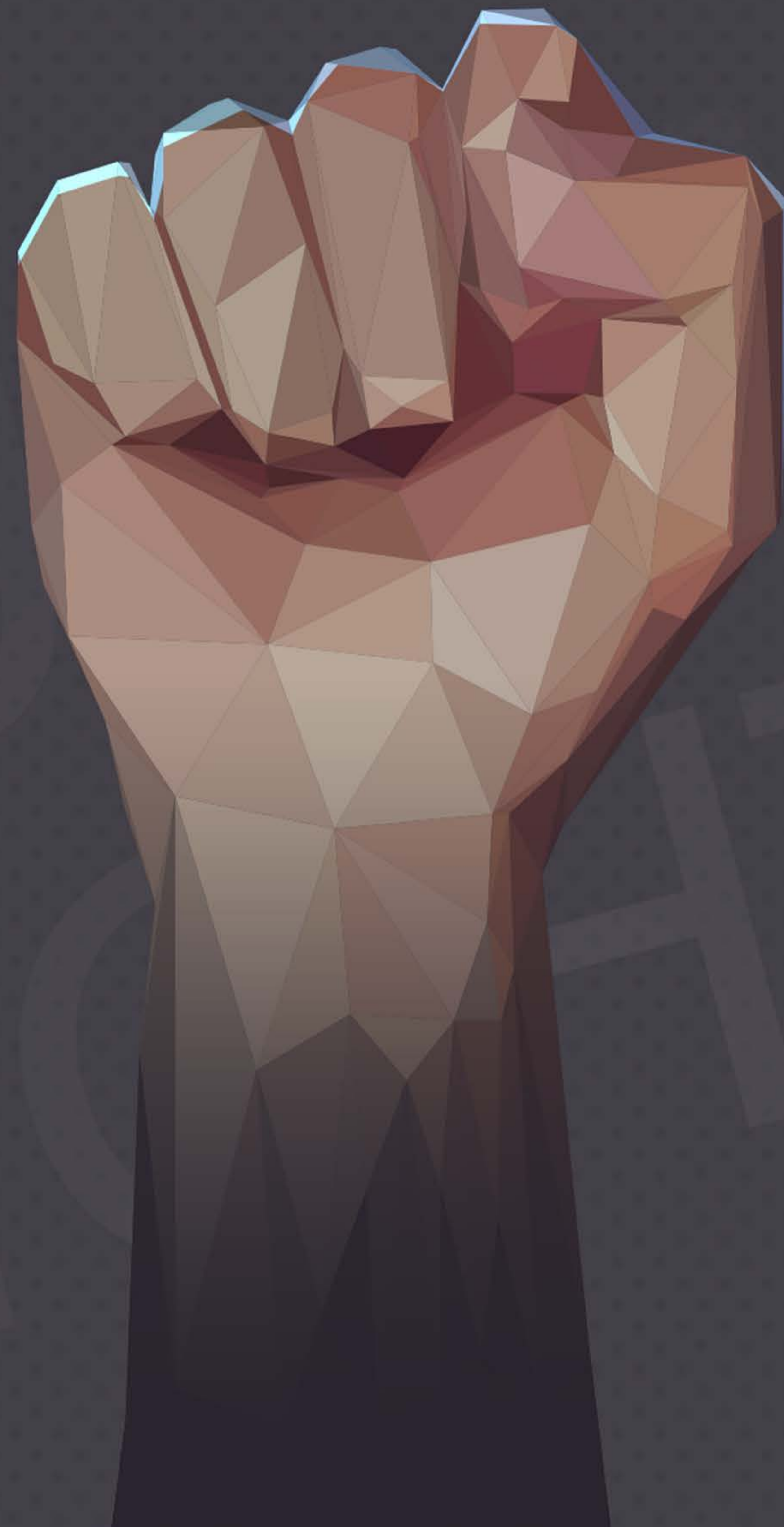


AMITY LAW JOURNAL

VOL 3, ISSUE 2 DECEMBER 2018



SPECIAL ISSUE ON

HUMAN RIGHTS

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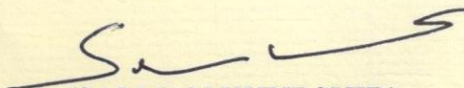
Amity University, Dubai.

Amity University events come at a rapid pace but each time one is left deeply impressed by the quality and range of experience offered to participants. Amity has truly added a new dimension to extra-curricular and extended academic endeavour to sharpen minds and provide valuable opportunity for inquisitive, young minds.

The Amity University Dubai Campus I understand is planning a grand event for the International Human Rights Day on 10 December 2018. Given the growing importance of Human Rights in world governance it is apt that the University has chosen to celebrate the subject with a Law Quiz, a Debate, Mock Trials and a Moot Court. All that certainly promises a busy and exciting day filled with substance and style. The top ten essays picked from 45 entries in the First International Legal Essay Writing Competition 2018 I understand will be published in the special edition of the University Journal.

I look forward to reading the Journal as indeed to receive a report of the memorable events that will shape a new generation of lawyers. My best wishes to the faculty and students of the University.

07th December, 2018



(SALMAN KHURSHID)

From the Editor's Desk

With the celebration of The International Human Rights Day event on 10th December 2018, we are really proud and exuberant to acclaim that we are ready with all new hopes and hues to bring out a new element of individual effort in our Journal, The Essays collected from various eminent student authors of various prestigious Law Universities from India through an Essay writing competition conducted by Amity Law School, Dubai.

This year, Human Rights Day marks the 70th anniversary of the Universal Declaration of Human Rights, a milestone document that proclaimed the inalienable rights which everyone is inherently entitled to as a human being, regardless of race, color, religion, sex, birth or other status, etc.

With this idea in consideration, the Amity Law Society for the first time in its history organized the '***First International Legal Essay Competition***', a platform for students from various parts of the world to put in their pious attempts and exhibit their ideas and knowledge on various topics dealing with Human Rights. The enthusiastic write-ups of our writers are indubitably sufficient to hold the interest and admiration of the readers.

We are also pleased to inform that we received wide participation from student authors various prestigious and eminent Law Universities such as Nalsar University of Law, Hyderabad; Manipal University Jaipur; Banasthali Vidyapath Rajasthan; Rajiv Gandhi National University of Law, Punjab; Galgotia University, Noida; National University of Study and Research in Law, Ranchi etc. and many more Universities.

This special edition Journal on Human Rights contains the top evaluated essays out of the many received and we believe that this encourages many more organizing of new similar initiatives that acts as a platform to encourage and develop students worldwide.

It gives me immense pleasure to ensure that this journal has successfully accomplished its objective. The reflection of the students' creativity and knowledge in their essay is the epitome of this journal. Students have put forth their ideas and thoughts that are too deep to be expressed and too strong to be suppressed.

This journal put before you is the combined efforts of the Editorial Board specially the student support and I take the opportunity to thank all the contributors, as their contribution is the reason that makes this journal endearing with our readers.

I would like to express my sincere gratitude to Mr.Salman Khurshid, Senior Advocate of The Supreme Court of India and Former Minister of Law and External Affairs for his interest and encouragement given to our Journal.

Dr Geetanjali Ramesh Chandra

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HUMAN RIGHTS AND THEIR PROTECTION: A CONTINUOUS ENDEAVOUR

Aparna Verma*

*“Lost rights are never regained by appeals to the conscience of the usurpers,
but by relentless struggle.... Goats are used for sacrificial offerings and not lions.”*

- Bhimrao Ramji Ambedkar

Abstract

Life is not just about living; life is about living it with freedom, peace and dignity. This freedom and dignity come through human rights. Human rights are all pervasive where there are human there are Rights. Each and every individual is entitled to these rights from their births. The United declaration of human rights 1948 which is also known as Magna Carta of Mankind is milestone for the recognition of human rights at international level since then a huge number of conventions, protocols, treaties etc have been introduced to eradicate the curses which cause exploitation of Mankind. Human trafficking, forced labor, child labor, prostitution, slavery, discrimination, poverty, etc exploit human being pathetically and it affects their lives, their growth, their future negatively and makes their lives miserable. The law and judiciary have always played a significant role in recognizing and protecting human rights and have always been flexible to adopt and introduce new laws, regulations, and guidelines as per the requirements. Giving a dignified life to an individual is very essential for harmony in every society. Today approximately all the countries of the world have become part of UNION DECLARATION and follow the guidelines of international law to secure the rights of living beings as well the different nations have worked and still working on their personal laws and introducing many more ways to cope up with the situation and trying to provide a better life to their citizens which is possible only through securing, promoting, protecting human rights of each and every person. If we talk about India which is also known as biggest democracy in all over the world, the biggest secular country which has 2nd highest number of population secures the human rights at its own level also by recognizing these rights of human and has showed a deep concern towards it, the constitution of India, the law and judiciary is playing a tremendous role for giving a life which every human being desires. In this article we will go through introduction of human rights and then will see its historical aspect it's sources and evolution, then will examine the serious issues and problem which are exploiting human rights of individual and making the lives miserable the essay also scrutinizes the steps taken for protecting human rights at international level and also see the Indian scenario how it's law and judiciary continuously endeavoring to provide a better life to all human being living in by securing human right from in every aspect.

KEYWORDS: Human Rights, MagnaCarta, Liberty, Equality

Introduction

Human Rights are rights which are all pervasive. Where there are human there are rights irrespective of someone's caste, religion, language, place of birth, place of residence, color of their skin or any other status. All individual living on earth are entitled to live with morality and justice. We all are equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.¹ Human rights are norms that help to protect all people everywhere from severe political, legal, and social abuses.² Human Rights belong to individual simply because they are human it could be a consequence of inherent human vulnerability or say they are essential for a just society. Whatever their theoretical justification is, human rights refer to a wide continuum of values or capabilities thought

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¹ united nations human right, What Are Human Rights, <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>

² Stanford encyclopedia of philosophy, Human Rights, <https://plato.stanford.edu/entries/rights-human/#CivPolRig> (fri7,2003)

to enhance human agency or protect human interests and declared to be universal in character, in some sense equally claimed for all human beings, present and future.³ Historical sources for bills of rights include the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration of the Rights of Man and the Citizen (1789), and the Bill of Rights in the United States Constitution (1791). Early philosophical sources of the idea of human rights include Francisco Suarez (1548–1617), Hugo Grotius (1583–1645), Samuel Pufendorf (1632–1694), John Locke (1632–1704), and Immanuel Kant (1724–1804).⁴ The main sources of the conception of human rights are the Universal Declaration of Human Rights (United Nations, 1948) and then a huge number of human rights documents and treaties that followed in international organizations such as the United Nations, the Council of Europe, the Organization of American States, and the African Union, Lauren 1998, and Morsink 1999. The philosophy of human rights addresses questions about the existence, content, nature, universality, justification, and legal status of human rights. Human rights are commonly understood as inalienable.⁵ basically for every human being living on earth human rights are universal and inalienable, equal and nondiscriminatory, all pervasive, indivisible, rights, duties and obligation.

History

Human rights have their roots in ancient thought as well as in philosophical concepts of 'Natural right' and 'Natural law.' A few Greek and Roman philosophers recognized the idea of Natural Rights.⁶ Plato (427-348 BC) was one of the earliest thinkers to advocate a universal standard of ethical conduct. According to the Roman jurist Ulpian, natural law was that "which nature and the State assures to all human being."⁷ The Republic (400 BC) proposed the idea of universal truths that should be recognized by all. Aristotle (384-322 B.C) wrote in Politics that justice, virtue and rights change in accordance with different kinds of institutions and circumstances. Cicero (106-43 BC), a Roman statesman, laid down the foundations of "natural law" and "human rights" in his work, The Laws (52 BC). Cicero believed that there should be universal human rights laws that transcend customary and civil laws. Sophocles (495-406 B.C) was one of the first to promote the idea of freedom of expression of opinion against the State. Stoics employed the ethical concept of natural law to refer to a higher order of law which corresponded to nature and which was to serve as a standard for the laws of civil society and Government. Later, Christianity, especially the writings of St. Thomas Aquinas (1225-1274), based this 'natural law' in a divine law, which was revealed to man in part discoverable by him through his God-given right of reason.⁸ The City States of Greece gave freedom of speech, equality before law, right to vote, right to be elected to public office, right to trade and right to access to justice to their citizens. Similar rights were secured by the Romans by the "Jus Civile" of the Roman law.⁹

1215- Magna Carta

³ Burns H. Weston. Human Rights, Encyclopedia Britannica, <https://www.britannica.com/topic/human-rights>

⁴ Stanford encyclopedia of philosophy, Human Rights, <https://plato.stanford.edu/entries/rights-human/#CivPolRig> (fri7,2003)

⁵ united nations human right, What Are Human Right, <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>

⁶ The Origin And Development Of Human Rights In The global scenario, http://shodhganga.inflibnet.ac.in/bitstream/10603/6653/10/10_chapter%202.pdf

⁷ H.O. Agarwal, Human Rights, 7th ed. (Allahabad: Central Law Publications, 2004) 8.

⁸ The Origin And Development Of Human Rights In The global scenario, http://shodhganga.inflibnet.ac.in/bitstream/10603/6653/10/10_chapter%202.pdf

⁹ P.N. Bhagwati, Seminar on Human Rights 7.

The earliest cited milestone in the history of Human rights is the Magna Carta- an English charter which was issued in 1215 which contained the writ of Habeas Corpus, allowing people to appeal against imprisonment without trial. The Magna Carta is the milestone for the history of Human Rights. This charter was issued in 1215 containing the idea of habeas Corpus writ that was allowing people to appeal against imprisonment without trial.

1647- An Agreement of the People

An Agreement of the People was a series of manifestos, published between 1647 and 1649, for constitutional changes to the English state. In the autumn of 1647, a group of English political activists, the 'Levellers', produced "An Agreement of the People", which set forth a collection of constitutional principles discussed at the famous Putney debates.¹⁰ The Levellers called for liberty of conscience in matters of religion, freedom from conscription and asked that laws "apply equally to everyone: there must be no discrimination on grounds of tenure, estate, charter, degree, birth or place".¹¹

Major published versions of the *Agreement* include:

- "An Agreement of the People for a firm and present Peace, upon grounds of common right and freedom ..." presented to the Army Council in October 1647.¹²
- "An Agreement of the People of England, and the places therewith incorporated, for a secure and present peace, upon grounds of common right, freedom and safety", presented to the Rump Parliament in January 1649.¹³
- "AN AGREEMENT OF THE Free People of England. Tendered as a Peace-Offering to this distressed Nation", extended version from the Leveller leaders, "Lieutenant Colonel John Lilburne, Master William Walwyn, Master Thomas Prince, and Master Richard Overton, Prisoners in the Tower of London, 1649."¹⁴

1689- Bill of Rights

One of the most important documents in the political history of Britain: the Bill of Rights was published in 1689. An act of Parliament after the 'Glorious Revolution', the Bill included the freedom to petition the Monarch (a precursor to political protest rights), the freedom from cruel and unusual punishments (the forerunner to the ban on torture contained in our Human Rights Act) and the freedom from being fined without trial.¹⁵

1774- Parliamentary Register

The 1832 Reform Act increased the electorate from around 366,000 to 650,000 people, aboit was a landmark on the road towards universal suffrage it 18 per cent of the total adult-male population in England and Wales.

¹⁰ THE HISTORY OF HUMAN RIGHTS, I.LIBERTY, <https://www.libertyhumanrights.org.uk/human-rights/what-are-human-rights/history-human-rights>

¹¹ THE HISTORY OF HUMAN RIGHTS, I.LIBERTY, <https://www.libertyhumanrights.org.uk/human-rights/what-are-human-rights/history-human-rights>

¹² [An Agreement of the People for a firm and present peace upon grounds of common right](#) October 1647

¹³ [An Agreement of the People of England, and the places therewith incorporated, for a secure and present peace, upon grounds of common right, freedom and safety](#) January 1649

¹⁴ [AN AGREEMENT OF THE Free People of England. Tendered as a Peace-Offering to this distressed Nation](#) an extended version from the imprisonment of the Leveller leaders, May 1649

¹⁵ THE HISTORY OF HUMAN RIGHTS, I.LIBERTY, <https://www.libertyhumanrights.org.uk/human-rights/what-are-human-rights/history-human-rights>

1833- The Slavery Abolition Act

The Slavery Abolition Act was passed, outlawing the slave trade throughout the British Empire.

1918- Representation of People Act

At the end of the First World War the Representation of the People Act gave the vote to all women over 30, enfranchising over eight million women. Shortly afterwards women were also allowed to stand for Parliament, although it took another decade for the vote to be extended to all adult women.¹⁶

1934- Liberty Founded

Liberty was founded, as the National Council for Civil Liberties, and 80 years later we're still going strong. Find out more about our history.

1948- Universal Declaration of Human Rights

The Universal Declaration of Human Rights is an international document that states the basic rights and freedoms all human beings are entitled to. It has been referred to as humanity's Magna Carta by Eleanor Roosevelt, who chaired the United Nations (UN) Commission on Human Rights. It was adopted by the United Nations General Assembly in Paris on 10 December 1948. Described as 'the foremost statement of the rights and freedoms of all human beings', it represents the first international agreement on the basic principles of human rights. The Declaration is based on dignity, equality and fairness. It consists of an introduction and 30 'Articles' that set out the obligations of Member States, and the range of rights and freedoms to which everyone, everywhere in the world, is entitled. Examples of these are the right to life and freedom from torture, inhuman or degrading treatment. Approximately every state in the world has accepted the Declaration. It provides a universal set of minimum standards for how people should be treated. The Declaration's influence lives on. It is relevant not just to societies experiencing conflict and repression, but also to peaceful democracies with the ongoing need to address injustice and insults to human dignity. The Declaration has inspired more than 80 international conventions and treaties, as well as numerous regional conventions, and domestic laws. It has also been the catalyst for an expanding system of human rights protection for groups such as disabled people, indigenous peoples and women. It has been translated into more than 360 languages. The UDHR comprises 30 articles that contain a comprehensive listing of key civil, political, economic, social, and cultural rights. Articles 3 through 21 outline civil and political rights, which include the right against torture, the right to an effective remedy for human rights violations, and the right to take part in government. Articles 22 through 27 detail economic, social, and cultural rights, such as the right to work, the right to form and to join trade unions, and the right to participate freely in the cultural life of the community. The latter right relates to everyone's entitlement to be directly involved in and appreciative of the arts, and it is clearly linked to the full development of one's own personality (which, in accordance with article 26, constitutes one of the goals of the right to education). Because of the ideological fissures caused by the Cold War and the concomitant failure to develop a legally binding international human rights instrument, it became common to view civil and political rights independently of economic, social, and cultural rights, though this is a misinterpretation of both the letter and the spirit of the document. For example, it is impossible for a society to fulfill its commitment to the right to education (Article 26) without taking seriously its commitment to the right to seek, receive, and impart information (Article 19). Likewise, it is difficult to envisage the realization of the right to form and to join trade unions (Article 23) without a commensurate realization of the right to peaceful assembly and association (Article 20). Yet, these obvious linkages were obscured by the selective

¹⁶ THE HISTORY OF HUMAN RIGHTS, LIBERTY, <https://www.libertyhumanrights.org.uk/human-rights/what-are-human-rights/history-human-rights>

use of human rights norms by the main adversaries in the Cold War. The selectivity served to highlight what each side considered as its respective strength vis-à-vis the other: the terrain of civil and political rights for the Western bloc and the terrain of economic, social, and cultural rights for the Eastern bloc.¹⁷

The Universal Declaration, along with two important covenants (promises by government to citizens), makes up what is known as the International Bill of Human Rights. These covenants are the:

- International Covenant on Civil and Political Rights (adopted 1966)
- International Covenant on Economic, Social and Cultural Rights (adopted 1966)

1950- European Convention on Human Rights

The European Convention on Human Rights (ECHR) protects the human rights of people in countries that belong to the Council of Europe. All 47 Member States of the Council, including the UK, have signed the Convention. Its full title is the 'Convention for the Protection of Human Rights and Fundamental Freedoms'. The Convention consists of numbered 'articles' protecting basic human rights. The UK made these rights part of its domestic law through the Human Rights Act 1998.¹⁸

The Convention secures:

- right to life (Article 2)
- freedom from torture (Article 3)
- freedom from slavery (Article 4)
- the right to liberty (Article 5)
- the right to a fair trial (Article 6)
- the right not to be punished for something that wasn't against the law at the time (Article 7)
- the right to respect for family and private life (Article 8)
- freedom of thought, conscience and religion (Article 9)
- freedom of expression (Article 10)
- freedom of assembly (Article 11)
- the right to marry and start a family (Article 12)
- the right not to be discriminated against in respect of these rights (Article 14)
- the right to protection of property (Protocol 1, Article 1)
- the right to education (Protocol 1, Article 2)
- the right to participate in free elections (Protocol 1, Article 3)
- the abolition of the death penalty (Protocol 13)

Convention guarantees specific rights and freedoms and prohibits unfair and harmful practices.

1975- 1976 – Sex Determination Act and Race Relation Act

¹⁷ George J. Andreopoulos, Universal Declaration On Human Right, Encyclopedia Britannica, <https://www.britannica.com/topic/Universal-Declaration-of-Human-Rights>

¹⁸ What Is European Convention On Human Rights? , Equality And Human Rights Commission, <https://www.equalityhumanrights.com/en/what-european-convention-human-rights>, Last updated: 19 Apr 2017

In 1975 and 1976 respectively the Sex Discrimination Act and the Race Relations Act made it illegal to discriminate against anyone on grounds of their gender or ethnicity and introduced the concept of indirect discrimination.¹⁹

1998 – Human Rights Act

Enacted by a youthful Labor Government in 1998, the Human Rights Act (HRA) contains a set of civil and political rights considered fundamental to any liberal democracy. Since it came into force, the HRA has been used as a political football as the Government and the Opposition both seek to seem the toughest on crime and terror by creating a false distinction between liberty and security. But the Human Rights Act is rooted in British culture and history and it has a proud, 800-year-old family tree.²⁰

The human rights contained within this law are based on the articles of the European Convention on Human Rights. The Act ‘gives further effect’ to rights and freedoms guaranteed under the European Convention. It means:

- Judges must read and give effect to other laws in a way which is compatible with Convention rights.
- It is unlawful for a public authority to act in a way which is incompatible with a Convention right.

Today’s Scenario and Violation of Human Rights

Since 1948 it’s been 80 years of universal declaration of human rights the state of play of human right in all over the world leaves a great deal to be desired. To protect human rights is to ensure that people receive some degree of decent, humane treatment. To violate the most basic human rights, on the other hand, is to deny individuals their fundamental moral entitlements. It is, in a sense, to treat them as if they are less than human and undeserving of respect and dignity.²¹ Grievous abuses continue to be pinching at an alarming rate. They are still disregarded in many countries.

There is not a single day which goes out without the news report of human right abuses in countries across the world. We are confronted with deaths and displacements in syria; looting and killing in Iraq; rapes and amputations in the Congo; repression of dissent and ill-treatment of workers in China; disappearances and beheadings in Mexico; torture and arbitrary detention in Guantánamo Bay; racism and xenophobia in Europe; subjugation of women and oppression of homosexuals across the Arab world; and the list goes on.²²

1. Discrimination

Human Rights are those rights which are possessed by them by Virtue of being Human. Undoubtedly all rights in the foundation of non discrimination on the name and basis of race,

¹⁹ The History Of Human Rights, I.Liberty, <https://www.libertyhumanrights.org.uk/human-rights/what-are-human-rights/history-human-rights>

²⁰ THE HISTORY OF HUMAN RIGHTS, I.LIBERTY, <https://www.libertyhumanrights.org.uk/human-rights/what-are-human-rights/history-human-rights>

²¹ Michelle Maiese, Human Rights Violations, Beyond Intractability, July 2003, https://www.beyondintractability.org/essay/human_rights_violations%20

²² Rosa Freedman, The Lack Of Basic Human Rights Around The World: A Harrowing Reality, INDEPENDENT, dec 10, 2014, <https://www.independent.co.uk/life-style/health-and-families/features/the-lack-of-basic-human-rights-around-the-world-a-harrowing-reality-9913644.html>

religion, gender, sexuality or any other grounds. Yet discrimination exists. Apartheid is most severe and serious form of discrimination. The system of apartheid in South Africa institutionalized extreme racial segregation that involved laws against interracial marriage or sexual relations and requirements for the races to live in different territorial areas.²³

2. Inequality

There are number of dimensions where inequality hits for example for the attainment of education, on the basis of sex women face inequality in almost every field, Health and related services is another serious issue.

