



# Human Rights Concept and Development in Indian Perspective

**Dr. Pawan Sharma**

Department of Public Administration, S.S. Jain Subodh P.G. (Autonomous) College, Jaipur, India

**ABSTRACT :** It is necessary for man to live a life of freedom, equality and dignity that he should be provided with adequate rights by the government, that is why man has always been struggling to get these rights. History has been very long, as countries and societies developed, in the same way many international and national organizations and institutions emerged, who worked towards making these rights accessible to humans through their rules and laws. Started, but even today in many countries there are some deprived and suffering people of the society who are very backward from social and economic point of view and are trying to get their rights. Now it is the duty of the states that they should make comprehensive constitutional and legal provisions in the direction of providing their rights to the citizens and by ensuring compliance with the rules and provisions of the United Nations Organization and other such organizations, democratic and public welfare by providing adequate rights to the citizens. Present model

**KEYWORDS:** Human Rights, Dignity, Covenants, Charter Commission

## I. INTRODUCTION

Some rights are necessary for the development of a man, without which human life cannot be imagined. Those rights which are necessary to maintain the dignity of human are called human rights. The relation of human rights is to create conditions for living life along with human freedom, equality and dignity. In this connection Human rights are mainly related to the dignity of man because in this, special importance is given to the dignity of man, these rights are received by man as a human being from birth and give him the right to lead a dignified life.

The rights that humans get by being human are called human rights. these rights are universal and are not bound within the limits of any country or state, that is, they are guaranteed at the international level. These rights are not bound by any kind of limitations due to nature, they are given to man by birth itself, like the right to live life. right to freedom, right to equality etc.

Every human being can demand these rights, whether provision has been made in the constitution of that country or not, they also include social, political and economic rights. Philosophers, thinkers and politicians have interpreted human rights in their own way. Everyone has had a different approach in this context. The main contradiction is seen in both the ideologies that the philosophical approach focuses on conceptual analysis at cognitive and cognitive level. Remains the same Political formulation emphasizes on structural and institutional aspects.

- According to political and institutional formulation human rights are provided and protected by state and legislation while in substantive formulation human rights are more extensive and ancient than state and politics.
- According to the biological point of view, human rights are basically a panoramic cultural and idealistic form of the need to fulfill the biological, physical needs of a person such as food, life, housing, sexual satisfaction, thought expression.
- From the theoretical point of view, various scholars have based human rights on idealistic values, related to the welfare of human society and legal rights.

Western ideology related to human rights is based on individualism whereas in South Asian countries it is based on communitarian principles as well as Western concept gives more emphasis on political and civil rights whereas in South Asia it is more focused on the social and economic conditions of the people.



The word human rights was used in the 20th century, before that the words natural rights or rights of the individual were in vogue in the context of rights. Since ancient times, the rights of man have been protected by the king or ruler, which is mentioned in our ancient religious texts. like Ramayana, Manusmriti, Mahabharata and Kautilya's Arthashastra etc. that it is the duty of the king to make arrangements for providing all the rights related to the living of the citizens. Historical documents concern with rights related to freedom to the citizens of the country, we first get information from the Magna Carta of the year 1215 in Britain, During this time in England, feudal lords protested against heavy taxes. Then King John of Britain had given some rights to the feudatories. Through this charter, the foundation stone of extensive reforms in the field of justice and law was laid in England and against the privileges of the king, extensive rights were given to the feudal lords. and adequate protection was provided to the feudal lords against the autocratic actions of the emperor, as well as the provision was also included that the feudal lords should not be arrested arbitrarily and should not be sent to prison.

As well as the judges were also expected that They should follow the law with full honesty, although the charter was implemented only for the privileged upper class people. Later this charter proved to be an important basis for the independence of the feudal lords in England. But later in 1689, the Bill of Rights was passed in England, in which all citizens were included in its purview

An attempt to give wider rights to the citizens was made by the English Parliament in 1689 when the Bill of Rights was passed under which the supremacy of the Parliament was established and the provision of freedom of expression was also included in the Parliament and the Sovereign powers were also limited

- After the French Revolution, the practice of including human rights in the constitutions started from 1789.
- In 1791, the United States granted fundamental rights to citizens through the first 10 amendments.

If seen from the perspective of utilitarian point of view, human rights are those which are provided to the citizens by the institutions established by law in a nation and it is mentioned in detail in the constitution of that nation, it is recognized by international organizations like United Nations etc. It is given and mentioned in its charter, it has been accepted and adopted by the member of the organisation and it has been changed and amended from time to time according to time and situation. in historical perspective human rights Movements have been done from time to time by many organizations in different countries of the world to give adequate rights to the citizens through governance.

