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HUMAN RIGHTS PROTECTION IN INDIA: AN OVERVIEW

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Abstract

Human Rights mean certain rights which are considered to be very basic for an individual's full physical, mental and spiritual development. Lexicon meaning of the term Human Rights is "Claims asserted or those which should be or sometimes stated to be those which are legally recognized and protected to secure for each individual the fullest and freest development of personality and spiritual, moral and other independence."

The charter of United Nations states human rights as all those rights which are inherent in our nature and without which we can't live as human beings. Sec. 2(d) of the protection of the Human Rights Act, 1993¹ defines human rights as the rights relating to life, liberty, equality and dignity of the individuals guaranteed by the Constitution or embodied in the international covenants and enforceable by the courts in India.

Introduction

The concept of human rights envisages highest value of religion the supreme principle of philosophy and benign times of economic well beings². Roots of human rights lay for book in primitive, ancient and medieval thought. Ancient India was not looking in affording protection to individual. The "Dharma" of the Vedic period (1500-500 B.C.) also protected human rights.

Human Rights in International Perspective

It was during the period of Second World War that world community's conscience was aroused for the course of human freedom. The international community recognized the respect for human right and fundamental for all. The United Nations Organization was formed in 1945. Human rights have become an established of the United Nations as U.N. lays emphasis on the need for safeguarding human rights which has a direct link with international peace and security to achieve international co-operation is solving international problems of economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedom for all without distinction as to race, sex, language, or religion.³

In order to fulfill its commitment with regard to human rights, the General Assembly of the United Nations adopted Universal Declaration of Human Rights 1948⁴ which is also said to be the "International Bills of Rights as like, the Declaration of the Rights of the Child (1959 and later 1991), the Declaration on the Elimination of Discrimination Against Women (1967), the Declaration on the Elimination of All Forms of Racial Discrimination (1966), the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

On the adoption of the Universal Declaration of the Human rights, steps were taken to adopt the International Covenants that can govern the status of an individual across the globe. Today, the Civil and political rights of an individual are governed by the International Covenant on Civil and Political Rights, 1966⁵ and Economic-Socio Rights of an individual are given in International Covenant on Economic and Social Rights, 1966⁶. India has signed, acceded and ratified these covenants in the year 1979 with certain reservations and declarations.

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¹ Enforcement date 28 Sept. 1993

² Justice Nagendra singh Human Rights & International cooperation (1969) p55

³ Article 1(3) of the UN Charter

⁴ UN Document No. A/811, Resolution No. 217 (III) 10 Dec. 1948

⁵ Enforcement date 23 March 1976

⁶ Enforcement date 3 January 1976

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