3. Slavery

According to the International Labour Organization, 11.4 million women and girls are victims of forced labor in different forms – including debt bondage, trafficking and forced prostitution. As global leaders seek to improve the status of women and girls, it's critical to focus on decreasing women and girls' exploitation in forced labor, trafficking and slavery.²⁴ the terrible horror of transatlantic slavery should not be underestimated. 12 million Africans were transported forcibly across the Atlantic in horrific conditions that meant over a million of them died. And those were only a portion of the victims. There were also uncounted millions who died on their forced journey to the coast or in the holding pens or fort dungeons in which they were imprisoned whilst awaiting shipment. Some historians estimate that up to another third of those making that forced journey to the coast died even before the survivors of the journey were forced onto slaving ships.²⁵ Of the 167 countries surveyed, the South Asian country has the highest number of people living in slavery-- more than 18 million people, or 1.4% of the population. The 2016 Global Slavery Index from the Walk Free Foundation said modern slavery comes in many forms, from domestic to sexual to bonded and child labor. The term refers to a situation in which a person has taken away another's freedom so they can be exploited.²⁶ Globally, 45.8 million people are enslaved, the report estimated. The countries with the highest prevalence as a proportion of the population were North Korea, Uzbekistan, Cambodia, India, and Qatar. But India, China, Pakistan, Bangladesh and Uzbekistan had the highest absolute numbers. Though prohibited under law, the practice hasn't been eliminated yet.

4. Abuse and Exploitation of Women

Violence against women includes, but it is not limited to violence occurring in the family, marital rape or rape in a relationship, other sexual abuse, sexual harassment at work, trafficking in women and girls with intention of sexual and other forms of exploitation, forced prostitution, abortion of

²³ Rosa Freedman, The Lack Of Basic Human Rights Around The World: A Harrowing Reality, INDEPENDENT, dec 10, 2014, <https://www.independent.co.uk/life-style/health-and-families/features/the-lack-of-basic-human-rights-around-the-world-a-harrowing-reality-9913644.html>

²⁴ Human Rights And Slavery, END SLAVERY NOW, <http://www.endslaverynow.org/act/educate/human-rights-and-slavery>

²⁵ Dr. Alan Rice, Slavery over time and the abuse of Human Rights, Revealing History, <http://revealinghistories.org.uk/africa-the-arrival-of-europeans-and-the-transatlantic-slave-trade/articles/slavery-over-time-and-the-abuse-of-human-rights.html>

²⁶ Corinne Abrams and Qasim Nauman, Modern Slavery In India By Numbers, The wall street Journal, 2nd june 2016, <https://blogs.wsj.com/indiarealtime/2016/06/02/india-has-the-most-people-living-in-modern-slavery>

female fetuses and infanticide of baby girls, traditional practices harmful to women such as genital mutilation, forced or too early marriage, widow burning, honor killing, acid attacks, stoning, war rape, and other. Sexual abuse in India remains widespread despite tightening of rape laws in 2013. According to the National Crimes Records Bureau, in 2016 the rape of minor girls increased by 82% compared with the previous year. Chillingly, across all rape cases, 95% of rapists were not strangers but family, friends and neighbors. Indian government surveys show that 42% of girls in the country have been sexually abused, Over 50% of Indian men and women still believe that sometimes women deserve a beating, In India women are trained to be silent, to speak softly(*dheere bolo*), to have no opinions, no arguments, no conflicts. Silent women disappear. They are easy to ignore, overrule, and violate without repercussions. Impunity flourishes. One woman is killed every hour in India for not bringing dowry to their husband's house. Almost one third of all women who have been in a relationship have experience have and sexual violence by their intimate partner.

5. Poverty

Poverty is an assault to human dignity as well it also reflects violation of human right when it is the direct consequence of government policy or is caused by the failure of government to act. Around the world more than 443 million people live in the peril of chronic poverty, barely able to secure their family's survival. The number of people suffering from poverty has increased by 40% over just the last five years.²⁷ Because of poverty people under it go through violence of all types including discrimination, attacks, harassment, humiliation, and sometimes even threats of death, often just because they are poor. Poverty has traditionally been defined in terms of low income. However people see poverty generally through its different manifestations of deprivation-hunger, under nutrition, illiteracy, unsafe drinking water, lack of access to basic health services, social discrimination, physical insecurity and political exclusion.²⁸ Poverty also causes them to go through weak voice and lack of power that leave them open to exploitation and humiliation. Poverty is in itself a negation of human dignity and therefore denial of human right. People living in extreme poverty are not treated as human beings worthy of human rights, and are discriminated against, often exploited, marginalized and stigmatized, and denied access to right and resources in the basis of their poverty.²⁹

IV Law and Protection of Human Rights at International Level

International Human Rights framework is the backbone for providing dignified life. the international criminal law, humanitarian law, international refugee law work all together to provide a life full of freedom and of course peaceful living environment . The rule of law is the vehicle for the promotion and protection of the common normative framework. It provides a structure through which the exercise of power is subjected to agreed rules, guaranteeing the protection of all human rights.³⁰ Over the years under the UDHR (United Declaration Of Human Rights) there has been lots of treaties, domestic laws, international laws, general agreements, conventions, protocols through all these human rights are expressed and

²⁷ **The Chronic Poverty Report 2008-09: Escaping poverty traps,**
<http://www.chronicpoverty.org/publications/details/the-chronic-poverty-report-2008-09>

²⁸The Chronic poverty Report 2008-09: escaping poverty traps,
<http://www.chronicpoverty.org/publications/details/the-chronic-poverty-report-2008-09>

²⁹ human Rights Insights, Centre for Economic And Social Rights,
http://www.cesr.org/sites/default/files/CESR_Briefing_-_Human_Rights_and_Poverty_-_Draft_December_2009.pdf

³⁰ Rule of Law And Human Rights, UNITED NATIONS and thr RULE OF LAW,
<https://www.un.org/ruleoflaw/rule-of-law-and-human-rights>

guaranteed. The UDHR has inspired more than 80 international human rights treaties and declarations, a great number of regional human rights conventions, domestic human rights bills, and constitutional provisions, which together constitute a comprehensive legally binding system for the promotion and protection of human rights.³¹ The body of International human rights law is continuously growing at its pace. the International Bill of Human Rights, addressing concerns such as racial discrimination, torture, enforced disappearances, disabilities, and the rights of women, children, migrants, minorities, and indigenous peoples.³²

Protection of Legal Rights In India And Role of Judiciary

India, being the biggest democracy in the world it is the main concern of the government to recognize and protect the human right so, the constitution of India shows serious concern toward the recognition of human rights. The constitution guarantees most of human rights contained in UDHR. The objective of constitution of India is enshrined in the preamble. Part III of constitution of India is about right to freedom of religion, cultural and educational right and the right to constitutional remedies. The directive principles of state policy enshrined in part IV of the constitution imposes duty on government to work for the welfare of people and to protect their human rights. There are the guiding principles for the state to make policies regarding distributive justice, right to work, for promotion of interest of weaker section, raise the standard of nutrition and standard of living and to improve public health, protection and improvement of environment and ecology etc.³³ A good judicial system always helps in attainment of preservation and protection of human rights. The constitution of India mandates for judiciary to protect human rights of all the citizens of its country. The major contribution of the judiciary in the protection and promotion of human rights in INDIA can be traced as follows:³⁴

1. The interpretation of “Right to life and personnel liberty” Person reputation have also get the shelter under Article 21 as it is compared to be the integral part of the human life.
2. It also includes tradition; culture and heritage of a person concerned.
3. It also includes right to food, clothing, decent environment and reasonable accommodation to live which includes growing in all aspects i.e. physical, mental and intellectual.
4. The scope is expanded when Supreme Court extends the limit of Article 21 by saying that “to all those limit and faculties by which life is enjoyed”.
5. Right to speech and expression is a fundamental right which cannot be separated from prisoners even by law.
6. Right to move is also an important human right as it is deeply connected for living. Due to the outstanding work of the Indian judiciary right to move comes under the concept of life. So to travel is also a matter of fact of life.
7. To get justice is a basic human right for each and every citizen and to with the procedure of law , so to promote the Human Rights the procedure should be, right just and fair, and not arbitrary, fanciful and oppressive. In order to achieve it the concept of natural justice is promoted.

³¹ The Foundation of International Human Rights Law, UNITED NATIONS,

<http://www.un.org/en/sections/universal-declaration/foundation-international-human-rights-law/index.html>

³² The Foundation of International Human Rights Law, UNITED NATIONS,

<http://www.un.org/en/sections/universal-declaration/foundation-international-human-rights-law/index.html>

³³Amartish Kaur, PROTECTION OF HUMAN RIGHTS IN INDIA : A REVIEW, manupatra, 2017

³⁴ Nishant Mittal, Pushpita Bansal, Catalyst Mechanism: A Step Toward Human Rights, Academike, November 13, 2015, <https://www.lawctopus.com/academike/catalyst-mechanism-step-towards-human-rights>

these sections implies the great approach of Indian Judiciary which helped for the protection of human rights cannot be neglected, apart from these sections there are many more articles enshrined in Indian constitution doing the same approach for instance Article 32 and 226 empowers aggrieved person to go directly the supreme court or high court for the protection of his/her fundamental rights. In many cases such as *Franciis Coralie Mullin v. The Administrator, Union Territory of Delhi*³⁵ and *People's union civil liberties and another vs. state of Maharashtra and others*³⁶ held that right to life include live with human dignity so basically under the judicial interpretation various rights have been recognized which are essential under human rights.

The children, women have always been suppressed and oppressed and termed as vulnerable section as they more prone and easy to exploit the Indian Judiciary has played a vital role in securing their rights and providing them a better environment to live freely. In case of *Labour working on Salal project v. State of Jammu and Kashmir*³⁷, Supreme court held that child below the age of 15 years cannot be employed and allowed to work in construction process. In *Vishal Jeet vs. Union of India*³⁸ asked government to setup advisory committee to make suggestions for eradication of child prostitution and to evolve scheme to ensure proper care and protection to the victim girl and children. In *Bodhi Satwa Gautam v. Subra Chakraborty*³⁹ Supreme court held that rape is a crime against basic human rights. In very well known case *Vishakha vs. State of Rajasthan*⁴⁰ Guidelines for ensuring safe working environment were given and made it mandatory for employers to take responsibility in case of sexual harassment at work. Indian judicial system also protects the rights of labours and prisoners, for prisoners through introducing guidelines of protection against inhuman treatment in jail in *Prem Shankar vs. Delhi Administration*⁴¹ Supreme court held that practice of using hand cuffs and fetters on prisoners violates the guarantee of human dignity. Judiciary has power to commute death sentence to life imprisonment. In the recent case *Navtej Singh Johar et al v. Union of India and Others* The importance of this case emerges from the recognition in international law and in India's constitutional law that every human being has a right to be free and equal, regardless of one's real or imputed sexual orientation, gender identity, and expression and in this regard the Supreme court has decriminalized section 377 of IPC it is consensual same-sex relations.

Therefore it is very clear that judiciary is playing crucial role in the protection of human rights of the people by recognizing new laws, rules and regulations as according to the need of time and situation as the protection of human rights is a necessity for the development of an individual personally as well as for the growth of the nation and world. The constitution of India makes a great approach for providing all kind of protection of human rights. The Indian judiciary has also relaxed the rule of locus standi which makes the way for the development of the Public Interest Litigation. The courts are restlessly working for the protection of children, women. judiciary is trying its best to give a dignified life to each and every person of this country irrespective of their caste, colour, name, place etc. also established National Human Rights Commission and State Human Right Commission In different states to provide all the protection and help for securing one's rights at the ground level easily so that any person would not suffer for getting justice and live a dignified life.

³⁵ (1981) 2 SCR 516

³⁶ 2014(10) SCC635.

³⁷ AIR 1984 SC 117

³⁸ 1997(8) SCC318

³⁹ AIR 1996 SC 922

⁴⁰ 1997(6) SCC 241

⁴¹ 1980 3 SCC 538

VI Conclusion

So the whole Crux of this essay makes it clear that human rights are fundamental right of each and every person by virtue of being human irrespective of their caste, class, place of birth, economic and financial status, gender etc. the concept of human Rights finds its roots in Ancient times and in the philosophical concept of "Natural Law." The United Declaration Of Human Rights in 1948 marked the first time when rights of individual consolidate in one document. Robinson advances that the UDHR "*exerts a moral, political and legal influence far beyond the hopes of many of its drafters*".⁴² the UDHR is said by Eleanor Roosevelt "*international Magna Carta for all mankind*".⁴³ The Universal Declaration of Human Rights (1948) was the first legal document protecting universal human rights. Together with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, the three instruments form the so-called International Bill of Human Rights. A series of international human rights treaties and other instruments adopted since 1945 have expanded the body of international human rights law. There are many more assemblies and councils under the same like The General Assembly, the Economic and Social Council (ECOSOC), United Nations Permanent Forum on Indigenous Issues (UNPFII) Commission on the Status of Women (CSW) etc but still after the restless endeavor at international level the desire of providing a dignified life to every individual and preserving and protecting everyone's human right is yet to be achieved. The human trafficking for the purpose of forced labor, prostitution, and child labor is still a curse which is flourishing fearlessly in different societies in different forms and thousands of agreements and laws and treaties are not sufficiently able to stop this exploitation of people living on earth. the practice of slavery, bounded labor, women are forced for prostitution, poverty, discrimination among human being on different basis, inequality, rape and the list is so long which causes grievous hurt to individual personally as well as also effect the growth, development, life of people negatively as a whole. The law and judiciary plays very vital role for securing individual's human rights and to a great extent responsible for the growth of a nation as well as the whole world. No doubt all these attempts at international level and the attempts of different nations its governments and judiciary helped in eradicating various serious issues and hopefully eradicate the remaining.

⁴² M Robinson, 'The Universal declaration of human rights: A living document' [1998] AJIA , 52(2) 119

⁴³ United for Human Rights, 'A Brief History of Human Rights' (United for Human Rights),
<https://www.humanrights.com/what-are-human-rights/brief-history/the-united-nations.html>

HUMAN RIGHTS AND CONSTITUTION OF INDIA

Prasudha.S & Karthik Lal*⁴⁴

“The rights of every man are diminished when the rights of one man are threatened”

- John F Kennedy

ABSTRACT

The framers of the Indian constitution were deeply influenced by the international documents that is, Universal Declaration of Human Rights (UDHR) adopted in the year 1948 which had a great impact and influence on the drafting of Indian constitution. Today human rights permeate international and national spheres. It is said, in national system, the concept was present but in international system, it is of recent origin and roughly goes back to four hundred years. Indian society being one of the oldest civilisations has all along recognised certain basic rights of the individuals. The modern normative protection to human rights in India has evolved from the time of freedom struggle, during the period of independence and developed subsequently. This chapter also deals with the development of the idea of human rights under the Indian constitution, contents and nature of fundamental rights and the directive principles of state policy, extent of human rights incorporated in the constitution of India, distinction between the constitutional recognition of human rights standards and the fundamental rights and constitutionally not specifically incorporated human rights standards. As India was signatory to the Universal Declaration of Human Rights, the constituent assembly adopted the similar provision as a fundamental right therein. This article traces the provision of the constitution of India and compares the provision with those of the Universal Declaration of Human Rights (UDHR). It finds the spirit of UDHR fully reflected in the constitution, and thereby making it a true reflection of the universal dream for Human Rights anywhere and everywhere.

Keywords : Constitutional Law, Fundamental Rights , Equality, Liberty

Introduction

The constitution of India is known as one of the most right based constitution in the world. It was drafted around the same time when the universal declaration of human rights came into force (1948) by the United Nation. Indian constitution provides the spirit of human rights in its preamble and on fundamental rights and directive principle of state policy under part III and IV of the Indian Constitution. Right has been defined as those claims of an individual that are necessary for the development of his/her ownself and recognised by state or society. Some of the rights provided by the state and enshrined in the constitution are known as fundamental rights .fundamental rights are those rights which are enforceable through the court of law. The Indian constitution is based on the theory that guided India’s struggle against British colonialism, which was marked by the violation of civil, political, social, economic and cultural rights of the people. Therefore, after independence, the framers of our constitution provided some fundamental rights to the citizens which are enshrined in the part III of the constitution. These fundamental rights are defined as basic human freedom for a harmonious and prosperous and even just and proper development of every citizen. The rights have their origins in many sources including United States bill of Rights, the France bill of rights, Magna Carta and France’s declaration of the Rights of Man.

HUMAN RIGHTS AND THE INDIAN CONSTITUTION⁴⁵

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The Constitution of India which came into force on 26th January 1950 with 395 Articles and 8 Schedules, is one of the longest written constitution and most elaborate fundamental laws ever adopted. The Preamble to the Constitution declares India to be a Sovereign, Socialist, Secular, Democratic and Republic. The term 'democratic' denotes that the Government gets its authority from the will of the people. It gives a feeling that all are equal "irrespective of the caste, creed, race, religion, language, sex and culture." The Preamble to the Constitution pledges justice, social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and fraternity assuring the dignity of the individual and the unity and integrity of the nation to all its citizens. India was a signatory to the Universal Declaration of Human Rights. A number of fundamental rights guaranteed in Part III of the Indian Constitution to the individuals are similar to the provisions of the Universal Declaration of Human Rights. The following chart table makes it clearer.

NO	NAME OF RIGHT	UNIVERSAL DECLARATION	INDIAN CONSTITUTION
1	Equality before law	Article 7	Article 14
2	Equality of opportunity in matters of public employment	Article 21(2)	Article 16(!)
3	Protection of certain rights regarding freedoms of speech, etc.	Article 19	Article 19(1)A
4	Protection in respect of conviction for offences	Article 11(2)	Article 20(1)
5	Protection of life and personal liberty	Article 9	Article 21
6	Prohibition of trafficking in human beings and forced labor	Article 14	Article 23
7	Freedom of conscience and free Profession practice and propagation of religion	Article 18	Article 25(1)
8	Protection of Interests of minorities	Article 22	Article 29(1)
9	Right of minorities to establish and administer Educational Institutions	Article 20(3)	Article 30(1)
10	Right to property	Article 17(2)	Not a fundamental rights after amendment 44, but now in Article 300A
11	Remedies for enforcement of rights conferred by this part	Article 8	Article 32

Rights	Convention on civil and political Rights	Indian constitution
Prohibition of trafficking in human beings and forced labor	Article 8(3)	Article 23

⁴⁵<http://shodhganga.inflibnet.ac.in:8080/jspui/bitstream/10603/6653/11/11chapter203.pdf>

Equality before law	Article 14(1)	Article 14
Prohibition of discrimination on ground of religion, race, caste, sex or place of birth	Article 26	Article 15
Equality of opportunity in matters of public employment	Article 25(c)	Article 16(1)
Protection of certain rights regarding freedom of speech	Article 19(1, 2)	Article 19
To assemble peaceably and without arms	Article 21	Article 19 (1b)
To form association or unions	Article 22(1)	Article 19(1c)
To move freely throughout the territory of India	Article 12 (1)	Article 19(1d,e,g)
Protection in respect of conviction for offences	Article 15(1) Article 14 (7)	Article 20(1)(2)
No person accused of any offence shall be compelled to be a witness against himself	Article 14(3g)	Article 20(3)
Protection of life and personal liberty	Article 6 (1), Article 9 (1)	Article 21
Protection against arrest and detention in certain cases	Article 9 (2,3,4)	Article 22
Freedom of conscience And free profession, practice and propagation of religion	Article 18(1)	Article 25
Equal pay for equal work	Article 7a (1)	Article 39d
Provision for just and humane conditions of work and maternity relief	Article 7b	Article 42
Right to work, to education and public assistance in certain cases	Article 6(1)	Article 41
Opportunity for children	Article 10 (3)	Article 41f
Compulsory education for children	Article 13 (2a)	Article 45
Living wage, etc, for workers	Article 7(a)(11) Article 7 (d)	Article 43

Nutrition and standard of living	Article 11	
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ROLE OF JUICIARY

The only provision for which the fundamental rights does not fulfill the objective of 'protection of dignity of an individual', but free enjoyment of the rights has to be ensured. Therefore, Article 32 guarantees right to constitutional remedies, i.e. right to move to Supreme Court to enforce fundamental rights. It is constitutional mandate of judiciary to protect human rights of the citizens. The Supreme Court and High Courts are empowered to take action to enforce these rights. Machinery of rectify is provided under Articles 32 and 226 of the Indian constitution. An aggrieved person can directly approach the Supreme Court or High Court of the concerned state for the protection of his/her fundamental rights, remedy for grievances and enjoyment of fundamental rights. In such cases Court are empowered to issue appropriate order, directions and writs in the nature of Habeas Corpus, Mandamus, Prohibition, Quo-Warranto and Certiorari.

Judiciary is ultimate guardian of the human rights of the people. It not only protects the rights enumerated in Constitution but also certain other un- enumerated rights by interpreting the fundamental rights by the judiciary and widened their scope. As a result, people not only enjoy enumerated rights but also non-enumerated rights as well. The Supreme Court in *Maneka Gandhi v. Union of India*,⁴⁶ interpreted the right to life and to widen its scope and deduced un-enumerated right such as "right to live with human dignity". The Supreme Court propounded the theory of "emanation" to make the existence of the fundamental right dynamic and fruitful. Thereafter, in many cases such as *People's Union for Civil Liberties and another v. State of Maharashtra and others*,⁴⁷ *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi*⁴⁸ held that right to life includes right to live with human dignity. Therefore, through the judicial interpretations various rights have been recognized though they are not specifically mentioned in Part III of the Constitution.

The role of locus standi, i.e. right to move to the court, whereby only aggrieved person can approach the court for redress of his grievances has been relaxed by the judiciary. Now court through public interest litigation permits public spirited persons to file a writ petition for the enforcement of rights of any other person or a class, to uplift the weaker section of the community, if they are unable to invoke the jurisdiction of the Court due to poverty or any social and economic disability. In *S.P. Gupta v. Union of India and others*,⁴⁹ Supreme Court held that any member of the public can approach the court for enforcing the Constitutional or legal rights of those, who cannot go to the court because of poverty or any other disabilities. Person can even

⁴⁶ AIR 1978 SC 597

⁴⁷ 2014 (10) SCC 635

⁴⁸ (1981) 2 SCR 516.

⁴⁹ AIR 1982 SC 149

write letter to the court for making complaints of violation of rights. Public interest litigation is an opportunity to make basic human rights meaningful to the impoverished and needy sections of the community. To assure vulnerable section social, economic and political justice, through public interest litigation any public spirited person can approach the court to protect their rights on behalf of aggrieved persons who cannot approach the court themselves due to their vulnerable or impecunious conditions. Similar observations have been made by Supreme Court in various judgments such as in *Bandhua Mukti Morcha v. Union of India*,⁵⁰ *Ramsharan Autyanuprasi and another v. Union of India and Others*⁵¹ *Narmada Bachao Andolan v. Union of India*.⁵² Therefore, public interest litigation has become the tool for the protection of human rights of the people in India.

The exploited sections of the society are more prone to the violation of human rights. Most unshielded sections of society are children, women and socially and educationally weaker sections of society. Judiciary has taken many steps to ensure protection of human rights of these sections and to uplift these sections from injustice.

Children are more prone to exploitation and perverted. The rights of the children are needed to be specially protected because of their vulnerability. For this reason United Nations Convention on the Rights of the Child was adopted in 1989⁵³. This convention brings together children's human rights, as children require more safety and protection for their development. Judiciary is playing a commendable and admirable role in protecting the rights of children.

There are various instances where judiciary intervened and the rights of children. In the case of *Labourers working on Salal project v. State of Jammu and Kashmir*⁵⁴, Supreme Court held that child below the age of 14 years cannot be employed and allowed to work in construction process. Court has issued various directions related to child labour. Supreme Court in *Vishal Jeet v. Union of India*⁵⁵ asked governments to setup advisory committee to make suggestions for eradication of child prostitution and to evolve schemes to ensure proper care and protection to the victim girls and children. The Supreme Court further in *Gaurav Jain v. Union of India*⁵⁶ showed its concern about rehabilitation of minors involved in prostitution and held that juvenile homes should be used for rehabilitation of them and other neglected children.

Mumbai High Court in *Public at large v. State of Maharashtra*⁵⁷ rescued children from flesh trade

⁵⁰ (1984) 2 SCR 67.

⁵¹ AIR 1989 SC 549

⁵² (2000) 4 SCJ 261

⁵³ Available at <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (Last visited on October 5, 2016)

⁵⁴ AIR 1984 SC 117.