- But during the Second World War due to the inhuman treatment of citizens in many countries of the world, its demand started rising rapidly.
- As a result, many international organizations and institutions started working in this direction, in which the contribution of the United Nations organisation is most important.
- This is the reason that since the establishment of the United Nations in 1945, this organization started its intense efforts for the protection and promotion of human rights.

#### **The term human rights was first used by American President Roosevelt.**

Addressing the American Congress in January 1941, Roosevelt said that it is necessary to provide mainly four types of freedom to the citizens, such as freedom of speech, freedom of religion, freedom from poverty, freedom from fear, etc. In the Atlantic Charter of 1941, topics related to human rights were prominently mentioned, after which the written use of human rights in the Charter of the United Nations was started. Which was accepted on June 25, 1945 in San Francisco after the Second World War then this proposal was agreed to by the majority of the members in the United Nations Conference held in October of the same year.

On December 10, 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights, It was also mentioned in the preamble of the Charter of the United Nations that the purpose of the United Nations, along with other subjects, would be to reaffirm allegiance to basic human rights, in Article 1 of the same Charter, it is written that the United Nations Its purpose shall be to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms without distinction between citizens on grounds of race, sex, language or religion.

According to this charter, two types of human rights have been mentioned, First-civil and political rights which are mainly negative rights that is they prevent the government or other people from interfering in the private activities of the person these include freedom of life, freedom from slavery, equal legal protection, privacy, free movement, freedom of opinion, peaceful assembly and association, freedom of conscience and religion, Right to choose their representation on the basis of adult suffrage and through it to participate in the governance of the country,



Second- civil and political rights which are mainly positive rights, that is these are the facilities which are provided by the state to help the person in self-development. These include social security, equal pay for equal work, adequate remuneration, rest and leisure, a minimum standard of living, special care for mothers and infants, education, and the right to participate in the cultural achievements of their community. and from 1950 the General Assembly asked all countries to introduce it.

### **International Covenants of 1966**

One of the drawbacks of the Public Declaration of Human Rights declared by the United Nations in the year 1948 was that it was not legally binding in nature and there was no mechanism developed to properly strive for its enforcement. Keeping these issues in mind, the General Assembly of the United Nations adopted two covenants for the observance of human rights in December 1966, in which (1) Covenant on Civil and Political Rights (2) Covenant on Economic, Social and Cultural Rights

The International Covenant on Civil and Political Rights came into force on 23 March 1976 while the Covenant on Economic, Social and Cultural Rights came into force on 23 January 1976 According to Article 1 of these covenants, all people have the right to self-determination. As a result of this right, human beings determine their political status with their freedom and do their economic, social and cultural development independently.

Similarly according to Article 6 of the covenant each Man has an inherent right to life, this right will be protected by law, no one can be arbitrarily deprived of his right to life, as well as in countries where death penalty is prevalent, death penalty was given only for very serious crimes. After the French Revolution, the practice of including human rights in the constitutions started from 1789. In 1791, the United States granted fundamental rights to citizens through the first 10 amendments.

### **Parish principle**

On December 20, 1993, the General Assembly of the United Nations adopted the Parish principle for the protection of human rights, in this principle, along with establishing human rights institutions, the Human Rights Commission was emphasized to be an autonomous and independent institution.

The United Nations Development Report 2000 also offers a comprehensive approach to ensure human rights, highlighting some key points that each country needs to strengthen its social structures to ensure human rights. In this report, human rights were seen linked to human development, as well as a unified form of parallel processes of human rights and human development has been provided.

If seen from the Indian perspective, since ancient times man has been a victim of tyranny and oppression in some form or the other. This is the reason that in our ancient religious texts, the king or ruler has been alerted to provide adequate protection to the rights of the citizens.

Even in Rigveda, it has been imagined to follow the principle of VasudhaivaKutumbakam from the entire human society and all the people have been advised not to violate the rights of the other party by taking care of each other's interests.

Maharishi Gottam in his philosophy of justice, in which the principles of party-opposition approach consisting of five elements have been rendered, it has been talked about respecting the rights of others.

Chanakya in his Arthashastra has advised the king to be alert to protect the rights of human beings. Under the concept of Rajdharma in ancient Indian thinking, the fulfillment of the basic needs of the individual and the achievement of appropriate opportunities for the development of his special qualities, including the rewards he received, etc. were accepted as the responsibilities of the state or governance.

In India too, the institutional arrangement of human rights law has been adopted, under which the body of human rights law is divided into two parts

- Constitutional
- Statutory

Constitutional provisions related to human rights include Preamble, Fundamental Rights, Directive Principles, etc. While the statutory legal provisions on human rights have prescribed various procedures or laws for the disadvantaged sections of the society such as women, children, disabled persons, backward classes etc. Such laws include Protection of Human Rights Apart from this, the Government of India has made many international agreements, conventions, treaties, etc. in the context of human rights laws. 1993, Persons with Disabilities Act 1995 etc. United Nations Charter related to human rights was signed by 48 countries, including India, but it took 45 years to create an independent human rights organization in India.

