambridge University Press, 2018.
- <sup>iv</sup> 1981 2 SCR 516.
- <sup>v</sup> AIR 1950 SC 27.
- <sup>vi</sup> Writ Petition (Civil) 135 of 1970.
- <sup>vii</sup> 1980 SCR (2) 913.
- <sup>viii</sup> Civil Appeal No. 639 of 2000.
- <sup>ix</sup> 1954 SCR 587.
- <sup>x</sup> AIR 2014 SC 1863.
- <sup>xi</sup> WP(C) No.7455/2001.
- <sup>xii</sup> 1982 AIR 1473.
- <sup>xiii</sup> 1982 AIR 1473.