⁵⁵ 1990 (3) SCC318

⁵⁶ 1997 (8) SCC 114.

⁵⁷ (1997) 4 Bom CR 171

and passed order for checking sexual slavery of children and for their rehabilitation. Children are not only prone to sexual abuse but they are also sometimes kept as bonded labourers as was in the case of *People's Union for Civil Liberties (PUCL) v. Union of India*⁵⁸ where the Supreme Court released child labourers and also ordered for grant of compensation to them. Concern of the Supreme Court about the protection of rights of children does not ended here it reiterated the importance of compulsory primary education vis-a-vis eradication of child labour in the case of *Bandhua Mukti Morcha v. Union of India*.⁵⁹

Supreme Court in *Sakshi v. Union of India*⁶⁰ highlighted the need to establish procedure that would help the child victim to testify at ease in the court and held that proceedings should be held in cameras. Delhi High Court in *Sheba Abidi v. State of Delhi*⁶¹ observed that child victims are entitled to get support person during trial and also established that child victims can testify outside the court environment.

Women are considered weak in our society which has resulted in the backwardness of women in every sphere. They are subjected to violence in society whether it is within four walls of the house or at workplace or anywhere else. Women remains abused ones and are often denied their basic human rights. Despite of the provision of right to equality enshrined under Article 14 of the Constitution, they are subjected to discrimination. Gender is considered to be the most important factor as for as Indian labour market is concerned. Discrimination against women laborer in terms of wage payments is a very common phenomenon in India. Wages earned by women are generally lesser than their male counterparts.⁶² However, Article 39 of the Constitution guarantees the principle of equal pay for equal work for both men and women. Despite the guarantees of equal rights to women still they are not equally treated with men. The Supreme Court has played remarkable and vital role in protection of their rights such as in case of *Associate Banks officers Association v. State Bank of India*,⁶³ Supreme Court protected the rights of women workers and held that women workers are in no way inferior to their male counterparts and hence there should be no discrimination on the ground of sex against women. In *State of Madhya Pradesh v. Pramod Bhartiya*⁶⁴ Supreme Court held that under Article 39 the State shall direct its policy towards securing equal pay for equal work for both men and women.

Article 21 deals with protection of life and personal liberty was invoked for the dignified life for

⁵⁸1998(8) SCC 485.

⁵⁹ (1997)10SCC549

⁶⁰ AIR 2004 SC 3566.

⁶¹113(2004) DLT 125

⁶² Shayan Javeed and Anupam Manuhaar, "Women and Wage Discrimination in India: A Critical Analysis March 19 – 2013" 2 *IJHSSI* 7(2013)

⁶³AIR 1998 SC 32.

⁶⁴AIR 1993 SC 286.

the prostitutes by Supreme Court in case of *State of Maharashtra v. Madhukar Narayan Mandlikar*⁶⁵ held that even a woman of easy virtue is entitled to privacy and no one can evade her privacy. In *Bodhi Satwa Gautam v. Subra Chakarborty*⁶⁶ Supreme Court has held that rape is a crime against basic human rights. Supreme Court laid down guidelines for protection of women against sexual harassment at work place in case of *Vishakha v. State of Rajasthan*⁶⁷ and reiterated the same in *Medha Kotwal Lele v. Union of India*.⁶⁸ Guidelines for ensuring the safe work environment for women were given and made it mandatory for employer to take responsibility in cases of sexual harassment at work. Supreme Court also protected the rights of workman in *BALCO Employees Union (Regd.) v. Union of India*,⁶⁹ *Consumer Edu. & Research Centre v. Union of India*.⁷⁰ In *People's Union for Democratic Rights v. Union of India*⁷¹ the Supreme Court stated that releasing persons from bonded labour was connected to rehabilitation process in order to give full remedy. In *Workmen v. Rohtas Industries*⁷² the Supreme Court observed that the right to equality became instrumental in protecting right of workers against unreasonable closures and discriminations in payment of pensions.

Judicial system protects the rights of its citizens including prisoners. The Supreme Court by interpreting Article 21 of the Constitution protected and preserved the rights of the prisoners. In case *Prem Shankar v. Delhi Administration*⁷³ Supreme Court held that practice of using handcuff and fetters on prisoners violates the guarantee of human dignity. A landmark judgment in *D.K. Basu v. State of West Bengal*,⁷⁴ protected the rights of the prisoners and laid down various guidelines for arrest and detention to prevent the custodial violence and observed that right to life include right to live with human dignity. Similarly Court in *Sheela Barse v. State of Maharashtra*⁷⁵ dealt with an issue of mistreatment of women in police station and court laid down various guidelines for the protection of rights of women in custodial/correctional institutions. Further in *Citizens for Democracy v. State of Assam and others*,⁷⁶ Supreme Court held that handcuffing and tying with ropes is inhuman and in utter violation of human rights guaranteed under the international laws and the laws of the land. Court directed that handcuffs or other fetters shall not be forced on prisoners- convicted or under trial while lodged in jail or even while transporting, police and jail authorities shall have no authority to direct handcuffing

⁶⁵ AIR 1991 SC 207.

⁶⁶ AIR 1996 SC 922.

⁶⁷ 1997(6) SCC 241.

⁶⁸ 2013(1) SCC 297.

⁶⁹ 2002(2) SCC 333.

⁷⁰ 1995(3) SCC 42.

⁷¹ 1982(3) SCC 235

⁷² AIR 1996 SC 467

⁷³ (1980) 3 SCC 538.

⁷⁴ (1997) 1 SCC 416

⁷⁵ AIR 1983 SC 378.

⁷⁶ AIR 1995 3SCC 743

of any inmate of jail or during transportation without permission from the magistrate. While executing of arrest warrant person arrested cannot be handcuffed without obtaining orders from magistrate.

Judiciary is playing a crucial and important role in the protection of the human rights of the people by expanding and widening the scope of the rights and recognizing new rights with the need of time. Judiciary has expanded the scope of right to life to include entitlements which are vital for the enjoyment of right to life with dignity. Courts have protected right of the people in numerous cases whether it is a right against violence in custody, to live in a pollution free environment, right to health, right to adequate wages of the workers, safety of the women at workplace, compensation to rape victim and rights of the child labourers and so on.

Unenumerated Fundamental Rights:

A number of rights, which are stated in the Covenant, are not laid down in part III of the Indian Constitution. In *Birma v. State of Rajasthan*⁷⁷ was held that “treaties which are part of international law do not form part of the Law of the land, unless explicitly made so by the legislative authority.” Further in *Shiv Kumar Sharma and others v Union of India*⁷⁸ the Delhi High Court held that in India treaties do not have the force of law, and consequently obligations arising therefrom will not be enforceable in municipal courts unless backed by legislation. In *A.D.M. Jabalpur v. Shukla*⁷⁹ Supreme Court by a majority of four to one, held that the Constitution of India did not recognize any natural or common law rights other than that expressly conferred in the Constitution.

The attitude of the Supreme Court has underwent drastic change especially after 1978. In *Maneka Gandhi v. Union of India*⁸⁰, Justice Bhagwati in the Special Bench for the Supreme Court observed that, the expression ‘personal liberty’ in article 21 is of the widest amplitude and it covers a variety of rights. The following are the rights contained in the Covenant on Civil and Political Rights. They are available to the citizens of India through judicial decisions, though they are not specifically mentioned in the Constitution. They are

- Right to education⁸¹
- Right of inmates of protection homes⁸²
- Right against public hanging⁸³
- Right against delayed execution⁸⁴
- Right to free legal aid in a criminal trial⁸⁵

⁷⁷ AIR 1951 Raj.127

⁷⁸ AIR 1969 Delhi 64

⁷⁹ (1976)2 SCC 521

⁸⁰ AIR 1978 SC 597

⁸¹ Unnikrishnan V State of A.P,(1992 AIR 1858)

⁸² Upendra baxi V State of U.P, (1983) 2 SCC 308

⁸³ Attorney General of India V Lachma Devi, AIR 1986 SC 467

⁸⁴ T.V Vaitheeswaram V State of Tamil Nadu, AIR 1983 SC 361

⁸⁵ M.H. Hoskot V State of Maharashtra, (1978) 3SCC 544

- Right to compensation⁸⁶
- Right against handcuffing⁸⁷
- Right to speedy trial⁸⁸
- Right to health care or doctor's assistance⁸⁹
- Right to shelter⁹⁰
- Right to solitary confinement⁹¹
- Freedom of the press⁹²
- Right to travel aboard⁹³
- Right to human dignity⁹⁴
- Right to free environment⁹⁵

FUNDAMENTAL RIGHTS AND HUMAN RIGHTS STANDARDS

Human rights are rights inherent to all human beings, whatever our nationality, sex, language, caste etc. these rights are inalienable and interrelated and indivisible. We all are equally entitled to our human rights without any kind of discrimination. The fundamental distinction between fundamental rights and the human rights standards lies in the addresses, that it is to whom those rights are accessible. Since the "Fundamental Rights" are basic rights derived from natural law or a group of rights that have been recognized by the Supreme Court to necessitate a higher level of protection from encroachment. These Fundamental Rights are limited to what is prescribed under the Constitution. On the other hand, human rights are universal in nature. Human rights are for all human beings with no want as to citizenship or nationality. In the case of Fundamental Rights, certain Fundamental Rights are exclusively available to citizens only, and some other rights are extended to aliens as well. Whereas, in India, Article 359 of the Constitution provides that except Articles 20 and 21, that is, protection in respect of conviction for offences and right to life and liberty, any other Fundamental Right can be suspended during the period of national emergency. If the national emergency is proclaimed on the grounds of 'war' or 'external aggression,' then all six fundamental freedoms guaranteed by Article 19 gets suspended automatically, without a proclamation by the President of India. But, Article 4 of the ICCPR is not applicable to all types of public emergencies. Only the threat to life of the nation or to its very existence may be the ground for derogation. In India, Article 352 of the Constitution deals with national emergency and according to it, war, external aggression or armed rebellion are the grounds for proclamation of a national emergency. It is said, "The question whether there exists a real threat to the security of India or not is to be decided by the executive. The

⁸⁶ Nilabati Behera Alias V State of Orissa, (1993) 2 SCC 746

⁸⁷ Prem Shankar Shukla V Delhi Administration, AIR 1980 SC 1535

⁸⁸ Hussainara Khatoon V Home Secretary, State of Bihar, 1995 SCC 5 326

⁸⁹ State of Punjab V M.S Chawla, (1996) 113 PLR 499

⁹⁰ U.P Avas Vikas Praishad V Friends Coop. Housing Society Limited, AIR 1998 SC 1028

⁹¹ Sunil Batra V Delhi Administration, 1980 3 SC 488

⁹² Ramesh Thaper V State of Madras, 1950 SCR 594

⁹³ Maneka Gandhi V Union Of India, 1978 AIR 597

⁹⁴ Jeeja Ghosh V Union of India, (2016)7 SCC 761

⁹⁵ M.C Mehta V Union Of India, 1996 4 SCC 750

ICCPR apparently permits this, but if there is no real threat to the life of the nation as such and if an attempt is made by the executive to misuse the powers, the right of derogation recognized by the Covenant will not be available. In case of India, the satisfaction of the executive that there is a threat to the security of India is not beyond judicial review”.

Under the International Human Rights Law, the States can resort to preventive detention only during the period of emergency. On the contrary, in India, the State can resort to preventive detention both in emergency and also in peace times. This establishes the distinction in situation in which deprivation of certain essential rights like Right to liberty of a person can be affected. The Indian Government has passed a number of enactments which authorizes preventive detention, though the safeguards are made available against arbitrary detention.

SOME OTHER MEASURES FOR PROTECTION OF HUMAN RIGHTS UNDER INDIAN LAW:

- The Protection of Civil Rights Act, 1955
- Suppression of Immoral Traffic in Women and Girls Act, 1956
- Maternity Benefit Act, 1961
- Dowry Prohibition Act, 1961
- Equal Remuneration Act, 1976
- Bonded Labor (Abolition) Act, 1976
- Employment of Children Act, 1938 (Amended in 1985)
- The Child Labor (Prohibition and Regulation) Act, 1986
- Juvenile Justice Act, 1986
- Indecent Representation of Women (Prohibition) Act, 1986
- Sati (Prevention) Act, 1987
- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
- The National Commission for Women Act, 1990
- The National Commission for Minorities Act, 1992
- The National Commission for Safari Karamcharis Act, 1993
- The National Commission for Backward Classes Act, 1993
- The Mental Health Act, 1993
- The Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995.

SUGGESTIONS:

1. Education about human rights should become a part of the general public education
2. Awareness should be created and make people aware of their rights
3. Policies and programmes should be adapted to ensure people have access to their rights
4. Machinery of government and its employees have to be trained to ensure the observation of human rights standard for law enforcement
5. Technical and financial assistance should be provided to increase knowledge about human rights.

CONCLUSION:

Indian constitution and universal declaration of human rights are supplementary to each other. The pursuit of human rights lies at the heart of the mission of the United Nations. The UDHR remains as relevant today as it was on the day it was adapted. It underpins the hopes of millions of people for a life with security, freedom, peace, harmony and prosperity. Protection of human rights is an important issue of concern throughout the world and various international instruments have been incorporated for the protection of human rights and on the basis of the provisions of the international instruments, national endeavours have been made such as enacting the Protection of Human Rights Act 1993. The Protection of Human Rights Act, 1993 is a special legislation in India that aims at better protection and promotion of human rights by establishing human rights institutions and the court. To erase human rights violation is impossible but it is always possible to bring changes if we take individual responsibility on our own shoulder.

HUMAN RIGHTS: AN OVERVIEW

Vaibhav & Pragya*⁹⁶

ABSTRACT

Human Rights encompasses an articulation of the need for people to be treated in just, decent and humane way regardless of their ethnic, religious or racial profile. It is the right which treats every individual of the society whether rich or poor, belonging to any sex, caste or creed as equal. In the modern sense, the definition of right is different from pre-modern world. In a similar manner, rights have also undergone development. From talking about basic rights of life to the present scenario of rights of privacy of an individual, there has been slow yet progress in the human rights. The United Nations declaration of Human Rights enlists 30 Articles regarding the Human Rights that must not be violated of any individual. The development of human rights has been from three generations. Each generation takes into account the development of rights of the particular era. In the first wave, there were civil and political rights. In the second wave, there were economic, social and cultural rights. In the third wave there were solidarity rights which contain within it environment, natural resources and cultural heritage. All the human rights are indivisible, universal, and interdependent. They should not be treated individually but as one. With the advancement of science there has been urge in the evolution of fourth generation human rights. In the era of digitisation and biological advancement, there has become a need for the evolution of human rights to deal with the rising issues of human rights violation in industrial factories. Today the privacy of an individual is hampered by emerging technologies and there has become an urgent need to safeguard everyone from the emerging threat. The article talks about the evolution of human rights from Magna Carta to the new threat being aroused by the industrial revolution.

Keywords : Human Rights , Justice ,First Generation Right ,UDHR

INTRODUCTION

Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights which are commonly known as human rights. Since these rights belong to them because of their very existence, they become operative with their birth. Human rights, being the birth right, are, therefore, inherent in all the individuals irrespective of their caste, creed, religion, sex, and nationality. These rights are essential for all the individuals as they are consonant with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare.

The vast majority of legal scholars and philosophers agree that every human being is entitled to some basic rights. There is universal acceptance of human rights in principle in domestic and international plane. Human rights is a generic term and it embraces civil rights, civil liberties and social, economic and cultural rights. It is therefore difficult to give a precise definition of the term human rights. However, it can be said that the rights that all people have by virtue of being human are human rights. These are the rights which no one can be deprived without a grave affront to justice. There are certain deeds which should never be done, certain freedoms which should never be invaded, something which are supremely sacred. Chief Justice of India, J.S. Verma has rightly stated that 'human dignity is the quintessence of human rights'. All those rights which are essential for the protection and maintenance of dignity of individuals and create conditions in which every human being can develop his personality to the fullest extent may be termed human

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rights. The World Conference on Human Rights held in 1993 in Vienna stated in the Declaration that all human Rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms.⁹⁷

Rights being immunities denote that there is a guarantee that certain things cannot or ought not to be done to a person against his will. According to this concept, human beings, by virtue of their humanity, ought to be protected against unjust and degrading treatment. In other words, human rights are exemptions from the operation of arbitrary power. An individual can seek human rights only in an organized community, *i.e.*, a State, or in other words, where the civil social order exists.

Human Rights being essential for all round development of the personality of all the individuals in the society be necessarily protected and to be made available to all the individuals. They must be preserved, cherished and defended if peace and prosperity are to be achieved. Human Rights are the very essence of a meaningful life and to maintain human dignity is the ultimate purpose of the government.

The Magna Carta (also called Magna Charta) or the Great Charter of the Liberties of England granted by King John of England to the English baron on June 15, 1215 was in response to the heavy taxation burden created by the third crusade and the ransom of Richard I, captured by the holy Emperor Henry VI. The English barons protested the heavy taxes and were unwilling to let King John rule again without some concessions in their rights. The overreaching theme of Magna Carta was protection against arbitrary acts by the King. Land and property could no longer be seized, judges had to know and respect laws, taxes could not be imposed without common council, there could be no imprisonment without a trial and merchants were granted the right to travel freely within England and outside. The Magna Carta also introduced the concept of Jury trial in Clause 39, which protects against arbitrary arrest and imprisonment. Thus, the Carta set forth the principle that the power of the King was not absolute.⁹⁸

Universal Declaration of Human Rights

“We are all born free. We all have our own thoughts and ideas and we should all be treated the same way.” Article 1 of the Universal Declaration of Human Rights declares every individual as independent citizen. The Universal Declaration of Human Rights (UDHR) is a declaration adopted by the United Nations General Assembly on 10th December, 1948 by a vote of 48 in favour, 0 against, with 8 abstentions (all Soviet Bloc states). The traumatic events of the Second World War brought home that human rights are not always universally respected. The extermination of almost 17 million people during the Holocaust, including 6 million Jews, horrified the entire world. After the war, governments worldwide made a concerted effort to foster international peace and prevent conflict.

⁹⁷ Dr. H.O.Agarwal, *International Law and Human Rights* (Allahabad: Allahabad Law Agency, 2014), 754.

⁹⁸ A.N.Sen, *Human Rights* (Faridabad: Sri Sai Law Publications, 2012), 761.

In 1948, representatives from the 50 member states of the United Nations came together under the guidance of Eleanor Roosevelt (First Lady of the United States 1933-1945) to devise a list of all the human rights that everybody across the world should enjoy.⁹⁹

It consists of 30 Articles which have been elaborated in subsequent international treaties, regional human rights instruments, national constitutions and laws. Article 1 talks that all human beings are born free. Article 2 says that everyone is entitled to all the rights and freedoms set forth in this declaration. Article 3 says that everyone has the right to life, liberty and security of person.

In 1966 the General Assembly adopted the two detailed Covenants, which complete the International Bill of Human Rights; and in 1976, after the Covenants had been ratified by a sufficient number of individual nations, the Bill took on the force of International laws.

During the Second World War the allies adopted the Four Freedoms: freedom of speech, freedom of assembly, freedom from fear and freedom from want, as their basic war aims. The United Nations Charter “reaffirmed faith in fundamental human rights, and dignity and worth of the human person” and committed all the member states to promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”. When the atrocities committed by Nazi Germany became apparent after the Second World War, the consensus within the world community was that the United Nations Charter did not sufficiently define the rights it referenced. The universal declaration that specified the rights of individuals was necessary to give effect to the Charter’s provisions on human rights. Canadian **John Peters Humphrey** was called upon by the UN Secretary-General to work on the project and became the Declaration’s principal drafter. At the time Humphrey was newly appointed as Director of the Division of Human Rights within the United Nations Secretariat. The Commission on Human Rights, a standing body of the United Nations, was constituted to undertake the work of preparing what was initially conceived as an International Bill of Rights. The membership of the Commission was designed to be broadly representative of the global community.

While not a treaty itself, the Declaration was explicitly adopted for the purpose of defining the meaning of the words “fundamental freedoms” and human rights appearing in the United Nations Charter, which is binding on all the member states. For this reason, the Universal Declaration of Human Rights is a fundamental constitutive document of the United Nations.

Development of Human Rights

The division of human rights into three generations was initially proposed in 1979 by the Czech jurist, **Krel Vasak** at the International Institute of Human Rights in Strasbourg. He used the term at least as early as November 1977. His divisions follow the three watchwords of the French Revolution: **Liberty, Equality, and Fraternity**. The three generations are reflected in some of the rubrics of the Charter of fundamental rights of the European Union. The Universal Declaration of Human Rights includes rights that are thought of as second generation as well as first generation

⁹⁹ Amnesty International UK, What is the Universal Declaration of Human Rights? www.amnesty.org.uk (accessed November 10, 2018).

ones, but it does not make the distinction in itself.¹⁰⁰ There are three overarching types of human rights norms: Civil-Political, Socio-Economic and collective developmental. The first two which represent potential flames of individual persons against the state, are firmly accepted norms identified in international treaties and conventions. The final type, which represents potential claims of people's and groups against the state, is the most debated and lacks both legal and political recognition.¹⁰¹

First Generation of Human Rights

First generation human rights, sometimes called "Blue" rights, deal essentially with liberty and participation in political life. They are fundamentally civil and political in nature. Civil-Political human rights include two sub types: Norms pertaining to physical and civil security and Norms pertaining to civil political liberties or empowerments.¹⁰² They serve negatively to protect the individual from excesses of the state. First generation rights include, among other things, the right to life, equality before the law, freedom of speech, the right to a fair trial, freedom of religion, and voting rights. They were pioneered by **the United States Bill of Rights** and in France by the Declaration of the Rights of **Man and of the Citizen** in the 18th century, although some of these rights and the right to due process date back to the Magna Carta of 1215 and the Rights of Englishmen, which were expressed in the English Bill of Rights in 1689.

These rights began to emerge as a theory during the 17th and 18th centuries and were based mostly on political concerns. It had begun to be recognised that there were certain things that the all powerful rulers should not be able to do and that people should have some influence over the politics that affected them. The two central ideas were those of personal liberty and of protecting the individual against violations by the state.

Civil and political rights today are set out in detail in the International Covenant on Civil and Political Rights (ICCPR) and in the European Convention for the protection of Human Rights and Fundamental Freedoms (ECHR), and they include rights such as the right to participate in government and the prohibition of torcher.

Second Generation Human Rights

Second generation rights are those rights, which arose to compliment the first generation right so as to make the effective machinery to bring the first generation rights into conformity with the present daily realities of life.¹⁰³ Socio-economic human rights similarly include two sub types: norms pertaining to the provision of goods meeting social needs and norms pertaining to the provision of goods meeting economic needs. Second generation human rights are related to equality and began to be recognised by the governments after World War II. They are fundamentally economic, social and cultural in nature. They guarantee different members of the

¹⁰⁰ Wikipedia, The Three Generation of Human Rights, www.en.m.wikipedia.org (Accessed November 15, 2018.)

¹⁰¹ Globalisation 101, Three Generations of Rights, www.globalisation101.org (Accessed 15 November, 2018.)

¹⁰² Globalisation 101, Three Generations of Rights, www.globalisation101.org (Accessed 15 November, 2018.)

¹⁰³ Dr. H.O.Agarwal, *International Law and Human Rights* (Allahabad: Allahabad Law Agency, 2014), 1541.

society equal conditions and treatment. Secondary rights would include a right to be employed in just and favourable condition, right to food, housing and healthcare, as well as social security and unemployment benefits. Like first generation rights they were also covered by the Universal Declaration of Human Rights, and further bodied in Articles 22-28 of the Universal Declaration, and the International Covenant on Economic, Social and Cultural Rights.

These rights concern how people live and work together and the basic necessities of life. They are based on the ideas of equality and guaranteed access to essential social and economic goods, services and opportunities. They became increasingly a subject of international recognition with the effects of early industrialisation and the rise of a working class. These lead to new demands and new ideas about the meaning of a life of dignity. People realise that human dignity required more than the minimal lack of interference from the state as proposed by the civil and political rights.¹⁰⁴

These rights are sometimes referred to as “Red Rights”. They impose upon the government the duty to respect and promote and fulfil them, but this depends on the availability of the resources. The duties imposed on the state because it controls its own resources. No one has the direct right to housing and right to education.

Eg- In South Africa, for instance the right is not, *per se*, to housing, but rather “to have access to adequate housing” , realised on a progressive basis.

Social rights are those that are necessary for full participation in the life of society. They include at least the right to education and the right to found and maintain a family but also many of the rights are often regarded as civil rights.