There are mainly three institutions and bodies working for the enforcement of human rights laws in India.



**Judiciary** - Which hears cases of human rights abuses

**Union Ministry of Home Affairs** - By this, the Human Rights Unit was formed in 1993 at the top level of the administrative structure, which conducts all the policies and programs related to human rights.

**National Human Rights Commission** - This is a major agency related to human rights, which investigates the cases related to the human rights of the people.

An amendment bill was passed in 2019 for the protection of human rights in India, which was approved by the Lok Sabha on 19 July 2019. The following are the main provisions of this act

1. This bill amends the Protection of Human Rights Act 1993
2. It provides for the establishment of human rights courts in the entire country
3. Earlier, only a person who had been the Chief Justice of the Supreme Court could become the chairman of the National Human Rights Commission, but now a judge of the Supreme Court can also become the chairman.
4. Instead of two persons having knowledge of human rights, now there will be three persons, in which one member will be a woman.
5. Similarly, the chairman of the State Human Rights Commission could be the Chief Justice of the High Court only, but now other judges of the High Court can also be made its chairman.
6. Earlier, the tenure of the chairman and other members was fixed at five years or 70 years, whichever was earlier, which has now been changed to 3 years or 70 years.
7. The Chairman and other members of the National Human Rights Commission or the State Human Rights Commission can be re-appointed
8. The central government can entrust the work related to human rights in union territories to the state human rights commission, but the matters related to human rights of Delhi will be handled by the National Human Rights Commission only.
9. In this Act, provision has been made for the post of a Secretary General in the National Human Rights Commission and a Secretary in the State Human Rights Commission. **State Wise list of Establishment of Human Right**

S. No.	Name of the State	Date and Year	S. No.	Name of the State	Date and Year
01	Himachal Pradesh	1993	12	Chhattisgarh	2001
02	West Bengal	1995	13	Uttarpradesh	2002
03	Madhya Pradesh	1995	14	Manipur	2003
04	Assam	1996	15	Gujarat	2006
05	Taminnadu	1997	16	Sikkim	2008
06	Punjab	1997	17	Jharkhand	2010
07	Kerala	1998	18	Goa	2011
08	Rajasthan	1999	19	Haryana	2012
09	Bihar	2000	20	Meghalaya	2013
10	Odisha	2000	21	Uttarakhand	2013
11	Maharashtra	2001	22	Tripura	2015

In India where the cases of human rights violations are increasing rapidly on the other hand reduction in the amount of monetary compensation is also being seen by NHRC

This can be understood through the following table

S. No.	Year	No. of Cases	Amount recommended in Rupees
01	2019	713	27, 67, 54, 996
02	2020	488	15, 06, 85, 840
03	2021	459	14,33,67,972



### Human Right violation Cases Registered by HHRC

S. No.	Year	Registered Cases
01	2018-19	89, 584
02	2019-20	76, 628
03	2020-21	74,968

### II. CONCLUSION

It is clear from the above study that the fundamental rights granted to every person for living independently, for the development of his personality with dignity, come under the category of human rights. It is necessary that it should provide adequate rights to its citizens and take appropriate legal action against any person or institution that violates it, but today the cases of human rights violations are increasing day by day in the whole world, especially in India, which It is very worrying, so there is a need to take more comprehensive laws and active steps in this direction.

### REFERENCES

1. vk'kkdkSf'kd] ekuokf/kdkjvkSjjkT;] cnyrslanHkZmHkjr s vk;ke] iksbUVjifCyll] t;ij] 2004
2. lrh'kxqlrk] Hkkjrh; lafo/kku ,oaekuokf/kdkj] bf'kdkifCyds'ku] gkml] t;ij] 2010
3. v:.kprqosZnhvkSjlat; yk<s k] Hkkjr es a ekuokf/kdkj] iap'khyizdk'ku] t;ijq ] 2005
4. Human development Report in South Asia, 2001 Globalization and human development oxford university press, 2002
5. Ashwini Kant Gautam, "Human Right and Justice". APH Publishing Corporation, Delhi, 2001
6. Subhash Kashyap "Human Right and Parliament". Metropolitan Book Company, New Delhi, 1979
7. B.M. Maharishi, International Organization, Vishal Publication, Delhi, 1996
8. P.C. Sinha, Global Source book on human Rights Part – I Kanishk Publisher, New Delhi, 2000
9. S.K. Kapoor, International Law & human Rights Central Law Agency. 22<sup>nd</sup> Edition, 2021
10. H.O. Agarwal, International Law and human Rights (Twenty First Edition), Central Law agency, 2016