Economic rights are normally thought to include the right to work, to an adequate standard of living, to housing and the right to a pension if you are old or disabled. The economic rights reflect the fact that a certain minimal level of material security is necessary for human dignity.

Cultural rights refer to a community’s cultural “way of life” and are often given less attention than many of the other types of rights. They include the right to participate freely in the cultural life of the community and, possibly, also the right to education. However, many other rights, not officially classed as “cultural” will be essential for minority communities within a society to preserve their distinctive culture.

In the United States of America, President Franklin D. Roosevelt proposed a Second Bill of Rights, covering much the same grounds, during his State of the Union Address on 11 January 1944. Today, many nations, states, a group of nations have developed legally binding declarations guarantee comprehensive sets of human rights. Historically, it is a counter-point to the first generation of civil and political rights. With human rights conceived more in a positive sense that is “RIGHT TO” than negative sense that is “FREEDOM FROM”.

¹⁰⁴ A.N.Sen, Human Rights (Faridabad: Sri Sai Law Publications, 2012), 965.

Third Generation of Human Rights

Third generation of “solidarity” right is the most recently recognised category of human rights. This grouping has been distinguished from the other two categories of human rights in that its realisation is predicted not only upon both the affirmative and negative duties of the state, but also upon the behaviour of each individual.¹⁰⁵ Third generation human rights are those rights that go beyond the mere civil and social, as expressed in many progressive documents of international law, including the 1972 STOCKHOLM Declaration of the United Nations Conference on the Human Environment, the 1992 Rio Declaration on Environment and Development, and other pieces of generally aspiration “softlaw”. Because of the present day tilting toward national sovereignty and the preponderance of would be offender nations, these rights have been hard to enact in legally binding documents.

Third generation “collective developmental” rights of people and groups held against their respective states alliance with the final tenet of “fraternity”. Collective developmental human rights also include two sub types: the self determination of people’s and certain special rights of ethnic and religious minorities.¹⁰⁶

Third generation rights may be both invoked against the state and demanded of it; but above all they can be realised only through the concerted efforts of all actors on the social scene: the individual, the state, public and private bodies and the international community. Rights in this category include self determination, as well as host of normative expressions whose status as human rights is controversial at present. These include the right to development, the right to peace, and right to a healthy environment. Some texts such as the final report of the United Nations Commission on Human Rights, Sub commission on Prevention of Discrimination, and Protection of Minorities appear to take it as given that there is already an existing right to environment recognised in international instruments. Others such as Higgins, express serious reservations regarding the existence of right to a healthy environment as well as the viability of other third generation rights.

The term “Third Generation Human Rights” remains largely unofficial, just as the also used moniker “green” rights, and thus houses an extremely broad spectrum of rights, including :

- Group and collective rights
- Right to self determination
- Right to economic and social development
- Right to healthy environment
- Right to natural resources
- Right to communicate and communication rights.
- Right to participation in cultural heritage

¹⁰⁵ Surya Narayan Misra, *Labour and Industrial Law* (Allahabad: Central Law Publications, 2018), 784.

¹⁰⁶ Veenita Desai, *Development on Human Rights* (Allahabad: Central Law Publications, 2017), 669.

- Rights to intergenerational equity and sustainability

The idea at the basis of the third generation of rights is that of solidarity; and the rights embrace collective rights of society or people. In much of the world, conditions such as extreme poverty, war, ecological and natural disasters have meant that there has been only very limited progress in respect of human rights. For that reason, many people have felt that the recognition of a new category of human rights is necessary: these rights would ensure the appropriate conditions for societies, particularly in the developing world, to be able to provide the first and the second generation rights that have already been recognised. The African Charter on Human and People's Rights ensures many of those: right to self determination, right to development, right to natural resources and right to satisfactory environment. Some countries also have constitutional mechanisms for safe guarding third generation rights. Some international organisations have offices for safe guarding such rights. An example is the High Commissioner on National Minorities of the Organisation for Security and Cooperation in Europe. The Directorate General for the Environment of the European Commission has as its mission "protecting, preserving and improving the environment for present and future generations, and promoting sustainable development."

There has, however, been some debate concerning this category of rights. Some experts object to the idea of these rights because they are 'collective rights', in the sense of being held by communities or even whole states. They argue that human rights can only be held by individuals. The argument is more than merely verbal, because some people fear such a change in terminology could provide a "justification" for certain repressive regimes to deny (individual) human rights in the name of these collective human rights. There is another concern which is sometimes expressed: since it is not the state but the international community that is meant to safeguard third generation rights, accountability is impossible to guarantee.¹⁰⁷

The 'generations approach' is not the only effort in distinguishing between rights in the light of the proliferation of rights. Some rights can be derogated in times of public emergency; others cannot. Some rights are recognised as being 'Jus Cogens' or norms that have been accepted by the international community of states as a norm from which no derogation is permitted: Examples include, the prohibitions against genocide, slavery, and systematic racial discrimination. Some rights are absolute in that they cannot be subject to derogation or limitation in their manifestation, or example the prohibition on torcher. 'Minimum core' obligations have been identified in relation to certain economic and social rights, for example the provision of essential primary healthcare, basic shelter and education. Others may suggest that collective rights are core, in that they establish a framework of protection within which individual rights can then be realised. There is no clear consensus or single theory on this, and most observers would reinforce the importance of emphasising the universality, indivisibility and interdependence of rights.¹⁰⁸

¹⁰⁷ Amartya Sen, *Development as Freedom* (Allahabad: Allahabad Law Agency, 2011), 451.

¹⁰⁸ Md. Jahid Hossain Bhuiyan, *International Humanitarian Law* (Allahabad: Central Law Publications, 2009), 785.

Time for a fourth generation of human rights?

The Fourth Industrial Revolution also known as the digital transformation or industry 4.0, has been passionately discussed by business people for quite some time now, perhaps because they have a lot of money riding on the outcome. Digitalisation and Deification not only creates new industries, but also disrupt traditional ones. In the field of human rights, though, awareness has been slower to take route, developing haphazardly in response to public controversies, such as the sharing of personal information by Tech companies or mass Surveillance by intelligence agencies.

Just as the Fourth Industrial Revolution is disrupting traditional markets and forcing private companies to innovate or perish, it also has the potential to destabilize the way advocacy activities are structured. Civil society, international human rights mechanisms and individual defenders will have to adjust to exponential increases in automation, new tools and possible job losses. The digitalisation of human rights work may parallel similar transformations in the private sector, producing leaner and more agile distributed networks of actors, a type of “human rights cloud”. These individuals and organisations from anywhere in the world, connected via the web, would be capable of real time interventions and innovative forms of collaboration¹⁰⁹.

New capabilities for human rights violation

Traditional human rights concepts are also under pressure because technology is creating new capabilities for human rights violations. Disaggregating this data to make it anonymous, despite solving the privacy problem, is still problem because these data sets are used to train algorithms that are increasingly capable of predicting and even manipulating human behaviour. The human rights implications of digitalisation and deification are not just developed world problems. For optimists, these emerging technologies will allow some developing countries or regions to leapfrog stages of development- such as moving from pre industrialisation to post industrialisation in single generation. Indeed, some of these technologies offer exciting solutions to hold problems, like how to measure and meet the complex needs of diverse population.

Interjecting a human rights perspective into the conversation about the Fourth industrial revolution is important because policy makers from around the world are approaching it like a race- which they all want to win. This “go-it-alone” mentality between developed countries risks turning into a race to the bottom especially for the labour standards and privacy protection. Innovations should not be used as a justification to erode human rights. The rise of the gig and sharing economies in developed countries, which can resemble the informal economies of the developing world, suggest that we may be entering a complex future in which the difference between developed/ developing worlds is no longer so distinct, but overlap in complex ways. For human rights defenders around the world, an important challenges ensuring that productivity gains enhance worker’s rights rather than making them disposable.

¹⁰⁹ Manoj Kumar Sinha, Implementation of Basic Human Rights (Allahabad: Allahabad Law Agency, 2013), 787.

As the 2030 Agenda for Sustainable Development reminds us, “The spread of information and communications technology and global interconnectedness has great potential to accelerate human progress.” Yet interconnectedness can also facilitate control, dominion and marginalisation in unprecedented ways. But there is a hope. Each generation of human rights evolved in response to specific threats. Today, as a fusion of material biological and digital technologies raises existential questions about what it means to be human, the time is ripe for a fourth generation of human rights to emerge.

The human rights idea has lost nothing of its original impetus. Nobody wishes human kind to return to a situation where individual would have to endure impotently the decisions of his/her government, unable to invoke any legal title to find his/her legitimate claims. But there is a growing awareness that human rights must be seen within the context of appropriate institutions. Human rights alone do not ensure effective enjoyment of human rights. They must be included in a network of institutions which are guided by the same philosophy. In that regard, the human rights movement returns to its sources.

Although the three generations framework is a valuable conceptual tool for thinking about rights, it is worth questioning some of its assumptions. The three generations framework contains within it room for many of the key debates about the nature of rights. It also encourages us to take a critical approach in challenging our own assumptions about rights as we begin to think about some real world problems involved in the application of human rights.

All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. It is certainly said that, there will be many attempts in the future to use unorthodox attempts in the future to use unorthodox strategies with a view to enforcing rights which are not capable of being enforced in the country of origin. It is, of course, much easier to guarantee human rights if the basic societal framework corresponds fully to the requirements of democracy and the rule of law. Today, the very idea of human rights contradicts such extremist solutions. But it is clear again that human rights cannot be seen in isolation.

HUMAN RIGHTS: A GLOBAL AGENDA

Himanshu Chhipa & Lokendra Panwar*

ABSTRACT

This paper is concerned with demonstrating the capacity of international human rights law and domestic constitutional law to have a synergistic relationship that is focused on the ways in which the two sets of standards can be harmonised rather than on questions of 'superiority' and 'inferiority' and demonstrated the necessary & inexorable links between human rights concepts and human rights indicators. Conceiving of the relationship between the two bodies of law in this way requires us to recognize their shared dignitary core and the optimal effect of international human rights law, namely effective rights-protection at the domestic level with international law playing a subsidiary role. This paper uses the example of LGBT rights in European Convention on Human Rights jurisprudence to demonstrate such a synergistic relationship and argues that such a relationship is possible as between US constitutional law and international human rights law notwithstanding some prima facie barriers thereto.

Keywords: Internationalisation, Constitutional Law, International Human Rights Law

INTRODUCTION

In the contemporary manifestation, Human Rights are a set of individual and collective rights that have been formally promoted and protected through international and domestic law. Since the 1948, the universal declaration of human rights, arguments, theories, protections and violation of such rights. However, have been in existence for much longer¹¹⁰. But since the universal declaration, the evolution of their express legal protection has grown rapidly. It is sometimes said that the United States has a particular antipathy to International law and Internationalism; that it neither 'gets it' nor wants to 'get it'¹¹¹. This, in my view, is a misrepresentation of the position of the United States in respect of international law generally, Although it is perhaps somewhat closer to the truth in relation to international human rights law than in other areas¹¹². This representation of the United States' alleged relationship with international law reflects the fact that both the US and a substantial portion of the international legal community are engaged in a process of mythologizing in relation to one another that perhaps reaches its zenith when it concerns international human rights law. The United States is mythologized as an isolationist and anti-internationalist legal system¹¹³, while international human rights law is mythologized as a top-down, 'un-American', and anti-democratic enterprise¹¹⁴. The first step for anyone concerned with highlighting the potential for international human rights law to play a valuable role in rights-related litigation in the United States is to 'myth-bust' in both directions. In fact, United States constitutional civil rights law and international human rights law share a common core of values and purposes that make them the ideal theatre in which synergistic and catalytic interaction between domestic and international law can take place. This is, indeed, the type of relationship

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¹¹⁰ Claude 1976; Foweaiker and Landman 1997

¹¹¹ The New Sovereignists: American Exceptionalism and its False Prophets 79 FOREIGN AFFAIRS 9 (2000)

¹¹² The Charade of US Ratification of International Human Rights Treaties 1 CHINESE JOURNAL OF INTERNATIONAL LAW 347 (2000).

¹¹³ Thomas Hughes, The Twilight of Internationalism 61 FOREIGN AFFAIRS 25 (1985-86)

¹¹⁴ ERIC POSNER & JACK GOLDSMITH, THE LIMITS OF INTERNATIONAL LAW (2006)

between domestic and international law that is foreseen and intended by international human rights law and has happened in other jurisdictions and contexts, such as in relation to LGBT rights in (Western) Europe. The status of international human rights law in domestic legal systems is a matter for those systems themselves. Under US constitutional law international human rights law is part of federal common law inasmuch as it is customary international law and reliant on incorporation inasmuch as it is contained in non-self-executing treaties ratified by the United States with the advice and consent of the Senate. The argument made out here does not seek to challenge that. Rather, this essay emphasizes on the argument that international human rights law is an appropriate source of persuasive authority that ought to be pleaded in cases of constitutional rights interpretation. This might ensure that, to the extent possible within the text and structure of the Constitution itself, rights afforded constitutional protection are harmonious with international human rights law in terms of content and scope. International human rights law, then, is presented as an interpretive aid in domestic rights interpretation, application and enforcement. The first part of this essay expands on the appropriate relationship between international and domestic rights law and argues that it is one of synergy rather than one of superiority or inferiority. Far from the myriad adjudicatory bodies that have appeared in international human rights law representing some kind of strong-arm measures by international law, their admissibility rules in particular show that the desired state of affairs is one in which rights are effectively protected in the domestic sphere without any recourse to the international legal machinery. The essay then goes on to illustrate the type of synergistic relationship that is possible between domestic and international rights-protecting law by means of the example of LGBT rights in Europe.

International Human Rights: Costs to Peace and Friendly Relations: -

Human rights are frequently seen as a principal accomplishment of present day universal law.¹¹⁵ The assurance and advancement of human rights are integral to a great part of crafted by the United Nations today, a striking extension from both the interwar League of Nations and the prompt post-World War II period.¹¹⁶ The assurance and advancement of human rights are integral to a great part of crafted by the United Nations today, a striking extension from both the interwar League of Nations and the prompt post-World War II period.¹¹⁷ Today, by complexity, sway and worldwide law purportedly get their authenticity from people.¹¹⁸

INTERACTION AND DOMINANCE: -

When the universal declaration of human rights¹¹⁹ was signed in 1948 few people could have foreseen the immense development of international human rights law that would emerge over the next sixty years. In this short period of time we have seen international human rights law progress from a set of normative statements, purely declaratory in manner human rights clauses in Security Council Chapter VII Resolutions¹²⁰; human rights tie-ins in regional trade agreements¹²¹; and international adjudicatory bodies with jurisdiction over treaty-based rights claims. These international adjudicatory bodies range from courts with jurisdiction over individual and inter-state

¹¹⁵ James Crawford & Marti Koskeniemi, Introduction to THE CAMBRIDGE COMPANION TO INTERNATIONAL LAW 1, 16 (James Crawford & Marti Koskeniemi eds., 2012)

¹¹⁶ STEVEN L.B. JENSEN, THE MAKING OF INTERNATIONAL HUMAN RIGHTS: THE 1960S, DECOLONIZATION AND THE RECONSTRUCTION OF GLOBAL VALUES 5–8, 37–47 (2016).

¹¹⁷ Olivier Barsalou, The Cold War and the Rise of an American Conception of Human Rights, 1945–8,

¹¹⁸ Harold Hongju Koh, Humanitarian Intervention: Time for Better Law, 111 AJIL UNBOUND 287, 288 (2017)

¹¹⁹ G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948)

¹²⁰ Security Council Resolution 1456 (2003)

¹²¹ FREDERICK ABBOTT, INTERNATIONAL TRADE AND HUMAN RIGHTS: FOUNDATIONS AND CONCEPTUAL ISSUES (2006)

complaints to treaty-specific committees, many of which also have the capacity to hear and adjudicate upon individual complaints.

LEGALISATION, DECRIMINALIZATION & THE WAY FORWARD

It is basic that the state investigates all the ways and means by which the sex labourer's human rights can be successfully ensured and their financial and economic wellbeing be raised. One of the courses for accomplishing that is commanding 'safeguard and recovery' of the sex laborers. Sex laborers would be 'safeguarded' from their houses of ill-repute and after that moved to better places. They would be given sufficient methods for job, with the goal that they can discover beneficial work with the end goal to continue themselves. Save and restoration would require the state to utilize different strategies with the end goal to confine passage into the sex business, for example, restricting the trafficking of ladies and youngsters. In spite of the fact that by and by, there is dependably perplexity regarding the approach behind this move. A few gatherings are guided by the rule that sex work is indecent, so it isn't in every case clear whether the thought process behind the 'safeguard and restoration' is to force and authorize a specific good point of view or to really enhance the sex laborers' conditions and prosperity¹²².

The other method to re-establish the human privileges of sex specialists and decrease the large amounts of viciousness and misuse they confront is by sanctioning sex work and the sex business in itself. That would guarantee that the political rights and common freedoms of sex laborers stay ensured. Trafficking and misuse of sex specialists can likewise be managed, through this technique.

Assigning 'Prostitution' as a unique human rights issue is in itself an infringement, since it superfluously recognizes prostitution from different sorts of female or low status work. Giving undue significance to the issue of prostitution fortifies and additionally features the powerless and helpless position of the ladies and men engaged with this calling. 'Sex Work' is a term that the sex specialists have themselves thought of. Rather than connecting social and mental undertones to it, it ought to just be viewed as simply one more wage producing action for ladies and men¹²³. It is basic that the administration of giving business sex be looked as 'work', if the procedure of prohibition is to end for the sex specialists. Rather than featuring the contrasts between sex work and different callings, the concentrate needs to move and what must be seen is how much sex laborers share for all intents and purpose with whatever other specialists; that the social segregation and different issues that the sex laborers look amid their work, are not excessively one of a kind and unique in relation to the issues looked by laborers utilized in other humble occupations.

Legitimization of sex work (Prostitution) as some other type of work is an issue that has been generally challenged on numerous occasions. The International Labor Organization (ILO) has adopted a protectionist strategy in such manner. In 1996, the Global Alliance Against Traffic in Women propelled a worldwide examination of "Trafficking in Women"¹²⁴. The report analysed the procedure of enlistment of sex specialists and the living and work conditions that they were exposed to. It additionally worried upon issues, for example, absence of responsibility in this chaotic and casual segment, absence of plan of action to the specialists and the greatly elevated amounts of brutality and misuse that won in the sex business. This examination was earth shattering as far as understanding the requirement for acknowledgment of the human rights and work privileges of sex laborers and setting up the base principles for working conditions in the sex business.

¹²² Center for Feminist Legal Research, Memorandum on Reform of Laws Related to Prostitution in India (New Delhi: CFLR, 1999).

¹²³ Human Rights Watch, 1993, A Modern Form of Slavery, "Trafficking of Women and Girls into Brothels in Thailand." New York. pp. 25,54,59

¹²⁴ GAATW, 1997. Handbook for Human Rights Action in the Context of Traffic in Women. GAATW (Global Alliance Against Trafficking in Women), Bangkok, Thailand.

Encouraging into the discussion of authorization of the sex business, there are numerous monetary, specialist and societal advantages that could happen by legitimizing sex work. One of the significant advantages that the legislature could harvest is that, if sex work happens to get authorized, it very well may be controlled and exhausted.

Legitimizing sex work would likewise result in altogether enhancing the working conditions for sex specialists. Since the sex business would turn into a controlled industry and least norms for work would be built up, the sex specialists would not be liable to misuse and misuse. Massage parlor proprietors and cash moneylenders would be responsible to the law requirement offices and would be represented by a statutory structure of laws. Sex specialists would be qualified for work rights and in addition standard profit in return for their administrations.

Conclusion

To restate, the UDHR has catalyzed the improvement of a HR framework that may have been once seen as unattainable. In any case, even with the execution of such rights into civil frameworks, the norm and the standards imagined in the UDHR are far separated. To most, full acknowledgment of HR is unthinkable and that universal laws simply fill in as a limitation, deficient to give satisfactory HR security, as prove by HR manhandles propagated day by day. With the current critical circumstance that torment our reality, the main way this will change is for people to inspect themselves and to alter their opinion sets on what is vital. No fantasy is unattainable and, with a straightforward change in human conduct, humankind can find a way to inch it closer towards a superior world for everybody. Ladies and the developing viciousness against them have turned out to be unavoidable in the general public. The man centric arrangement of the general public and the methodology and disposition of men towards ladies as oppressed has fueled and created viciousness and different wrongdoings against ladies, youngsters and sex laborers. It has additionally been obvious from the circumstance that extremely old work on existing in the general public can't be wiped out in few days. It will require a considerable measure of investment to influence individuals to comprehend and understand their rights, balance and humankind and make them mindful of their improvement through instruction, mindfulness programs and so forth. These enactments authorized are not bolstered by the desire of the general population. They open doesn't know about such advances which have been taken for the upliftment of ladies, kid and sex laborers in the general public and subsequently it faces incredible obstruction and restriction from the moderate idea of the general public. To enhance the status of the ladies in the general public, keep the brutality against ladies, youngsters and sex specialists and ensure them is the need of great importance. Since the traditionalist social reasoning is profoundly established in the general public, there is a need that such enactments ought to be authorized with the help and solid open readiness and supposition.

WOMEN'S RIGHTS IN ILLUMINATION UNDER HUMAN RIGHTS IN INDIA

Nandini Tripathy*¹²⁵

ABSTRACT

All throughout the ages people have been governed by rulers who followed different system and forms of government and used their power and authority to suppress the common people. It was only in 1947 when India got its independence from the British rule and adopted democratic form of government which encouraged India to get its new face. Now even after 70 years of Independence, India continues to suffer from significant human rights violations, despite framing many laws and policies and promising and making commitments to tackle the problems. Human Rights in simple sense refers to the certain basic or fundamental rights which are universal for humanity and is entitled to each person of our society irrespective of Caste, creed, colour, race, origin, sex, religion etc. The Principle Objective of human rights for protection of human life and liberty, to preserve the dignity of people, promoting healthy development, maintaining equality etc. In India the violations of human rights are equal to the violations of the democratic principles which is enshrined in the constitution of India. Human rights are no longer the concerned of any country and became an international issue. The United Nations has adopted a charter of Human Rights for the respect of people and on 10th December 1948, the UN adopted the Universal Declaration of Human Rights for the protection of Human Rights. India was a signatory to the Universal Declaration of Human Rights, but the violations and atrocities are still prevalent. Due to this wide scale violation of human rights like extra-judicial killings, custodial deaths, and atrocities by the security force particularly in Kashmir, the Indian Government set up the NHRC (National Human Rights Commission) in 1993. People basic and fundamental rights are denied due to the economic and political interest of politicians, big industrialist and power-drunk people.

Keywords: Gender Equality, Violation of Women's Right, Fundamental Rights

INTRODUCTION

Gender equality is at the very heart of human rights and United Nations values. A fundamental principle of the United Nations Charter adopted by world leaders in 1945 is "equal rights of men and women", and protecting and promoting women's human rights is the responsibility of all States. The High Commissioner for Human Rights recently pledged to be a Geneva Gender Champion committing to advance gender equality in OHCHR and in international forum. Yet millions of women around the world continue to experience discrimination:

- Laws and policies prohibit women from equal access to land, property, and housing
- Economic and social discrimination results in fewer and poorer life choices for women, rendering them vulnerable to trafficking
- Gender-based violence affects at least 30% of women globally
- Women are denied their sexual and reproductive health rights
- Women human rights defenders are ostracized by their communities and seen as a threat to religion, honor, or culture
- Women's crucial role in peace and security is often overlooked, as are the risks they face in conflict situations

Moreover, some groups of women face compounded forms of discrimination -- due to factors such as their age, ethnicity, disability, or socio-economic status -- in addition to their gender. Effectively ensuring

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women's human rights requires, firstly, a comprehensive understanding of the social structures and power relations that frame not only laws and politics but also the economy, social dynamics and family and community life. Harmful gender stereotypes must be dismantled, so that women are no longer viewed in the light of what women "should" do and are instead seen for who they are: unique individuals, with their own needs and desires.

Women around the world nevertheless regularly suffer violations of their human rights throughout their lives, and realizing women's human rights has not always been a priority.

The United Nations has a long history of addressing women's human rights and much progress has been made in securing women's rights across the world in recent decades. However, important gaps remain, and women's realities are constantly changing, with new manifestations of discrimination against them regularly emerging. Some groups of women face additional forms of discrimination based on their age, ethnicity, nationality, religion, health status, marital status, education, disability, and socioeconomic status, among other grounds. These intersecting forms of discrimination must be considered when developing measures and responses to combat discrimination against women. This publication introduces women's human rights, beginning with the main provisions in international human rights law and going on to explain particularly relevant concepts for fully understanding women's human rights. Finally, selected areas of women's human rights are examined together with information on the main work of United Nations human rights mechanisms and others pertaining to these topics. The aim of the publication is to offer a basic understanding of the human rights of women, but because of the wide variety of issues relevant to women's human rights, it should not be considered exhaustive.

ANALYSIS OF WOMEN HUMAN RIGHT IN INDIA

With the rising crimes, violations, frauds, and scandals human rights are being violated and taken for granted and in the recent years conditions have become worst and deteriorated in India. Violence against women is increasing at an alarming rate and they are at a high risk of sexual harassment, trafficking, and forced labor including violations of equal participation in political, economic, and social life. In fact, the recent molestation case in Bengaluru was shocking and condemned by all sections of our society. Such horrifying incident took place on the night of 31 December 2016 where many people gathered on the streets and started molesting the women's. And just after the New Year incident another molestation case occurred in Bangalore which was triggered by two hooligans nearby East Bengaluru. The circumstances for women rights and their freedom seems to have deteriorated, with not only people committing women rights violations but also powerful politician and police who are easily compromising with the security of women. This unfortunate incident reminds about the Nirbhaya Case, one of the most heinous crime of gang rape of a young women which took place on 16th December 2012. Despite the various strong laws and acts framed by the government, women across India continue to suffer from domestic violence, acid attacks, rape and murder etc.

Violation of Human Rights of Women

Very often it is said that women in India are enjoying the rights equal to that of men. But, the women in India have been the sufferers from past. Not only in earlier times but even today women must face discrimination, injustice and dishonour. The violations of women human rights are evident in the past customary practices, which often proved to be against the notion of gender equality.

Violation of Human Rights of Women in Past

The following crimes were done against the women in the past times.

Devadasis- Devadasis was a religious practice in some parts of southern India, in which women were married to a deity or temple. In the later period, the illegitimate sexual exploitation of the devadasis became a norm in some part of the country.

Jauhar- Jauhar refers to practice of the voluntary immolation of all wives and daughters of defeated warriors to avoid capture and consequent molestation by the enemy. The wives of Rajput rulers, who were known to place a high premium on honour, followed this practice.

Purdah- Purdah is a practice requiring women to cover their bodies to cover their skin and conceal their form. It curtails their right to interact freely and it is a symbol of the subordination of women.

Sati- Sati is a custom in Indian society, in which widows were immolated alive on her husband's funeral pyre. Although the act was supposed to be voluntary on the widow's part, it is believed to have been sometimes forced on the widow.

Violation of Right to Equality-

Discrimination against the girl child starts from the mother's womb. The child is exposed to gender differences since birth and in recent times even before birth, in the form of sex – determination tests leading to foeticide and female infanticide. The home, which is supposed to be the most secured place, is where a woman is often exposed to violence. In India, men are always assumed to be superior to women and are given more preference. The World Human Rights Conference in Vienna first recognized gender – based violence as a human rights violation in 1993. United Nations Declaration declared the same in 1993. The recognition of women's rights as human rights became international law when UN General Assembly adopted the Convention on the Elimination of All forms of Discrimination Against Women.¹²⁶

Violation of Right to Education-

Education is considered as a means of development of personality and awareness. Basic education is crucial to alleviating poverty, reducing inequality and driving economic growth. Education is one of the most important human rights but the position of women's education in India is not at all satisfactory. Young girls are denied even to have basic education. Despite the improvement in the literacy rate after independence, there continues to be large gap between the literacy levels of men and women. Almost half the women population is even unable to recognize language characters. At least 60 million girls lack access to primary education in India and the gender gap in literacy persists. More than two thirds of the world's 960 million illiterates are women.¹²⁷ The exclusivist state policy of control over curriculum choices, misappropriation of funds, non - implementation of education incentives and ideologically driven reforms and pedagogy are significant contributed factors.¹²⁸ Due to large percentage of uneducated women in India, they are not even aware of their basic human rights and can never fight for them.

Violation of Political Right-

The political status of women in India is very unsatisfactory, particularly their representation in higher political institutions, Parliament and provincial Legislation. India ranks 109 in the world classification of

126 Adopted on On 18 December 1979,

127 Web.unfpa.org/intercenter/role4men/empower.htm

128 Www.ijsrp.org/research-paper-1012/ijsrp-p1004.pdf

Women in National Parliaments, with 11 per cent in the Lower House and 10.6 in the Upper House.¹²⁹ Thus it is clear that there is male domination in Indian politics and almost all the parties give very little support to women in election despite their vocal support for 33% reservation of seats for women in Parliament and Provincial Legislation. The Women's reservation Bill that was drafted in 1996 and introduced in Parliament in 2010 is forgotten text.

Violation of Right to Property-

The general law relating to the inheritance and succession can easily be referred to The Indian Succession Act, 1925. Under this Act every Indian is entitled to equal shares on inheriting the property on the death of a person. The exceptions are Hindus, Sikhs, Jains, Buddhists and Muslims as they are governed under separate laws of succession.¹³⁰ In most of the Indian families, women do not own property in their own names and do not get share of parental property. The personal laws govern them. Due to weak enforcement of laws protecting them, women continue to have little access to land and property. In fact, some of the laws discriminate against women, when it comes to land and property rights. Though, women have been given rights to inheritance, but the sons had an independent share in the ancestral property, while the daughter's shares were based on the share received by the father. Hence, father could anytime disinherit daughter by renouncing his share.

Violation of Right to Live with Dignity-

Right to Life as under Article 21 of the Constitution includes Right to live with dignity, which is equally available to women. Eve teasing is an act of terror that violates a woman's body, space and self – respect. It is one of the many ways through which a woman is systematically made to feel inferior, weak and afraid. Whether it is an obscene word whispered into a woman's ear; offensive remarks on her appearance; any intrusive way of touching any part of women's body; a gesture which is perceived and intended to be vulgar: all these acts represent a violation of woman's person and her bodily integrity.

Thus, eve teasing denies a woman's fundamental right to move freely and carry herself with dignity, solely based on her sex.

Violation of Right to protection from society, state and family system-

a) **Child Marriage-** Child marriage has been traditionally prevalent in India and continues to this date. UNICEF defines child marriage as marriage before 18 years of age and considers this practise as a violation of human rights. But a girl child in India is taken as a burden on the family. Sometimes the marriages are settled even before the birth of the child. In southern parts of India, marriages between cousins are common, as they believe that a girl is secured as she has been marrying within the clan. Parents also believe that it is easy for the child – bride to adapt to new environment as well as it is easy for others to mould the child to suit their family environment. This shows that the reasons for child marriages in India are so baseless. Basically, this phenomenon of child marriage is linked to poverty, illiteracy, dowry, landlessness, and other social evils. The impact of child marriage is widowhood, inadequate socialization,

129 <http://www.dailymail.co.uk/indiahome/indianews/article-2112426/India-ranks-105th-world-womensrepresentation-politics.html>

130 Javed Razack, "Inheritance and Succession, Rights of Women and Daughters under Personal Laws", available at www.lexorates.com

education deprivation, lack of independence to select the life partner, lack of economic independence, low health/nutritional levels because of early/frequent pregnancies in an unprepared psychological state of young bride. However, the Indian boys must suffer less due to male dominated society. Around 40% child marriages occur in India. A study conducted by Family Planning Foundation showed that the mortality rates were higher among babies born to women under 18. Another study showed that around 56% girls from poorer families are married underage and became mothers.¹³¹ So, all this indicated that immediate steps should be taken to stop the evil of Child Marriage.

b) Dowry harassment and Bride Burning- Bride burning is linked to the custom of dowry, the money, goods, or estate that a woman brings to her husband in marriage. Thousands of young married women in India are routinely tortured and murdered by husband and in-laws who want more dowries from the bride's parents. In spite of the Dowry Prohibition Act passed by the government, which has made dowry demands in wedding illegal, the dowry incidents are increasing day by day. According to survey, around 5000 women die each year due to dowry deaths and at least a dozen dies each day in kitchen fires.¹³²

c) Rape- Young girls in India often are the victims of rape. Almost 255 of rapes are of girls under 16 years of age. In 2012, over 24,000 cases of rape were reported, though realistic statistics are likely to be much higher. The International Centre for Research on Women conducted a survey amongst New Delhi residents to determine their attitudes toward sexual violence, especially in the public sphere. Of the female respondents, an incredible 95% reported feeling unsafe in public, due to the perceived threat of sexual violence against women.¹³³ The National crimes record Bureau statistics reveal that there were 25,915 victims of rape out of 24,923 reported rape cases in the country during the year 2012. 12.5% of the total victims of rape were girls under 14 years of age while 23.9% were teenage girls of age between 14-18 years, 50.2% were women in the age group 18- 30 years. At the outset rape cases have increased by 46.8% from 267 cases in 2011 to 392 cases in 2012.¹³⁴ In rape cases, it is very torturing that the victim has to prove that she has been raped. The victim finds it difficult to undergo medical examination immediately after the trauma of assault.

WOMENS RIGHT MOVEMENT

The women's rights movement of the mid-nineteenth century unified women around a number of issues that were seen as fundamental rights for all citizens; they included: the right to own property, access to higher education, reproductive rights, and suffrage. Women's suffrage was the most controversial women's rights issue of the late nineteenth and early twentieth centuries and divided early feminists on ideological lines. After women secured the right to vote in 1917, the women's rights movement lost much of its momentum. World War I and II encouraged women to do their patriotic duty by entering the workforce to support the war effort. Many women assumed they would leave the working world when men returned from service, and many did. However, other women enjoyed the economic benefits of working outside the home and remained in the workforce permanently. After WWII, the women's rights movement had difficulty coming together on important issues. It was not until the socially explosive 1960s that the modern feminist movement would be re-energized. In the four decades since, the women's movement has tackled many issues that are considered discriminatory toward women including: sexism in advertising and the

131 Available at www.icrw.org, 'Child Marriage facts and figures' 2007

132 Taslima Nasreen, 'Bride Burning', Available at www.freethoughtblogs.com

133 Ms. Meredith McBride, 'Violence against women in India' available at www.humanrightasia.in

134 Available at www.ncrb.org

media, economic inequality issues that affect families, and violence against women. Two ongoing issues in which women seek social change are those having to do with wage discrimination and reproductive health.

Sex, Gender & Sexuality

Overview

Women's Rights

Like almost every other modern social movement, the women's rights movement comprises diverse ideals. Feminist and American responses to the movement have generally fallen along three lines:

- * Staunch opposition to change;
- * Support of moderate and gradual change; and
- * Demand for immediate radical change (Leone, 1996).

The women's rights movement rose during the nineteenth century in Europe and America in response to great inequalities between the legal statuses of women and men. During this time, advocates fought for suffrage, the right to own property, equal wages, and educational opportunities (Lorber, 2005).

In the United States, suffrage proved to be one of the driving issues behind the movement. However, when the movement first began, many moderate feminists saw the fight for voting rights as radical and feared that it would work against their efforts to reach less controversial goals such as property ownership, employment, equal wages, higher education, and access to birth control. The divide between moderate and radical feminists started early in America's history and continues to be present in the women's movement (Leone, 1996).

Suffrage

First proposed as a federal amendment in 1868, women's suffrage floundered for many years before the passage of the Nineteenth Amendment gave women the right to vote in 1920. It was 1917 when the National Woman's Party (NWP) met with President Woodrow Wilson and asked him to support women's suffrage. When the women were dismissed by Wilson, members of the party began a picket at the White House. Their protest lasted 18 months. Harriot Stanton Blatch, the daughter of Elizabeth Cady Stanton, and Alice Paul were among the first organizers of the picket. However, the picket was not supported by the older and more conservative women's rights group, the National American Women's Suffrage Association (NAWSA). Its members saw the picket as somewhat "militant" and sought to win suffrage state by state rather than through a federal amendment (Leone, 1996).

America's involvement in World War I during the spring of 1917 affected the women's suffrage movement in a number of ways. The NWP refused to support the war effort, while NAWSA saw support of the war as an act of patriotism and a way to further women's rights issues. The differences between the two groups led to hostility that continued until August of 1919 when the Nineteenth Amendment was passed. Both the NWP and NAWSA claimed responsibility for the passage of the amendment. Historians disagree about which party was most influential. Many credit the combination of militant and moderate strategies that were employed by each group (Leone, 1996).

After the women's suffrage movement, some men and women considered the fight for women's rights to be over. Many of the organizations that had been so active in promoting suffrage disbanded after the Nineteenth Amendment was ratified. Though some women's suffrage groups did continue as

organizations--namely, the League of Women Voters--the feminist movement sputtered without a unifying cause (Leone, 1996). The Great Depression of the 1930s further hurt the women's movement: most women simply did not have the time or energy to dedicate to feminist causes. With America's entry into World War II, many women entered the workforce for the first time. However, this entry was accompanied by the assumption that women would exit the workforce once American men returned from service. Postwar America saw a steep decline in participation in the women's rights movement. The numbers of women attending college dropped during the 1950s as women married earlier and had more children.

Applications

The women's rights movement re-formed during the 1960s as the women's liberation movement (Lorber, 2005). The period would mark the "revitalization of feminism" (Leone, 1996).

According to Judith Lorber, twentieth-century feminism was more fragmented than nineteenth-century feminism, perhaps as a result of deeper understandings of the sources of gender inequality (Lorber, 2005). In the twenty-first century, there are still many issues that challenge women's economic and political status in the world, and women of all kinds are fighting many battles on many fronts.

Challenges to gender equality occur in many ways. Some of the most commonly recognized issues are:

- * Education: Men tend to have higher educational attainments, though in the US and Western world this gap is rapidly closing.
- * Wages and Employment: Men occupying the same jobs as women tend to be paid more, promoted more frequently, and receive more recognition for their accomplishments.
- * Health Care: In some countries, men have more access to and receive better health care than women.
- * Violence and Exploitation: Women are subjected to violence and exploitation at greater rates than men.
- * Social Inequality: Women still perform the majority of domestic duties such as housework and child care (Lorber, 2005).

ISSUES

Educational Attainment

Women's unimpeded access to educational opportunities is strongly supported by feminists. The gap in educational attainment is shrinking rapidly in the industrialized world, and the gap in the US is quite small. However, lack of education still hurts women in fundamental ways, the most obvious being economic. This essay will discuss in more detail the gender wage gap that exists in the US. While education does increase a women's earning potential, research suggests that a definite and pervasive gender wage gap exists at every level of the workforce.

Gender Pay Gap

A "gendered division of labor" exists across the globe. A 1980 United Nations report stated that women performed two thirds of the world's work, garnered 10% of wages worldwide, and owned 1% of the world's property (Lorber, 2005). Even in the early twenty-first century, the workplaces of industrialized nations continue to demonstrate a curious paradox. While research shows that companies that encourage diversity and promote women to leadership roles have higher levels of financial performance than companies with less diversity, women's earnings are still significantly less than men's (Compton, 2007).

Great Britain, like the US, has grappled with the existence of the gender pay gap for many years. The US passed the Equal Pay Act in 1963, and Great Britain instituted its own Equal Pay Act in 1970. Both of these acts "offered women a legitimate avenue to seek remuneration for unequal pay"(Compton, 2007, 1(20). In 1970, the pay differential in Great Britain between men and women's wages was 30%. Nearly five decades later, in 2008, the gender pay gap still hovered around 17% and was the highest of all EU countries (De Vita, 2008). Some project that the disparity in wages will not be eliminated until around the year 2030 (De Vita, 2008). The question remains, if women are legally guaranteed equal pay, and if promoting women is generally recognized as good for business, why do women still earn less than men? The causes of the gender wage gap are various and complex.

The fact that many women choose to leave their jobs in order to have children is often identified as one reason for the wage gap. Proponents of this theory argue that, statistically, women earn less than men because some women do not hold paying, full-time jobs, thus dragging down women's average wages. However, most studies of the wage gap only count the earnings of women who work full-time.

CONCLUSION

In India, more than 55 percent of the women suffer from Domestic Violence, especially in the states of Bihar, U.P., M.P. and other northern states.¹³⁵ But an Indian woman always tries to conceal it, as they are ashamed of talking about it. Interference of in – laws and extra marital affairs of the husbands are the cause of such violence. The pity women are unwilling to go to court because of lack of alternative support system.¹³⁶ Thus, though India has made strides in equality gain for women, many patriarchal and outdated laws have yet to be adjusted to reflect the changing attitudes in India. Now it's time to think beyond ideology, a world of greater hardship for women, who sacrifice their identity, communication and hopes, in a society dominated by male values, Question always arises whether the laws and society's standards ensures that women get their rights? And that their human rights are protected? What is needed at present is the recognition of women's equal humanity and a continuing response to the persistent realities of the contemporary world. The right of every individual is to do what he/she values and becoming and being human is always more difficult for a woman in the present world.

135 DHAWESH PAHUJA, ' Domestic Violence against Women in India', available at www.legalindia.in

136 Ibid pg 5

HUMAN RIGHTS OF CHILDREN: INTERNATIONAL CONTRIBUTIONS WITH SPECIAL EMPHASIS TO APPLICABILITY IN INDIA

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ABSTRACT

Human Rights are the rights which every human has regardless of caste, creed, colour, religion and nationality. These are the basic rights that an individual possess from his birth to his death. It has been observed that children are the ones whose rights are violated on a huge level. Times to time steps were taken on international level to protect the rights of this section. Various International Declarations and Conventions starting from Geneva Declaration, 1924, Declaration of the Rights of the Child, 1959, International Convention and the most important was the Convention of the Rights of Child, 1989 along with lots of principles and articles focusing on no discrimination, dignity, social protection, parental guidelines, education, freedom and numbers of ideas to protect the rights of child. India's set of programmes and policies showcased in initial report, 1997 and periodic report, 2001 with respect to convention of child rights, 1989 with achievements like Juvenile Justice Act, National Commission for Child and Amendments in infant milk substitute, feeding bottle and infant food regulation of production, supply distribution act. Major schemes like Integrated Child Welfare Scheme and Beti Bachao Beti Padhao followed by the support of UNICEF with Indian government for better implication of child rights. . The result of child protection is likely to grow in significance if the things go right. The impacts of child maltreatment are long lasting, reaching well into adulthood. In addition to the effect on education and consequent employment prospects, maltreated children are at higher risk of later behavioural, physical and mental health problems, including depression, obesity, heart disease, cancer, high risk behaviours and sexually transmitted infections, alcohol and drug misuse, and violence. This essay analyses the concept of Human rights for children.¹³⁷

Keywords: Child Protection, Convention of Child Rights, Indian Periodic Report

INTRODUCTION

Evolving in a society with dignity and respect is everyone's right. It includes faith in basic fundamental human rights to ensure social progress and better way of living. First, when we talk about child, then in Article 25(2) of the Universal Declaration of Human Rights, 1948 it is has been stated that children are entitled to special care and every child irrespective of its condition shall enjoy social protection. Various declarations like Geneva Declaration of the Rights of the Child of 1924, Declaration of the Rights of the Child adopted by the United Nations on 20 November 1959, International Covenant on Civil and Political Rights (in particular in articles 23 and 24) and the International Covenant on Economic, Social and Cultural Rights (in particular in article ten) it is mentioned how and why a child need to be protected. Then there is Convention of the Rights of the Child, 1989 which is the most important and major among all the conventions for child. Most of the countries follow the principles of this convention. When we discuss about our Constitution (i.e. Indian Constitution) then we do have Fundamental Rights stated in article 15(3), article 21-A, article 23 and article 24 and Directive Principles in article 39(e) & (f) and article 45.

The basic idea of all these conventions and rights is to protect the dignity of a child & woman and ensure social progress in their lives so that they can lead a happy life.

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RIGHTS OF CHILDREN

Starting with Geneva Declaration of the Rights of the Child, 1924¹³⁸ – it was adopted by League of Nations on 26th September, 1924. In this declaration it was stated that the world needs to know the importance of raising a child properly that's why some duties were issued that should be followed that is:

- Child should be exposed to be normal development, both materially and spiritually.
- Children should be provided proper care to ensure that no one should be hungry, no one should be sick, no one should be without shelter and no one should be left backward.
- At the time of distress, children should be the first one to given relief.
- Every child should be protected from exploitation and they should be made capable of earning a livelihood.
- Every child should be capable to understand to use their talents for betterment of fellow people.

Declaration of the Rights of the Child, 1959¹³⁹ - It was adopted by the general assembly of United Nations on 20th Nov, 1959. It was not binding in nature. The main motive of the declaration was to promote happy childhood and to aware parents, societies and organizations about the importance of healthy childhood. Total of 10 principles were given by this declaration, to summarise the principles it was said –

- Principle 1 = every child should be treated without any exception
- Principle 2 = develop every child physically, mentally, morally, spiritually and socially in a healthy manner with freedom and dignity.
- Principle 3= child should get a name and nationality.
- Principle 4= child should enjoy social security and special care.
- Principle 5 = child should get special treatment, education and care.
- Principle 6 = child should get someone to love and understand themselves.
- Principle 7= child should get education which should be free and compulsory, works should be done for the best interest of child and child should get full opportunity to play and recreation.
- Principle 8 = child should be the first one to receive protection and relief.
- Principle 9 = child should be protected against all forms of neglect, cruelty and exploitation.
- Principle 10= child should be protected from the practices which may promote racial, religious and any form of discrimination.

International Covenant on Civil and Political Rights¹⁴⁰ - Adopted by general assembly of United Nations on 19th December, 1966. It is a collection of rights to promote human rights. In this covenant child rights were also discussed in article 23 & article 24¹⁴¹ of the rights-

- Article 23 – in clause 4 of this article it is mentioned that at the time of dissolution of marriage, necessary provisions should be made for the protection of child.
- Article 24 – the child should get proper support from his parents, society and the state. Every child shall have a name and every child should have nationality.

¹³⁸ <http://www.un-documents.net/gdrc1924.html>

¹³⁹ G.A. res. 1386 (XIV), 14 U.N. GAOR Supp. (No. 16) at 19, U.N. Doc. A/4354.

¹⁴⁰ <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>

¹⁴¹ Pg 9, <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>

International Covenant on Economic, Social and Cultural Rights¹⁴²- Adopted and opened for signature, ratification and accession by the General Assembly resolution 2200A (XXI) of 16 December 1966; entry into force 3 January 1976. Article 10 of the covenant talks about protection of child-

- Article 10 – clause 4 of this article talks about protection of child without any discrimination. Children should be protected from social and economic exploitation.

Convention of Rights of the Child, 1989¹⁴³ - Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November, 1989. This convention highlights the importance of child rights and social security to promote healthy childhood. This convention contains total 54 articles. To summarise the articles-

- Article 1 – this article talks about the definition of child.
- Article 2 – this article talks about non discrimination among children.
- Article 3 – this article talks about best interests of the child.
- Article 4 – this article talks about protection of rights of child.
- Article 5 – this article talks about role of parental guidance.
- Article 6 – this article talks about the survival and development of the child.
- Article 7 – this article talks about registration, name, nationality and care of child.
- Article 8 – this article talks about preservation of identity of the child.
- Article 9 – this article talks about right of child to live separately from parents.
- Article 10 – this article talks about family reunification.
- Article 11 – this article talks about steps to prevent and stop kidnapping.
- Article 12 – this article talks about respect about the views of child.
- Article 13 – this article talks about freedom of expression for the views of child.
- Article 14 – this article talks about freedom of thought and religion for the child.
- Article 15 – this article talks about freedom of association, the child can join and make peaceful associations.
- Article 16 – this article talks about the privacy of the child and his family members.
- Article 17 – this article talks about the right to get information about the happenings around the world.
- Article 18 – this article talks about parental assistance to the child.
- Article 19 – this article talks about protection of child from every kind of violence.
- Article 20 – this article talks about children deprived of family environment.
- Article 21 – this article talks about adoption of children.
- Article 22 – this article talks about refugee children.
- Article 23 – this article talks about children with disabilities.
- Article 24 – this article talks about health and services to promote healthy lifestyle.
- Article 25 – this article talks about treatment and care of child.
- Article 26 – this article talks about social security and protection of child.
- Article 27 – this article talks about adequate standards of living of child.
- Article 28 – this article talks about right to education for the child.
- Article 29 – this article talks about educational goals for children.
- Article 30 – this article talks about right of minority culture children to follow their tradition and practices.
- Article 31 – this article talks about right of children to relax and play.

¹⁴² Human Rights for All: International Covenant on Economic, Social and Cultural Rights a Handbook, 1st Edition (New Delhi: PWESCR (Programme on Women's Economic, Social and Cultural Rights), august 2015), Page 18 and 19.

¹⁴³ <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

- Article 32 – this article talks about stopping of child labour.
- Article 33 – this article talks about prevention of children from use of harmful drugs.
- Article 34 – this article talks about prevention of children from sexual exploitation.
- Article 35 – this article talks about prevention of children from abduction, sale and trafficking.
- Article 36 – this article talks about prevention of children from exploitation.
- Article 37 – this article talks about prevention of children from detention and punishment.
- Article 38 – this article talks about prevention of children in war affected places.
- Article 39 – this article talks about rehabilitation of child victims.
- Article 40 – this article talks about giving legal aid and juvenile justice to the children.
- Article 41 – this article talks about giving more importance to countries individuals laws for children if it is better than the articles of this convention.
- Article 42 – this article talks about the government duty to make children aware about their rights.
- Article 43-54 – these articles talks about how government and international organisations should work to ensure protection of children rights.

All these principles and articles gave a base to the member states of United Nations to make policies and laws regarding protection of the rights of children. Constitution of India also has some articles that talks about the protection of children rights.

- Article 15(3)¹⁴⁴ – this article provides special power to government to make laws for the betterment of child.
Article 21-A – this article talks about right to free and compulsory education to children from 6 years to 14 years. Right to Education¹⁴⁵ – Due to 86th amendment, 2002 inserted article 21 in the constitution of India. It means that every child has a right to full time elementary education of satisfactory and equitable quality in a formal school which satisfies certain essential norms and standards.
- Article 23¹⁴⁶ – this article talks about prohibition of trafficking and forced labour. In India issues like child trafficking and forced labour are big issues. Because of this law anybody doing these types of activities will be punished.
- Article 24¹⁴⁷ – this article talks about the prohibition of children in factories and non employment of children below 14 years.
- Article 39(e)¹⁴⁸ – this article talks about protection of tender age children from abuse.
- Article 39(f)¹⁴⁹ – this article talks about opportunity should be given to children and they should be developed in dignified manner.
- Article 45¹⁵⁰ – this article talks about provisions to free and compulsory education till 14 years of age.

¹⁴⁴ <https://indiankanoon.org/doc/1603957/>

¹⁴⁵ <http://mhrd.gov.in/rte>

¹⁴⁶ <https://indiankanoon.org/doc/1071750/>

¹⁴⁷ <https://indiankanoon.org/doc/1540780/>

¹⁴⁸ <https://indiankanoon.org/doc/129471/>

¹⁴⁹ <https://indiankanoon.org/doc/1139107/>

¹⁵⁰ <https://indiankanoon.org/doc/1791268/>

CONVENTION OF CHILD RIGHTS, 1989 AND INDIA

Committee on the Rights of the Child in 1997¹⁵¹

India submitted this report to the Committee on the Rights of the Child in 1997. In this report various laws regarding to children of the country was shown. It showcases steps taken by India to implement commitments of convention. In this it is shown that different ministries have started performing their works according to their roles. Governments of the state have started making laws for fulfilling the commitment. Government partnered different NGOs to perform different activities to perform betterment activities for children. It discusses civil rights, freedoms, family care and alternative care, health and nutrition of children, education, leisure and cultural activities, and special protection measures the state is currently engaged in.

In this report it is mentioned that a wide range of laws guarantees to a substantial extent the rights and entitlements provided for in the Constitution and in the Convention on the Rights of the Child:

- The Apprentices Act, 1861
- The Child Marriage Restraint Act, 1929
- The Child Labour (Prohibition and Regulation) Act, 1986
- The Children (Pledging of Labour) Act, 1929; The Guardian and Wards Act, 1890
- The Hindu Minority and Guardianship Act, 1956
- The Hindu Adoption and Maintenance Act, 1956
- The Immoral Traffic (Prevention) Act, 1956
- The Juvenile Justice Act, 1986
- The Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960
- The Probation of Offenders Act, 1958
- The Reformatory Schools Act, 1897
- The Women's and Children's Institutions (Licensing) Act, 1956
- The Young Persons (Harmful Publications) Act, 1956
- The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992
- The Prenatal Diagnostic Technique (Regulation, Prevention and Misuse) Act, 1994
- The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

Apart from these laws mainly concerning children, a host of related welfare and criminal laws have beneficial provisions for the care and protection of children. Even the laws relating to commerce, industry and trade have protective provisions for children.

It is also mentioned that The National Human Rights Commission set up in 1993 has been taking an active interest in the implementation of children's rights in the country. The Commission has been examining issues like child labour and related issues such as compulsory primary education, child marriages, child prostitution, female foeticide and infanticide in depth and is supportive of efforts by the non-governmental organizations and activists to further children's rights.

The Committee responded to this report with a list of recommendations¹⁵². Some of the recommendations are:

- Make efforts to match country legislations with convention provisions and plan and allocate resources to ensure the implementation of all child related legislations.
- Adopt a comprehensive national plan of action, based on a child rights approach, to implement the convention.

¹⁵¹ <http://www.childlineindia.org.in/CP-CR-Downloads/UNCRC%20India%20Initial%20report.pdf>

¹⁵² <http://www.childlineindia.org.in/CP-CR-Downloads/UNComission%20reply%20to%20initial%20report.pdf>

- Develop a comprehensive system for collecting disaggregated data about the status of children.
- Establish a statutory, independent national commission for children.
- Establish a national age limit that a person ceases to be a child.
- Address issues of discrimination against caste and tribal groups.
- Ensure the rights of the child who is in police custody.
- Ensure the rights of children with disabilities.
- Aim to eliminate child labour.

Indian Periodic Report, 2001

India submitted their first comprehensive periodic report in 2001. Again the report discusses civil rights and freedoms, family care and alternative care, health and nutrition of children, education, leisure and cultural activities, and special protection measures the state is currently engaged in.

The report talks all the various legislative achievements in last five years such as the adoption of the following acts:

- The Juvenile Justice (care and protection of children) Act, 2000¹⁵³
This act mainly talks about the protection of children from begging and abuse. It also talks about child in need of care and protection, non exploitation of kids, drug abuse , trafficking, children home, observation homes, special homes, special juvenile police unit, child welfare committee, rehabilitation that includes adoption, foster care, NGO linkages and care organisations. It also talks about juvenile laws and contribution of parents in reforming child. The most highlighting fact in this report was of special juvenile police unit, this was the unit specially made to handle juvenile with care and to deal with juvenile crimes.
- National commission for Protection of Child Rights¹⁵⁴
The National Commission for Protection of Child Rights (NCPCR) was set up in March 2007 under the Commissions for Protection of Child Rights (CPCR) Act, 2005, an Act of Parliament (December 2005). It is a body made for protection of children from age 0 to 18 years. Every right the child enjoys is seen as mutually-reinforcing and interdependent. Therefore the issue of gradation of rights does not arise. A child enjoying all her rights at her 18th year is dependent on the access to all her entitlements from the time she is born. Thus policies interventions assume significance at all stages.
Citizens charter of the national commission for protection of child rights¹⁵⁵ –
To ensure that all laws, policies, programmes and administrative mechanisms are in consonance with the child rights perspective as enshrined in the Constitution of India.
Functions of the commission –
 1. Examine and review the rights of children and ensure the protection of these rights.
 2. Reporting central government about the functioning of commission.
 3. Examining factors like communal violence, riots, disaster, domestic violence, HIV, trafficking, torture, exploitation, pornography and other things affecting child.
 4. Protecting children in distress, without families, children in prisons and children who are thrown out.
 5. Periodic review of existing child rights
 6. Promote research in child rights.
 7. Spreading child rights awareness in society.

¹⁵³ <http://khoyapaya.gov.in/mpp/resources/Juvenile%20Justice%20Act%202000.pdf>

¹⁵⁴ <http://ncpcr.gov.in/>

¹⁵⁵ <http://ncpcr.gov.in/showfile.php?lang=1&level=0&linkid=29&lid=27>

8. Proper care and rehabilitation of child.

- Amendment of the infant milk substitutes, feeding bottle and food regulation of food regulation of production, supply and distribution act, 1992¹⁵⁶

This act says that no person should advertise, promote or mislead people to believe that infant food, feeding bottles and infant milk substitutes are an acceptable replacement of mother's milk. No person can distribute or supply infant food, feeding bottles and infant milk substitutes, or contact any expecting mother or mother of an infant, or offer inducement in an attempt to sell or promote infant food, feeding bottles and infant milk substitutes. Section five of the act says no person shall donate or distribute infant food, feeding bottles and infant milk substitutes or any material regarding the same, except the health system.

The law requires that any manufacturer, supplier or distributor of infant food and infant milk substitutes needs to put warning labels on the product insuring that the customer understands that mother's milk is the best food for an infant, and that these products should only be used under the advice of a healthcare worker. The product should also give clear instructions for use, nutritional information, ingredients and manufacture and expiry information, etc. Infant food and infant milk substitute products are not permitted to have photos of babies or mothers, images or designs that increase saleability, and use words like materialized or humanised, etc.

To protect the rights of the children –

- Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 was passed to protect the rights of disabled child.
- Special attention was given to children National Disaster Relief Plan to protect the children at the time of conflict.
- Strategy to control and reduction of drugs.
- Emergency helpline: CHILDLINE 1098.
- Amendment in Immoral Traffic (Prevention) Act, 1956 to prevent trafficking of children.

Committee on the rights of child responded on this report and gave suggestions¹⁵⁷-

- To increase the budget to prevent child rights.
- To involve NGOs in systematic manner to work in a proper manner and to achieve the target of social protection of children.
- Involving parliamentarians, leaders, religious leaders and influence people to finish customs or traditions stopping in prevention of child rights.
- To abolish untouchability and the discrimination on the basis of caste.
- Inclusion of measures and steps taken by government to support the rights given by the convention in the next periodic report.
- Promote participation of child in family, schools, society as well as in judicial and administrative proceedings.
- Law enforcement on the protection of child in a affective manner.
- Prohibit corporal punishment in all institutions including family.
- Creating universal code for adoption.
- Strong legislations to prevent sexual exploitation of children's.
- To work with UN to promote child health.
- Taking awareness measures regarding child rights.
- Improving education system to meet the goals.
- Establishing child line centres in every district of the country.

¹⁵⁶ <http://www.childlineindia.org.in/Infant-Milk-Substitutes-Feeding-Bottles-and-Infant-Foods.htm>

¹⁵⁷ <http://www.childlineindia.org.in/CP-CR-Downloads/UNComission%20reply%20to%20periodic%20report.pdf>

- Legislation for protection of refugee and asylum seeking children.
- Amending child labour act, 1986 according to articles of the convention.
- To make programmes for street children's.
- To make juvenile justice more affective and starting awareness programs for this.

UNICEF AND CHILD PROTECTION IN INDIA¹⁵⁸

UNICEF and Government of India are working together to stop violence against children and to ensure social protection. UNICEF helped Indian government to launch its integrated child welfare scheme. UNICEF is also helping government in reduction of child labour by strengthening child protection structures and to prevent child from abuse and exploitation. It also helps in creating awareness among families and society. UNICEF is working with ministry of women and children to ensure stopping the incident of child marriage and affective implementation of child protection rights. UNICEF is also working to stop the cases of child trafficking and integration of these children in society with dignity and to promote and develop awareness about birth rights in the society.

MAIN INDIAN GOVERNMENT SCHEMES FOR PROTECTION OF CHILDREN

The Integrated Child Protection Scheme (ICPS)¹⁵⁹

It is a centrally sponsored scheme aimed at building a protective environment for children in difficult circumstances, as well as other vulnerable children, through Government-Civil Society Partnership. Main objective of the scheme was to establish structures for care, emergency reach, counselling and support services, to create record for the child protection services, to do research and documentation, to promote child rights from the very basic level i.e. from family, to ensure coordination and networking in such a way that the work is done in a good direction and to raise public awareness about child rights.

The benefits of the scheme were-

- Supporting child who are in need of help.
- Preparing protection level of child at district and state level in a affective manner.
- Improving quality of services provided to children.
- Developing knowledge base.
- Working with other organisations like central and state human rights commission for better outcome.
- Monitoring and evaluation.

National Nutrition Mission¹⁶⁰

Government of India has approved for setting up of National Nutrition Mission (NNM) on 30.11.2017, which aims to achieve improvement in nutritional status of Children, pregnant women and lactating mothers and reduce anaemia among children and women. It strives to reduce the level of stunting, under-nutrition, anaemia and low birth weight babies. It will create synergy, ensure better monitoring, issue alerts for timely action, and encourage States/UTs to perform, guide and supervise the line Ministries and the States/ UTs to achieve the targeted goals.

¹⁵⁸<http://unicef.in/Story/190/Child-Protection-In-India>

¹⁵⁹<http://wcd.nic.in/integrated-child-protection-scheme-ICPS>

¹⁶⁰<http://pib.nic.in/newsite/PrintRelease.aspx?relid=177166>

Beti Bachao Beti Padhao¹⁶¹

Prevention of killing of girl child or even female feticide, equipping the girl child for survival, ensuring protection of the female child and ensuring continued education of girl child.

SUGGESTIONS

- Be a good listener. Share and discuss various issues and problems which children are facing either in school or at home. Encourage children's participation in matters that affect their lives.
- Spend some time with the child privately, without being imposing, humiliating and creating an embarrassing situation for the child.
- Stop negative stereotyping and discrimination against working children, street children, child victims of sexual abuse, trafficking, domestic violence or drug abuse and children in conflict with law, to name a few categories of those who need protection.
- Say NO to corporal punishment. Use positive reinforcement techniques like dialogue and counselling to discipline children. Create a relationship where children can express their views, concerns, anguish, fear etc. Try to engage with children in informal discussions.
- Stop use of child labour in your home and workplace.
- Say NO to discrimination. Take active steps to reach out to children from minority and other discriminated groups.
- Understand children's rights as human rights and create such awareness in the community as well.
- Respect the child's developmental needs and quality of life, Develop pro-social behaviour, self-discipline, and character.
- Depict children with disabilities with equal status as those without disabilities. For example, a student with a disability can tutor a younger child without a disability. Children with disabilities should interact with non-disabled children in as many ways as possible.
- Allow children with disabilities to speak for themselves and express their thoughts and feelings. Involve children with and without disabilities in the same projects and encourage their mutual participation.

CONCLUSION

The issue of child protection showcases a big violation of rights of children, which impacts the present situation of children and on the goals of future development objectives. Many children die each year because they are abused, neglected or exploited. The exploited children that survive into adulthood can be at a disadvantage, with lots of developmental issues, gaps in their school life and mental and physical health problems resulting into a hell life. The discriminating life faced by children who are abused, exploited and neglected showcases inequality. Due to which contribution of such children towards society becomes less, in general these children are not able to contribute to economies to their full potential. The damaging impacts on children themselves, the negative effects of child maltreatment on human resources, combined with the costs associated with responding to abuse and neglect, mean that non care and protection problems resulting in slowing economic growth. The impacts of child protection failures are likely to grow in significance unless something is done urgently. Global trends such as climate change, migration and urbanisation are all increasing children's vulnerability, and governments are not investing enough resources in building and maintaining comprehensive child protection systems. Children around the world want more support to enable them to grow up free from violence, and within caring, safe families. More or less it can be said that the organisations should focus more on applicability of their articles, rules, principles, norms and constitution rather than making reports and launching back to back schemes.

¹⁶¹ <http://www.wcd.nic.in/bbbp-schemes>

THE ROLE OF MASS MEDIA IN HUMAN RIGHTS

Meghna Buchasia*

“All human beings are born free and equal in dignity and rights.”

-The Universal Declaration of Human Rights, 1948

ABSTRACT

Human rights form an important component in creating civilisation of any nation. These are basic rights without which a country cannot thrive. Therefore, it becomes necessary that these rights are inculcated within people right from the time of their birth. There are various organs that work in promoting them, out of which mass media is one of the most effective medium to communicate and pass information to the public at large. This industry becomes the basis with which people start to think and form opinions about various subjects. Therefore, mass media influences and has a major impact on all the societal roles. It is a watchdog that strengthens the social cultural-thinking and expands the human rights discourse. But the work of this industry comes with various open challenges like that of being forced to filter informations, competition from other news mediums in the market, lack of knowledge, threats, etc. It is important to overcome these obstacles so that the correct and accurate piece of information reaches to the people. Media has a multi-faceted and a critical role to play. Therefore, to aggrandize the idea of human rights, the engagement and struggles of mass media cannot be ignored. This paper examines the role of the media in promoting human rights. It covers what human rights are and why is it important to the society. How various nations embrace these inalienable rights in their legislations and are extensively working with its various organs to achieve them. The paper majorly discusses the relationship between human rights and media. How both are crucial to the well-being of any society and existence of one is not possible without another. Central to the paper is an effort to find out why media includes human rights coverage, forms one of the powerful pillars of any nation, the challenges faced and lastly the ways by which various obligations can be over-shadowed.

Keywords: *Human rights, mass media, challenges, journalists, government*

INTRODUCTION

Man is the only creature in the entire world who wants to achieve and conquer all and to the fullest of developments that has been bestowed upon him by the nature. He is one gregarious being who cannot thrive alone. Therefore, a man needs to mix with the society and stay together. But when a man steps to this big picture he builds a transparent wall between himself and them. Meaning, two beings are always different and have their own individual existence and purposes. There's always a line drawn by the possession of the status, personality and living standards. Even though these symbols succeed in creating social gaps but on some levels it fails miserably. Living in the same society gives all individuals some same basic rights. These rights are natural that are possessed by all individuals from the time of their birth. These inalienable rights are not dependant on customs, government made laws or even on other individual rights. These rights are endowed to bring the true essence of life, liberty and happiness in one's life. These are some fundamental rights without which an individual cannot exist. Therefore, these cannot be taken away or surrendered. This makes all human beings free and equal in dignity as well as in rights.

The existence of human rights can be traced from a long period of time, even when pain and sufferings were in core subjects of politics. But evolution of its concept and importance started much later. In present times, it can be boldly discerned that human rights are slowly being recognised and accepted universally. Thus, human beings and human rights are inseparable. These inconvertible rights set certain norms or frames the pattern for human behaviour according to which they should act. It has been

established that such moral principles are in discriminatory in nature. As and when humans reach different stages of their life the rights attached to them increases its sphere. Then, not only such inalienable rights are protected but also the rights embedded in different laws. Basically, there are two kinds of human rights. One, that are necessary for human existence and second, that are essential for human development and achievements. All basic rights are covered under human rights, from civil and political rights to social rights like economic and cultural rights. There have been lot of conflicts in and around the world related to the rights of people like for right to life, speech, freedom, fair trial, religion, etc. Therefore, the sanctity of these rights needs to be well protected and safeguarded.

The world leaders acknowledged the fact that how granting these basic rights will not only uplift the standards of the people but also increase the socioeconomic state of the country. A country can only survive and achieve its goals when the citizens have full faith and support in their government's policies and programmes. Therefore, a bond of trust is required from both the ends. Providing and protecting such human rights instils assurance and positivity among people. The initiative was taken by United Nations General Assembly when it adopted a rudimentary document at the global stage on 10th December, 1948 known as The Universal Declaration of Human Rights. From then, the United Nations is playing an important role in stimulating and encouraging all the nations across the globe to forward the idea of human rights in their respective nations for their own people and progress of the society. It has got support from many International Organisations too. States with its variant organs hold the primary responsibility to espouse this idea in an effective manner. For the success of any movement solidarity is needed among all sectors of the society, from common people to the people in power. Thus, the main task lies with the organs like, legislatures, court, mass media and institutions, police officers to assist and boost these principles. A comprehensive effort like awareness campaigns by local and international human rights bodies with active support of media would help to outreach people from the bottom levels about their rights. Thus, more mechanisms should be introduced by which such rights are fostered in the community.

Due to the State and various Non-State actors, the human rights jurisprudence is spreading across the whole world. This universal standard of measurement of rights would not only enable to examine the various challenges that different nations face in their quest to promote such universally accepted human rights to their citizens but would also act as a platform to check and balance the activities of the people in power. Human dignity and human well-being should be two important components for any human rights foundation. Reaching out to the people not only helps in developing their mind-sets but also adds value to the system of governance.

MASS MEDIA- ONE OF THE MOST IMPORTANT PILLAR OF POWERS.

The word 'mass' means large number of people or collective communities residing whereas the word 'media' means presentation of informations of all kind through various mediums such as television, social media, radio, newspaper etc., whatever is easily accessible to the people. Therefore, Mass media is an important instrument of a country that helps in openly communicating with all the sections of the society in an easy and efficient manner. It keeps the general public informed about the day to day happenings around the world. It also bridges the gap between the government and public. Access to information is vital because it makes the citizens informed and also puts compliances on government to work in an accordant manner. International conventions also support media activities. Most notably, **Article 19** of the Universal Declaration of Human Rights, 1948 states, *"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."* The need to appoint skilled journalists and news editors is of utmost importance in the media corporations and also in other alternative information outlets. This is necessary because this sector has the power to influence and

encourage the civil society to engage in all worldwide phenomena. It can either construct or reform or even break a dominion. The ultimate goal of such institution should be to bring credible voices to the upfront to create a strong bondage of human rights because such credibility strengthens and makes people accountable to each other. A free press media plays a leading role in creating fair public opinion, and also to put across different problems and solutions, desires and aspirations, ideas and criticisms to the world at large.

There have always been questions raised regarding the need of human rights in the contemporary world. Contrary to the belief that human rights are an uncontested terrain, there is a vibrant history of challenging them. The most important critique of human rights has been, what Upendra Baxi calls, '*authorship*,' in other words human rights have been seen as '*the gift of the West to the rest*'. He says that the while such a metanarrative has disabled '*any intercultural, multi-civilisational discourse on the genealogy of human rights, it has also imparted* 'a loss of reflexivity in the terms of intercultural learning, for the Euro American traditions (Baxi, 2002).¹⁶² Mass media plays an important role in aggrandizing the concept of human rights, it can either display the urge of such rights in the society or it can also showcase such rights as an evil instrument for the masses. Therefore, such a substantial source should be used in the right way to depict the true nature and different approaches of subjects so that people across the globe can perceive it righteously. As we know that with great power comes greater responsibility, media acts as an agent of social change. In a nutshell, mass media is a crucial platform from where human rights can be highly recognised but there does lay some challenges to achieve those because although being a free press it is sometimes influenced and controlled by powerful organisations. Hence, it can either be regarded as a societal watchdog or a rack of misrepresented issues.

"Media is not about the exploitation of technology but service to the community"

-Simon Mainwaring

MASS MEDIA - PROMOTING AND PROTECTING HUMAN RIGHTS.

Media has acted beyond its traditional meaning that is, it does not only provide news of the world but also is an activist of protests and social reforms. Before publishing any piece of information, the agents of media needs to do an extensive research work on that subject and then substantiate that information with relevant proofs to make people believe in them. Therefore, such consistence prominence to an issue, in-depth investigation, organisation of debates, becoming a part of the protests, giving a bench for campaigns and making those unheard voices hear become the crucial reasons why common people have such reliance and credence on media field. There have been various incidents that has reached the attention globally only because of media. The power of mass media has increased with the introduction of social media's like, facebook, twitter, Whatsapp, blogs, you tube where people can communicate, help and spread the word with just a click.

Throughout early 2016s, the United States, the European Union and other world powers released a series of joint statements reciting growing concerns over China's respect for human rights. Chinese government is accused of covering up disappearances, censoring opposition, fostering a biased judicial system. Human right violation has noticed a remarkable escalation since president Xi Jinping has took over office in 2014. China is an authoritarian state ruled by a one-party system; as such its government has historically valued state sovereignty over individual rights. Human rights were not officially recognised by China until the early 1990s. In china today, the most frequent victims of human rights violation are critics of the government, like journalists, lawyers, artists and activists. People who put forward their views on political matters that are sensitive in nature are frequently put under house arrest or are seen on the other sides of the bars.

¹⁶² Anil Pinto, "Human Rights and Media", *Blogger.com* (blog), February 13, 2008, <http://anilpinto.blogspot.com/2008/02/human-rights-and-media.html>.

Those detained for their political or religious beliefs are at high risk of torture in custody-particularly if they refuse to renounce their beliefs. The state is known to harass, imprison and even torture opposition members in many cases without just cause.

Right to fair trial is one of the human rights that have been promoted by media numerous times. In Indian context, there have been many cases that got heard and received justice because of media involvement like Aarushi Talwar Murder Case¹⁶³, Jessica Lal Case¹⁶⁴, Priyadarshini Mattoo Case¹⁶⁵, Nitish Katara Case¹⁶⁶. In all the above cases media forced the judiciary to carry out a fair trial and punish the guilty. In the year 2012, India was in a shock state when the Nirbhaya Delhi gang rape¹⁶⁷ took place. The movement against rape started with the active movement of mass media. The rights of women started to get recognise and a revolution took place when women all over the world stepped up against all the violence that happened with them. The recent rise of the #metoo tweet movement in 2018, itself created a sea change for victims of sexual harassment and assault. Although this movement lasted since a decade but it only got popular now in recent period because of the wide spread of social information. This is not it, only some rape incidents and cases of violence against women get reported while many go unreported. Media acts out as a source for these unreported, helpless and unheard voices. No one walks alone now. Nations from all over the world stand together and support other nations through these mediums. A greater picture of humanity is drawn. In India, it has helped in bringing many changes in the law and order system like more law provisions for women safety and security, juvenile reforms, custodial offences, right to privacy and many others. Such activism makes the lethargic government to come into action. Recently, there was a landmark judgement where the Supreme Court of India had upheld the plea for live-streaming of its proceedings that is it virtually expanded the court proceedings beyond the four walls of the courtroom. This would make the judiciary system transparent and have active participation of citizens. Therefore, mass media has always tried to prove that it has been an effective and efficient instrument in protecting and promoting human rights for women, children, weaker and unorganized sections of the society.

There has been human rights violation in and around the world. The most famous recent case is the murder of Jamal Khashoggi, a prominent Saudi Arabia journalist who covered major stories of Soviet invasion of Afghanistan and the rise of Osama Bin Laden for various Saudi news organisations. He also served as an advisor for the government. But few years later, he became a critic and started writing against the Saudi government. Fearing his life to be at a risk, he imposed self-exile to US where he started writing for Washington Post. In the end of September, 2018 he came to Saudi Arabia Embassy in Turkey for some formalities but to the shock it was found that he got vanished from the embassy and after a detailed investigation by Turkey officials it was concluded that Jamal Khashoggi was murdered in the embassy itself by the Saudi officials. Turkey has evidences against them for doing this action. Meanwhile, US President has refused to take any action on this matter because he has his own trade interests with Saudi Arabia that he does not wants to harm. Therefore, questions about human rights are being raised about this incident. Neither Saudi Arabia is ready to open up nor is USA taking any step against a journalist murder. It remains a human rights violation mystery unsolved.¹⁶⁸

At this point of discussion, it is interesting to note that the two subject matters that are Human Rights and Mass media intersect each other. There is a considerable degree of overlap of subject matters because the media industry works day in and out for human rights content whereas on the other hand freedom of

¹⁶³ Dr. (Smt.) Nupur Talwar vs State Of Uttar Pradesh & anr criminal appeal 294 of 2014 (Uttar Pradesh. 2017)

¹⁶⁴ Manu Sharma v. State NCT of Delhi, 6 SCC 1(Delhi. 2010)

¹⁶⁵ Santosh Kumar Singh v. State, 9 SCC 747 (Delhi, 2010)

¹⁶⁶ Vikas Yadav vs State Of Uttar Pradesh & Ors. Criminal appeal no's 1531-1533 of 2015 (Uttar Pradesh.2016)

¹⁶⁷ Mukesh & Anr vs State For Nct Of Delhi & Ors S.L.P. (Criminal) Nos. 3119-3120 of 2014 (Delhi. 2017)

¹⁶⁸ [BBC NEWS, November 16, 2018, "Jamal Khashoggi: All you need to know about Saudi journalist's death"](#)

media itself is a part of human right. Media makes people aware of their rights mostly by all the news that it covers. For example, a news report covering an incident of the death of a minor while he was working as a labourer in a factory. This coverage not only imparts information about the incident but also throws light on various rights of a child. Many Human Rights organisations take the assistance of media for promotional programmes to create awareness or to promote the works of their organisation. Therefore, they work hand in hand for a better and wider outlook of the society's progress. This encourages people all around the world to take initiatives for doing human right related works that help in the betterment of the union. Media is a mirror in this 'communication' age period. Therefore, it becomes crucial for the respected journalists around the world to reflect the right images on this mirror. In a wider sense, Human rights can be called as a moral compass for good journalism. It is often said that good journalism dies where human rights are weak. Hence, to strengthen their own hardwork journalists have a responsibility to expose violations against humanity and try to seek justice in their own way. The job does not only ends by building a new age communication rather all tasks should be oriented towards making this connectivity strong by participation of all. To sum up, media plays an important role in creating awareness by reporting activities that are violating human rights, in motivating and encouraging people to work towards these principles and also by making common people, governments and affiliated organisations responsible for their inhumane activities.

"Press freedom is a cornerstone of human rights. It holds governments responsible for their acts, and serves a warning to all that impunity is an illusion."¹⁶⁹

MASS MEDIA- CHALLENGES & CRITICISM

The task of this sector is extremely strenuous and laborious. It becomes a back-breaking chore to establish the coverage being reported. To maintain the positive outlook in the society they face various challenges. It is easier to sit, watch a piece of information and pass several comments. But performing the actual agenda requires a lot of dedication and perseverance. There are always some restrictions imposed on media content even if it is reporting the truth. Censorship is a serious challenge for the journalists all around the world. Censorship can be of two types, one, where there is a control over the content that has been acquired by the media. This could be because the content may have turned out to be against certain policies, agendas or self-interests of the government. And second, when government imposes restrictions for the media to enter certain areas that is physical constraints. But such threats and limitations should not cut back the media to reveal the truth out because it's their utmost duty and responsibility to show the specifics as it is without filtering it. Therefore, building self-regulation and media accountability at a professional level would make it difficult for the government to challenge their verified facts. Where the government should support this sector by providing adequate resources for their modern development, it tries to censorship informations. Yes, some subjects that may hinder public peace and security may be denied to get covered but with these sensitive information, their own personal interests also get protected sometimes which is wrong for the public as they should be aware of the matters that are on- going in their own countries. To keeps its pillars strong and save itself from corruption, media requires support from their government so that they get the required technology and man resources for doing their work efficiently. Because publication of wrong incidents gives wrong information to the masses and sometimes important matters are not provided with true sense of justice. Sometimes because of the lack of knowledge to the Journalists about human rights backfires the very true essence of promoting human rights. Some journalists maybe incapable of understanding or comprehending the true values of human rights and form their own opinions with their restricted pace of knowledge about the subject. There are no obligations on the journalists to report human right stories over other news stories therefore, it becomes their will either to report them or not.

¹⁶⁹ Kofi Annan, UN Secretary General, "INTERNATIONAL FEDERATION OF JOURNALISTS" International Herald Tribune, June 2, 1999 . Accessed on 18 Novemeber, 2018. <http://www.ifj.org> as on Feb. 17, 2013.

In most democratic countries press media is regarded to be autonomous and independent but it is also believed that sometimes the media cannot remain free from the interference of corporate and government powers, influenced publishers and editors. Keeping the positive image of the media is in itself a challenge. Because of increasing corruption and the behaviour of people of not tending to appreciate instead to criticise has resulted into many unsuccessful projects. Well, but if we see on the other hand people cannot be blamed for this human nature because of the on-going fraudulent and deceptive scenarios. Nevertheless, media is often criticised to be a rate – driven business that only reaches out to specific interest groups that has power and wealth. It is often believed that media fails to cover the counterarguments or interests of the minority or marginalized populations. Its consistency and effort to be a neutral face or reporter fails miserably which in turns out to be a loss to the country in the wider picture. This may also happen because this century has not only become a communicative era but also a competitive one. Therefore, there is a growing competition to win audiences and revenues. This becomes a major drawback for human rights as editors may not want to invest their time, money and other resources for investigating hard earned matters. They would look for matters that are easily available, better than their other competitors in the market and that would attract more viewers. In the view of human right that is ‘freedom to speech and expression’, media is a free press therefore in light of this it may even distort news, filter it according to the demands or even fake it for their more advertisements. Publishing matters keeping this bullet supreme would lose the base of the country as the matters which could not reach to the crust level would go unnoticed. The crucial objective of media to provide justice to the neglected and helpless people and incidents would fail. Indulging in such activities for better target rating points will lead to the reduction in the very essence of human rights achievements. The criticism has always been that the industry prioritizes profit-making over societal wellbeing.

The other side to look into the challenges faced by media is morals. The question here is do the media impact or influence? If yes, then to what extent? There have been a lot of cases where the reports shown in the media have resulted into bad impact on people let it be elders or youngsters. Many people do not want media to show violent incidents covered because either it negatively influences the minds to enact them or propounds new ideas. For many it even effects psychologically or even affects their moral and religion sentiments. To safeguard their superfluous interests, people are often ready to sacrifice the knowledge of present evils. Despite the above seemingly negative influence, if media does has such a force in the society then it should be capable of converting this negative outlook into a positive action that is not to enact the negatives instead be safe and aware, stand with the victim and not let such an incident to happen in the society. If such reports are not broadcasted then how will the people be aware that such incidents are capable of being happening? Reports of such kind should be exemplified in the promotion of human rights and not violation of human rights.

Sometimes because of the lack of knowledge to the Journalists about human rights the information collected backfires the very true essence of promoting human rights. Some journalists maybe incapable of understanding or comprehending the true values of human rights and rather form their own opinions with their restricted pace of knowledge about the subject. There are no obligations on the journalists to report human right stories over other news stories therefore, it becomes their will either to report them or not. And sometimes also journalists are threatened not to report some cases. By failing to take account of human rights violation, journalists often miss stories or ways of reporting issues. This affects not only the quality of journalism but also public’s human right that is right to information. When Journalists cover human rights issues, they should not present them as crime or politics stories instead they should be presented as rights issues. They fail to hold powerful institutions liable and also ignore the existence of international human rights standards for various crimes like domestic violence, racial discrimination, child abuse, education, health etc. this is not it, it is also often seen that media themselves violate human rights like by invading privacy, imparting incorrect informations, curbing some innocent voices or maybe arising conflicts. To leave the readers with a thought- Has media become the concentrated in few hands? Has

voices of media been curbed or they are curbing voices of others? Has wealth become more important than the health of the country? Will media have the solid foundation to remain as the pillar of powers?

MASS MEDIA- OVERCOMING OBSTACLES

Every story has two sides, while it is not necessary to present all the sides of the stories rather balance it out. With every challenge there always comes an opportunity to overcome it. There are many obstacles in the path of mass media when they try to promote human rights. But to sit back because of these challenges is not the solution rather to fight the problems and come up with an effective solution is the right way. The urge of doing this by media may encourage people to act with them and be motivated to work for the society. If not work then at least not destroy it. As we know, human rights are the basic structure of any human values in the society; therefore, the duty to protect it falls on every person irrespective of their caste, creed, race or wealth-power. The first and foremost step to overcome such obstacle by the media industry is to start within their own system. Basically, it means that ethical practices and professional approach should be adopted for a better implementation. There are various methods by which such ethical approach can be adopted like journalists cannot be always accepted to give all the true facts but what matters here is accuracy. They should always strive for accuracy with relevant facts. Only a responsible journalism can hold any person accountable for their actions. There necessarily should be a code of conduct in personal space as well as in professional work. Ethics are basic moral principles that guide the conduct of any activity. In simple words, it differentiates between what is right and wrong. Therefore, it becomes important for this industry to give attention to their methods involved in gathering news that do not destroy the values of human rights even unintentionally.

Imparting the accurate statistics and giving in correct details can be a very grinding task. Journalists should not think that in nurturing and upgrading the idea of human rights, they stand alone. There are many human rights NGOs, institutions and other organisation that work for similar tasks and are ready for assisting them. Such assistance should start from stage one that is from the education level. Journalist schools should add in their curriculum the importance of safeguarding human rights values and the need for them in the society. Human right NGOs can visit these schools and educate them how the society needs to be aware of these basic rights and why it becomes important for the media industry to promote them. This stage one practice then can develop to stage two where in the recruitment process, the interviewers should grill the interviewees to know what stance human rights hold in their life. Training period should be adopted in the first year of the work so that the trainees can know what is beneficial for the society in reality. Senior journalists can write policy briefings and help in disseminating information properly. And finally, at stage three that is in the professional level, journalists should be awarded, given recognition or should be rewarded with incentives for covering unerring human rights reports.

A formation of 'Committed Journalism' should be adopted, meaning working for the society intensively, bringing out hidden facts, raising voices against defenders of human rights, promoting freedom of speech, expression and choice. Informing people about the true scenario of political, civil, cultural and social agendas happening around also forms a part of this commitment. There has been a recent rise of whistle-blowers. Whistle-blowers are those people who informs about organisations, institutions or other people who are carrying out unlawful activities that would hinder the society. Coming into the contact with these society - driven people can also help media to a very large extent to come up with true facts of any case. But here there lies a problem, often the identities of the whistle-blowers are hidden but if there true identity is recognised they are brutally murdered by the people whose information has been leaked by them. Therefore, their survival becomes danger. Local authorities should defend the whistle-blowers and policy makers should play a vital role in ensuring that there are safety laws for whistle-blowers as well as for the journalists who would publish such sensitive information. A strict law and order society can only help the foundation of mass media to be strong. This would help in protecting human rights stories.

To sum up, mass media industry should discourage the activity of 'paying to the media to stop the coverage'. If curtains are raised from few people who bribes media to do such an act then no other person would dare to bribe them. The education that is imparted in schools and by parents, the friend or professional group with whom we hang out also influence our mind in a certain way. Therefore by discussing the positive outlook of any content published by the media would not only encourage the journalists to report the unheard voices but would also uplift the values of the society. Parents should not be afraid from answering questions raised by their children, people should not allow their friends to indulge in inhumane activities and at a professional level, people should open up with new ideas and welcome others perspective too. Profit-making should not be seen in the wealth of money that has been acquired rather it should be seen in the wealth of knowledge that has been imparted. A neutral media approach would help in spreading the news more efficiently. Nothing can be made perfect but working for it, can surely make it perfect one day.

"The central dilemma in journalism is that you don't know what you don't know."

-Bob Woodward

CONCLUSION

Discussing about the various aspects of human rights and its value in the society, it can be positively concluded that mass media forms one of the important medium to bridge the gap between the masses, society and the government. There are numerous international conventions and declarations to promote human rights that are adopted by various nations in their legislations. Therefore, it becomes the duty of such industry to stimulate the idea of human rights with justice, equity and good conscience. Even if a piece of information turns out not to be 'newsworthy' it still becomes important to bring that piece of information into the notice of the society if it is value worthy. If such a scenario arises then the journalists should make them 'newsworthy' and not retaliate it with excuses. Shifting from nations to nations this revolution of the relationship between media and human rights also shifts. Media is regarded as the fourth pillar of the democracy complementing the efforts of other three pillars namely legislature, judiciary, and executive. It has a key role in the protection and promotion of human rights and is a part of what is called a civil society. Besides exposing human rights violations, it also provides a platform for various voices to be heard via public discourse. The media has accelerated beyond imagination that is sharing of information on real time basis. Corruption is a violation of human rights; media have exposed instances of political or corporate corruption without fear. NGOs use media advocacy for naming and shaming those engaged in human rights violation and those who are in an attempt to subvert them. If used in the right way media can act as a bride between communities foster harmony. Some nations have duely recognised the integrity of human rights in the society whereas some have not. In some nations, media is a free press where in some they are largely controlled by powerful influencers. And also in some, media and human rights do go hand in hand. It is paramount to have checks and balances of powers but with it the salient features should not be destroyed. In other words, restrictions should be imposed when it is actually needed and not on the basis of group interests. Making the values of human rights a major part of media industry and on the other hand media playing a key role in advancing the idea of human rights would lead to the upgradation of the socioeconomic aspect of any nation. Therefore, nothing strives alone. In conclusion, media has great power in exposing human rights violation and securing justice and dignity. It can be a vital ally in the task of protection and promotion of human rights.

"The media's the most powerful entity on earth. They have the power to make the innocent guilty and to make the guilty innocent, and that's power. Because they control the minds of the masses"

- MalcomX

HUMAN RIGHTS

Anuradha Khandelwal*

ABSTRACT

Human rights are natural and indivisible which generate with the birth and end after death.

India is a biggest democratic country in the world has its own written constitution. The main objective of the democracy is to protect the basic human rights of the people of the nation and nobody should be deprived from their human rights or basic rights. Human rights are those basic rights which generate with the birth of a child and end after the death of that person. But there are some rights which survive after the death like right to Funeral etc. The International Declaration that is Universal Declaration on Human Rights gives and protects the Civil, Political, Economical, Social and Cultural rights of the people. We all are entitled to enjoy our human rights without discrimination on the ground of region, race, cast, sex and place of birth etc and also without the interference of the Government or Nation, the Human Rights protected by the Indian Constitution. Article 32 and 226 of the constitution of India gives constitutional remedies to the people of India on the infringement of fundamental rights which includes human or basic right of the people given under Parts III and IV of the constitution.

Key Words: Human Rights, Rights Commission, Bill of Rights.

INTRODUCTION

Human rights are universal in nature. Human Rights are those rights which created from birth of a child and it is protected by the state. It is not only indivisible but also independent and interdependent with others.

India had signed almost all the International Conventions of the Human Rights and also framers of the Constitution of India took almost all the human rights which are mention under *Universal Convention on Human Rights, 1948* including all the Civil, Political, Social, Economical and Cultural rights, as the Fundamental Rights in the Indian Constitution.

In England, the concept of the human rights originated at the time of *Magna Carta*. In 1627, the *Magna Carta* was followed by the petition of rights and the bill in 1688. However, the real foundation of the human rights in constitutional law actually to the 17th century. The *Magna Carta*¹, the *American Declaration of Independence*² and *Bolshevic revolution* in Russia³ could be cited as important landmarks in the development of human rights and also have important role in advancing of the ambit of human rights in England.

India has *National Human Right Commission* to safeguard the human rights of the people of India. The Commission also mandated for *spread out* the human rights literacy among people in society and also aware people through the seminar, drama, documentary form, media, publications and other means of technology. The commission is mechanism for protection and promotion of the human rights.¹⁷⁰

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¹ 1215

² 1776

³ 1997

INTERNATIONAL PERSPECTIVE

International Bill of human Rights

In 1945, a proposal was to made declaration on the basic and essential rights of men at the Sen Francisco conference where the U.N. charter was drafted and opened for signature and ratification. The idea of international Bill of Human Rights considered.

Composition of the International Bill of Human Rights:

- The Universal Declaration on Human Rights
- The International Covenant on Civil and Political rights
- The International Covenant on Economical , Social and Cultural rights
- The Optional Protocol to the International Covenant on Civil and Political rights

The Universal Declaration of Human Rights⁴

During First and Second World War, at large scale violations of human rights and human resources were there. The General assembly of United Nation Charter prepared a draft on the International Bill of Rights and on December 10, 1948 the General Assembly finally adopted the Universal declaration of Human Rights. That's why the main aim of the Universal Declaration to give equal rights to men and women and foundation of freedom, justice and peace in the world. The UDHR⁵ contains 30 Articles and VI Parts.

The International Covenant on Civil and Political rights⁶

The International Convention contains 53 Articles divided into VI parts. The provisions of this conviction are the charter provisions concerning the human rights and the UDHR, 1948 meaning thereby, this covenant is the part of the UDHR. The preamble of this covenant gives inherent dignity, equal and inalienable rights and also freedom, justice and peace of law.

The International Covenant on Economical, Social and Cultural rights⁷

The covenant comprises of 31 Articles and Five Parts. The preamble of this covenant is similar to the International Covenant on Civil and Political rights because both covenants are part of the United Nation Charter Provisions and the UDHR, 1948.

The European Convention for the Protection of Human Rights and Fundamental Freedoms⁸

This convention drafted for the protection and promotion of the human rights and the fundamental freedoms of the people. The drafters of the convention relied on the Universal Declaration on Human Rights and follow them. The European Convention took many basic rights from the Universal declaration. According to the preamble of the European Convention, the purpose is to enforcement of certain rights of people equally.¹⁷¹

⁴ 1948

⁵ Universal Declaration of Human Rights, 1948

⁶ 1966

⁷ 1966

⁸ 3 September 1953

*Panton v United Kingdom*⁹

In this case, the husband seeking to prevent abortion of his wife but it is rejected by the European Commission and held Right to Life Covered the Fetus and abortion would be considered as serious crime if the life of pregnant women is in danger.

JUDICIAL ROLE IN INDIA

The provision given under constitution of India does not fulfill the objects of the fundamental rights because it's give only rights but not full ensured of the enjoyment of that rights. *What about the infringement of those human rights and what are the remedies are there.*

Article 32¹⁰ and 226¹¹ of the Indian Constitution gives remedy through the writs like **Habeas Corpus, Mandamus, Prohibition, Quo Warranto and Certiorari**. If any person's fundamental rights contradict or compromise by any person weather it is an individual of a society or by public servant or by the government itself, the aggrieved person has constitutional right to go Supreme Court and High Court for relief. Relief under constitution and punishment by courts are similar to all the citizen of India, Article 14¹² says right to equality and equal protection by the law if any one infringed the human rights or fundamental rights of any person will be punished *same amount* weather any individual do it or through the public servant or the government itself.

The Indian Judiciary act as the guardian of the fundamental right or we can say human rights of the people of India, they not only provide remedies to the people but also recognize the human rights after the interpretation of the part III of the constitution that are fundamental rights and protect them. The Indian Judiciary larges the scope of the Fundamental rights and also enumerate the human rights.

In the case of *Menka Gandhi v Union of India*¹³ it is landmark case by the Supreme Court interpreted the article 21 of the Indian constitution that is Right to Life. Justice Bhagwati, enumerated that right to life includes right to live with human dignity. The Supreme Court also pronounced the theory of 'emanation' that is to make the fundamental rights meaningful and active.

*S. P. Gupta v Union of India*¹⁴, in this case the court said that, any person who is aggrieved but not able to file a case because of poverty or not have sufficient resources the any member from public can file the case under article 32 and 226 before supreme court and high court on the behalf of aggrieved person. Even the aggrieved person also can write a letter to the court. There is also another solution for this that is Public Interest Litigation.

The Supreme Court has active role also in the measurement of the child welfare and protection and promotion of the human rights of the child. The Supreme Court decided number of cases and give effect on the child's human rights, women harassment, labour's human rights etc.

⁹ App no. 8317/78

¹⁰ Article 32- Remedies for Enforcement of Rights conferred by Part III.

¹¹ Article 226- Power of High Court to Issue Certain Writs

¹² Article 14- Equality before Law

¹³ 1978 AIR 597, SCR

¹⁴ AIR 1982 SC 149

IMPORTANT HUMAN RIGHTS ISSUES IN INDIA

In India, the important issues regarding human rights are *inequality*. The Indian people divided casts as General, Other Backward classes, Schedule cast and Schedule Tribes etc.

The recently issues rose by the people of India against *SCST act* that is **The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989**. The act enacted to prevent the atrocities against the people belongs to SCST act. The public at large belongs to General and Other Backward Classes and other people other than SCST people was not favored the amendment in that act because the amendment gives more importance to SCST people then to others.

Convention on the Elimination of All Forms of Discrimination against Women¹⁵

The Convention provides equal rights to women like right to Life, Equality, Education and have freely and equal responsible to take decision on number of children and spacing in their children and also have right to seek information and receive means and resource.

Human Rights issues and Human Trafficking it also current issue which infringe the human rights of the individual in society. Article 23 of the Indian Constitution prohibits traffic in human beings, beggar and other similar forms of force labour and it is punishable in accordance of law.

State of Gujarat v Hon'ble High court of Gujarat¹⁶

The Honorable Supreme court larges the scope of Article 23 and held that sentenced under article 23 to rigorous imprisonment, cannot be said unconstitutional decision because it is consistent with the provision of Article 23(2) and they serve to public purpose.

In 2005, a report made by National Instituted of Educational Planning and Administration capture that only 3.5% of the Primary Schools in Bihar and Chhattisgarh had Toilets are available for girls. And also there are many states like in Maharashtra, Gujarat, Rajasthan, Andre Pradesh and Himachal Pradesh, Madhya Pradesh the rates were 12-16% not facilities toilets in the schools for girls.

Corruption works as the decease on the state. Meaning thereby it compromise and finished slowly but deeply on all the obligations have to fulfill by the state. It directly and indirectly effect on the human rights of the individual in the society. This is also important issue of the human rights.

The young person under society has *inadequate* information, knowledge, skills and also not has much motivations and inspiration on human rights. They also not know about how we take action against violation of human rights.

There are uncountable crimes happening in the world and the people are suffering continuously and not get relief from the state. The barrier providing education is not only inadequate money but also insecurity, resources to women not provided, psychological and physical problems to women etc.

¹⁵ 18 December 1979

¹⁶ AIR 1998 SC 3164

CONCLUSION AND SUGGESTION

Human rights always relates to life, Liberty, Equality and Religions. Our India has written document which protects and promote the human Rights, called Constitution of India. Our Indian judiciary also recognizes many rights after interpreting the fundamental rights.

Indian Constitution has One to Ten Amendments (1951-1961) called **Bill of Rights** because these are relating to human Rights. Indian parliament framed many laws which protect and promotes the Human rights and describes punishments against violation of the human rights.

The people of India can go for relief direct to Supreme Court and High Court of India under Article 32 and 226 through the Write Petition. They have not to take any permission for go to courts of India. The Parliament also framed provisions that if those who cannot come because of poverty or those who not want come before the court then any person or member of the group if the public at large persons aggrieved then they come before the court on the behalf of that aggrieved person which called the Public Interest Litigation. I want to give some suggestions which are following:

Legal Aid the government has to organize legal aid camp for lower cast people and children in the school. They have to inform regarding the knowledge of human rights.

Law Reforms the parliament and Indian Judiciary has to follow the rule of law and reforms in rule and laws of the human rights.

Training it is the duty of the government that they have to give some training to the people of India regarding the human rights and give them knowledge about the process of get relief from the court.

Education the Indian constitution and the Universal Declaration of Human Rights, 1948 article

26 says everyone has right to education and nobody including state has right to discriminate on the ground of race, cast, sex and place of birth. The Indian constitution under Article 21-A state shall give free education to the children age Six to Fourteen years and also there should be provide free education to the lower cast people and people belongs to below poverty line.

Awareness the National Human Right Commission play active role to provide education through programs like dramas, games, media, movies or short documentaries etc and aware to the people about the human rights.

Role of Media the youth very influence through the media. The media play very active role in development of the rights and give to the youth the knowledge about human rights and provide every type of news regarding happing in the world. But they have to show only reality and not editions.

Rules should be **strictly framed** by the parliament and the state and also strictly followed.

Corruption directly and indirectly ignore the human rights, the state and the individual of the society have to work **honestly** and without fraud. The state has to make strict laws against the corruptions and try hard for remove the corruption.

The Protection of Human Rights Act, 1993 should be amend by the Parliament and give powers to the Human Right Commissions.

Human rights are always based on principal of Natural Justice so there should be follow by the administration the principal of natural justice.

HUMAN RIGHTS IN THE INTERNATIONAL ARENA: AN OVERVIEW

Rudra Shandilya & Vishwas Jaiswal*

ABSTRACT

Human rights are a set of global claims to protect human dignity from illegitimate intimidation, regularly established with help of state agents. Human rights are equity innate to every single person, regardless of nationality, race, ethnicity, sex, dialect, religion, or some other footing. At the end of the day, different laws can't be utilized to damage human rights. With the end goal to live with dignity certain essential rights and freedoms are important, which every single Human being is qualified for; these essential rights are called Human Rights. The possibility of human rights in its prevailing register the one communicated through instruments like the Universal Declaration. Human Rights carry great importance, as they keep the powers of the governments over the people in accurate and balanced ratio. The standards of modern-day human rights are seen in different classical, secular and religious sources. The most striking component of the idea of Human Rights is that they might be hard to characterise yet difficult to disregard. For surviving in this world everyone needs human rights and without that, we can't endure. Human Rights are arranged into different groups. The present qualification is among political and civil rights on one side and monetary, social and cultural rights on the other. Human rights will remain only promises unless they are firmly executed. Implementation procedures in the two great International covenants are hardly performed. Historical factors such as traditional beliefs determine the level of human right protection entrenched in a state. A nation with the past record of human right violation is more prone to violate human rights in the contemporary state system. The exercise of a human right reaches its limits when facing another human right. People are required to stay on their guard against any violation of human rights.

Key Words: *Human Rights, Global Claims, Violations, Equity*¹⁷²

INTRODUCTION

Human rights are a set of global claims to protect human dignity from illegitimate intimidation, regularly established with help of state agents. These standards are systematized in a broadly embraced set of worldwide endeavours: the 'International Bill of Human Rights' (Universal Declaration of Human Rights, International Covenant on Political and Civil Rights, and International Covenant on Economic and Social Rights); phenomenon-specific treaties on war crimes (Geneva Conventions), torture and genocide; and safeguards for vulnerable groups, for example, the UN Convention on the Rights of the Child and the Convention on the Elimination of Discrimination against Women.¹⁷³

Human rights are equity innate to every single person, regardless of nationality, race, ethnicity, sex, dialect, religion, or some other footing. Human rights include the advantage to freedom and life, freedom from misery and subjugation, right to work and education, the entitlement to instruction and work, and some others. Everyone is eligible for these rights, without any discrimination. You have human rights basically on the grounds that you are human. Human rights are omnipresent and pertain similarly to all individuals. The privileges given to one individual are not on a higher priority than another individual and one individual can't disregard the privileges of another on the grounds

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¹⁷³Ikenberry, G. John, and Alison Brysk. "Globalization and Human Rights." *Foreign Affairs*82, no. 2 (2003): 147. doi:10.2307/20033520.

that he is more extravagant, greater, more grounded or all the more intense. Critically, human rights are set out in and secured by the law. Critically, human rights are ensured by the Constitution and are consequently part of the essential rules of the country. At the end of the day, different laws can't be utilized to damage human rights. These privileges of people likewise incorporate Freedom of Conscience, Religion and Thought, Right to be Free from Slavery, Right to Work, Freedom of gathering, Right to not be Tortured, Freedom of Expression, Right to Privacy, Right to have a Family, Right to Liberty and Security, Right to Life Etc.

*"Every single person is born free and equivalent in nobility and rights. They are enriched with reason and inner voice and should act towards each other in a soul of fellowship"*¹⁷⁴

Real human rights education is not much prevalent among the population. As regards to Human Rights, every country claims that human rights position in their country is extremely good and also well maintained, at least under control, but such statements only help those who unduly exploit humans to greatest of extents. The benefit to humanity is regressive with such approach, hence human rights exponents have to first pledge that they will not give in to hypocrisy as this stance cultivates more violation of human rights by the corrupt, and makes the victims lead lives the same way as being victims forever. As so much harm is caused by such approach, then a country will gain only when its facts are brought to light. If everything is good then no efforts will be made to make it good and humanity will keep suffering.

There are 2 types of human rights violations:-

1. Direct violations
2. Organised violations

With the end goal to live with dignity certain essential rights and freedoms are important, which every single Human being is qualified for; these essential rights are called Human Rights.

Human rights abuse is broadly considered to be subject to across the globe authority which includes plagiarism, bondage labour, crimes against humanity, war crimes, torture, genocide and apartheid. Maybe the most necessary result to reconceptualizing human rights as discourse is the point that the plan of human rights is reinscribed once more into all the numerous social practices in which it appears. This changes the governing thought, in which the plan of human rights allude to specific certainties about human instinct and the establishing results of these facts, in such a way that makes the practice of human rights either irrelevant or of secondary importance.

The difference here is between *universalism and universality*. Universality refers to a contention about human rights ontology: that human rights are, in fact, omnipresent, which means coextensive with the reality of humanness itself. (Clearly, universality in this sense does not just apply to human rights.) Universalism, in any case, is little different. This should be utilized to allude to the scope of political systems, legalities, social practices etc. that applies in connection to universality. Universalism can be understood, in part, as the philosophy of universality. Thus, studying of human rights practices is, to great extent, the study of *universalism*.

The possibility of human rights in its prevailing register the one communicated through instruments like the Universal Declaration expect the most worldwide of certainties: that every single individual is basically the equivalent, and that this fundamental equivalence involves a set of rights, rights which may or may not be effectively listed in the principle assemblage of International human rights

¹⁷⁴"UDHR Rights and Duties: Contrasted and Critiqued." *SpringerReference*. doi:10.1007/springerreference_306442.

Law. The contemporary thought of human rights was and keeps on being verbalized through a form of thinking that is basically deductive and also objective.

"To refuse people their human rights is to challenge their very humanity."- Nelson Mandela.

"Peace can only last where human rights are admired, where the people are fed, and where nations and individuals are free."- Dalai Lama

What precisely is meant by the practice of human rights? At an essential level, the practice of human rights portrays the majority of the numerous manners by which social performing artists over the range advocate for, talk about, contemplate, criticize, lawfully establish, vernacularise, and so on, the proposal of human rights in its distinctive structures. By social performing artists we mean the majority of the distinctive people, states, establishments, international agencies, and so on, who practice human rights inside any number of various social settings, without benefiting any one kind of human rights performer: the worker scholarly in Bolivia who disturbs in the interest of Derechos Humanos is diagnostically equivalent to the official executive of Human Rights Watch. In characterizing the usage of human rights like this, we attract consideration regarding both the decent variety of places and ways in which the possibility of human rights once more, in its theoretical, lawful, and desultory structures rises practically and the way that the act of human rights is dependably installed in previous relations of significance and creation.

Human rights require identification and admiration for the inbuilt nobility to make sure that every single person is safeguarded from abuses which undermine their nobility and give the prospect they need to get their full potential, *without any inequality.*

Human rights include rights like:

1. The right to freedom of assembly.
2. The right to freedom of conscience and religion.
3. The right to property.
4. The right to freedom of expression.
5. The right to vote.
6. The right to privacy.

Human rights are also covering social and economic and rights like:

1. The right to an adequate standard of living.
2. The right to education.
3. The rights at work.
4. The right to adequate food, housing, water and sanitation.

"There can be no tranquillity without fairness and respect for human rights."- Irene Khan, Bangladeshi lawyer and former Secretary General of Amnesty International.

Human Rights carry great importance, as they keep the powers of the governments over the people in accurate and balanced ratio. Human Rights show the limit to which the governing authority can utilize its control, and this is necessary to ensure diversity, liberty, and equality and for everyone.

The Features of Human Rights are:

- They cannot be eliminated, quashed or withdrawn.
- They are protected by law.
- They are committed to providing a dignified, respectable living to everyone.
- They are internationally and universally applicable to everyone.

Amnesty International is working for the preservation and application of human rights all over the world. The practice of human rights is clearly a noteworthy piece of transnational human rights talk. In any case, the aim of human rights discussion suggests an arrangement of auxiliary connections that intervene the practice of human rights, so one can't just treat human rights practice and human rights talk as various depictions of the equivalent thing; in other words, human rights discourse is even more including class. If the plan of human rights is made through all the dissimilar forms of usage that anthropologists and others have so richly shown, then there is no cause why circumstances in certain times or places (or, without a doubt, all the more extensively) may not cause the usage of human rights and thus the plan comes to an end, at least in its present forms which is translational.

Rather, the exposure and deficiency within the usage of human rights are important to the evolution of what are apart but alive and organic plans of human rights, which can be shown institutionally and politically perfectly because their legitimacy does not depend on presumptions or aspirations of universality.¹⁷⁵ The foundation of modern human rights is the Universal Declaration of Human Rights (UDHR). The Universal Declaration of Human Rights (UDHR) is a landmark document in the history of human rights. Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly resolution 217 A) as a general standard of attainments for all peoples and all nations. It sets out, for the very first time in history, fundamental human rights to be globally safeguarded and it has been translated into over 500 languages.¹⁷⁶ The 30 articles of the Declaration were accepted in 1948 by the United Nations General Assembly, and with time these have been made into national laws and international treaties. The basic values of the UDHR – fairness, human dignity, non-discrimination, impartiality - pertain everywhere and to everyone.

The standards of modern-day human rights are seen in different classical, secular and religious sources, for example, the epics, Purana, and the Vedas. Albeit human rights in early Indian writing did not frame a cognizant unwed construction. They could be seen spread everywhere. In present-day history, Raja Ram Mohan Roy may be considered as the father of India's Human Rights development. He was the first to restrict all inequity and wicked practices against women. He raised his voice against Sati and polygamy at two levels. Thus, Lord William Bentinck, at that point senator

¹⁷⁵Wilson, Richard A. "Human Rights and Nation-Building." *The Politics of Truth and Reconciliation in South Africa*. doi:10.1017/cbo9780511522291.005.

¹⁷⁶"Human Rights." United Nations. Accessed November 12, 2018. <http://www.un.org/en/sections/issues-depth/human-rights/>.

general of India, controlled XVII in December 1829, which pronounced regulations with regards to Sati, punishable and illegal and it begins the Human Rights Movement in India in the 1820s. Some of the great personalities like Mahatma Gandhi, Jawaharlal Nehru and different Congress leaders made awareness on several human rights matters.

The most striking component of the idea of Human Rights is that they might be hard to characterise yet difficult to disregard. The shade of the skin of a people might be white or dark, the level of the psychological cosmetics of a people might be lower or higher, the lifestyle of individuals possibly crude a cutting-edge deeply, the fundamental truth of all having a place with the types of human race can't be rejected by any stretch of creative ability. In this way, it is stated, human rights, therefore, are concerned about the nobility of an individual at the level of confidence that secures individual personality and advances human network. Every single individual compares rights by the prudence of being individuals from the incredible human culture regardless of the way that they think about them or not. It doesn't imply that human rights have an unfit character like all rights; they may likewise be limited in light of a legitimate concern for public peace, social goodness, political security and so on. Human Rights from time to time, individuals to individuals, place to place, even inside a similar society, their discernment shifts starting with one part then onto the next. Where genuine significance continues advancing with the progression of time under constantly moving social and financial conditions.

For surviving in this world every one of us needs human rights and without that, we can't endure. We also need wipe-out of the frequency of torture in human treatments in prisons or at wherever, especially in developing countries. Human Rights infringement is extremely regular initially in the police department, we utilize tarnished language on culprits and in the general society, the torture is made on different individuals. On the off chance that one needs to live without a problem, if false or any kind of torture is happening then he/she needs human rights. Human rights fully assure any human being for the security of their rights. Human rights are essential for children, women, old age people, and disabled person, for the most part, not just them but each person is qualified for this. The precautionary measure provided a few rights including Liberty, uniformity, fundamental opportunities and so forth. Consequently, the assembly passed essential rights which are separated into seven sections having close similarity with human rights cherished in different International Human Rights documents.

Human Rights are arranged into different groups. The present qualification is among political and civil rights on one side and monetary, social and cultural rights on the other. It includes in one noteworthy document, both these classifications of human rights. Be that as it may, these two noteworthy categories of Human rights were consolidated in the two-international covenant on political and civil rights and cultural, economic and social rights. The declaration on the right to development, 1986 States "all human rights and basic freedoms cannot be divided and are interdependent. Equal treatment and pressing thought ought to be given to usage and security and advancement of common, political, financial, social and cultural rights." the negative rights which accumulate around our freedoms could easily compare to positive rights that developed from our requirements, Overlooked that poverty is an important cause for the infringement of human rights. The resolution which approved the Universal Declaration of Human Rights also decided that covenants containing legal obligations to be assumed by states and measures for the implementation should be prepared after a long history of separation of the components of social, economic and cultural rights and for civil and political rights, eventually adopted and opened for signatures. These covenants are international legal instruments. When member states ratify the covenants, they accept the obligation to give the force of law to the rights they proclaim.¹⁷⁷

¹⁷⁷Gibson, John Schuyler. *International Organizations, Constitutional Law, and Human Rights*. New York: Praeger, 1991.

A discretionary protocol that jumped to the Covenant on political and civil rights establishes a human rights committee to accept Communications from the individuals who assert to be victims of the violation of human rights. Is the main rights body of the UN inspecting every year about thousands of objections concerning infringement of human rights? It holds open dialogues with the government on human rights abuses and provides help to the victims in many cases. Several countries change the rules and legislation as a result of the decisions by the committee on the complaint under the discretionary protocol.¹⁷⁸ India is a member of the commission of Human Rights played prominent role in the making of the Universal Declaration of Human Rights and tricks and effective parts in the discussions prior to the framing of the universal declaration letter on many of the articles of the universal declaration were incorporated in the Indian Constitution in the form of the Fundamental Rights part III and Directive Principles of State Policy part IV India also identify the International Covenant on political and civil rights, cultural rights and economic and social rights.¹⁷⁹

Humans have an inherent value, which is not present in lifeless objects. To breach a human right would, hence, be a defeat to perceive the value of human life. Human right is a concept that has been always evolving throughout human history. They have been unpredictably attached to the customs, religions and laws throughout the period. Most communities have had habits similar to the "golden rule" of "Do unto others as you would have them do unto you." The Babylonian Code of Hammurabi, Hindu Vedas, the Bible, the Analects of Confucius and the Quran (Koran) are five of the early written sources, which answer the questions of people's rights, responsibilities and duties.

THE NEED FOR ITS IMPLEMENTATION

Human rights will remain only promises unless they are firmly executed. Implementation procedures in the two great International covenants are hardly performed. It did not provide any system of adjudicatory control and enactment. It has become necessary to develop adjectival International Law for implementation of such substantive law. That's also the question whether the world organisation can adequately deal with human rights problems arising in a state with its own distinct and Peculiar tradition and culture a time does has now come to think of a new human rights council with greater powers and responsibilities.¹⁸⁰ Without compelling execution, guarantees of Human Rights in the constitution and universal instruments will stay just as pious promises, which won't fulfill the ravenous and devastated huge number of people. Across the broad poverty among the majority of developing nations, the extraordinary reason for refusal of Human Rights destitution pulverizes human nobility and without human nobility, there can be no human rights of the ability to battle against the disavowal of human rights. "In countries of Asia and Africa, human rights have a changing potential. They are a continuous challenge to applied interest and authority in societies driven by large disparities of money and power, with traditions of authoritarianism and the misery of disadvantaged communities of militarization and the conjunction of corrupt politicians and predatory internal and external capital."¹⁸¹ It is, along these lines, basic to fortify developments for powerful usage of Human Rights in developing nations. For viable execution what is most required is the improvement of a solid, sensitive International Human Rights relegates, which unflinching follows up on the conviction that human rights are unbreakable and restriction is the gnawing obligation of the humanized International people group.

¹⁷⁸Saksena, K. P. "Human Rights and the Right to Development." *International Studies*28, no. 1 (1991): 41. doi:10.1177/0020881791028001003.

¹⁷⁹"Pernyataan-regional-council-on-human-rights-in-asia-tentang-terbunuhnya-senator-aquino-aug-22-1983-4-pp." *Human Rights Documents Online*. doi:10.1163/2210-7975_hrd-0514-0029.

¹⁸⁰Bhalla, S. L. *Human Rights: An Institutional Framework for Implementation*. Delhi: Docta Shelf, 1991.

¹⁸¹"Pernyataan-regional-council-on-human-rights-in-asia-tentang-terbunuhnya-senator-aquino-aug-22-1983-4-pp." *Human Rights Documents Online*. doi:10.1163/2210-7975_hrd-0514-0029.

A huge concern is being given to international conventions and their execution in order to make sure the attachment to a global standard of acceptability. Human rights are basic to the firmness and progress of countries all around the globe. With the introduction of new technology and advent of globalization, these principles receive importance not only in safeguarding humans from the ill-effects of difference but also in making sure that everybody is allowed a part of the profits. The effect of several changes in the globe today on human rights has been both positive and negative. In particular, the dangers posed by progress in technology or science may severely affect the implementation of human rights if not handled properly. In the field of medicine and biotechnology especially there is a strong necessity for human rights to be applied into ethical codes and for all professionals to make sure that basic human nobility is safeguarded under every circumstance. For example, with the chance of transplanting organs from both the dead and living, a number of issues arise such as permission to donation, the definition of demise to stop premature harvesting, an equal opportunity at transplantation etc. Genetic engineering also brings with it the hazards of gene mutation and the difficulties related to cloning. In order to tackle with these problems, the Convention for the Protection of Human Rights and Dignity of the Human Being with Respect to the medicine and application puts the profit of the human being above science and society.

LIMITATIONS AND CONCLUSION

The political system of a state acts as a defender or limitation of the human rights of its citizens. There is no gainsaying the fact that under military rule, certain privileges and rights of citizens are curtailed as opposed to what is obtainable in a liberal system of government such as democracy. In a military regime, the constitution is suspended; political parties are disbanded and rendered unlawful. In this situation, the freedom of association that accrues to individuals in a democracy, which empowers them to become members of political parties and other lawful organisations, is curtailed owing to the fact that political associations are unlawfully rendered. Also, military regimes also curtail to a large extent the freedom of speech enjoyed by the populace under a democracy.

Ideological leanings in no tiny measure protect or trample on the human rights of peoples. The development of human rights is highly associated with the decrease of the medieval feudal system and the appearance of the advance nation-State included in an international State system. The economic ideology of feudalism prohibits peasants from owning landed properties – a trample on rights to own immovable properties. Economic ideologies like socialism place in the hands of the government the power to control enterprises that provide essential services. Thus a socialist or communist economic system impinges on the rights of individuals to engage in business activities of their choice. On the other hand, a liberal economic system also known as *laissez-faire*, such as the capitalist USA protects the right of citizens to engage in profitable ventures of their choice.

The constitution of a state stipulates if a state is circular or upholds a particular religious doctrine. Circular states such as Nigeria protect the rights of individuals to worship the deity of their choice. This is not the case in other countries as religious preference varies from country to country. According to the 2004 Afghanistan's Constitution, "the holy religion of Islam shall be the religion of the Islamic Republic of Afghanistan". Thus freedom of religion is prohibited in Afghanistan, as it is unlawful to practice another religion. In 2013, Angola was reported to have become the first country in the world to place a ban on Islam, which is practised by about 1% of the Angolan population. This percent of Angolans are deprived of their right to religious freedom.

Historical factors such as traditional beliefs determine the level of human right protection entrenched in a state. A nation with the past record of human right violation is more prone to violate human rights in the contemporary state system. In contradistinction, a nation with customs that do not trample on the human rights of citizens in ancient times is bound to entrench human rights in its constitution. It is exoteric that states with an age long-tradition of the Islamic religion are quick to

proclaim other religions as unlawful under their constitutions. Examples are Saudi Arabia, Iraq, Pakistan, Tunisia, Brunei, Afghanistan, Libya, United Arab Emirates. More so, the political history of Igbo and Hausa nations of Nigeria are apt to illustrate this claim. The Hausa political system was stratified according to classes, while that of the Igbos was an egalitarian society. This explains why the phenomenon of slavery thrived more in the milieu of the former than in the later; and in modern Nigeria, cases of human right violation are recorded in some sharia Hausa states than in the Christian dominated Igbo states.

Sovereignty is an essential element in the protection of the fundamental human rights of peoples. A country without sovereignty is unable to safeguard the inalienable rights of its residents. Under colonial rule, the citizens of Nigeria were deprived of certain rights such as political rights, as they were deprived of a say in their governance until 1922 when Clifford's constitution introduced the electoral principle. Thus from 1900 – 1922 Nigerians were deprived of their rights to vote and be voted for. Also, Nigerians were denied the rights to own certain establishments such as banks. It was not until 1945 when the Agbonmagbe bank, now Wema bank – Nigeria's lengthiest existing indigenous bank was established that a Nigerian could express his right to own a commercial bank.

The exercise of a human right reaches its limits when facing another human right. For example, you're making use of your freedom of speech, which is a fundamental human right on a public event. Everything is going well; you can say whatever you want, about anything. But, if by saying so you promote violent actions against a certain group of individuals (let's say transgender) then your freedom of speech is affecting the right of no discrimination because of your sexual preferences. That's where the line should be drawn. Human rights are violated by groups, individuals or the state itself. So, people are required to stay on their guard against any violation of human rights.

AN ANALYSIS ON CHILDREN WITH DISABILITIES AND ITS CAUSES

S.P. Lathika Sri¹⁸²

ABSTRACT

Anaesthetists and intensivists are often called upon to assist with the care of acutely unwell children presenting to district general hospitals. World Health Organisation set up the global characterisation of weakness, disability and impede, which characterise these ideas: Impairment – alludes to the misfortune or anomaly of mental, physical, or anatomical structure or capacity at the framework or organ level that could conceivably be lasting and that might result in disability. Disability – alludes to an individual constraint or confinement of an action as the aftereffect of impedance. Disable – alludes to the weakness to the individual coming about because of a hindrance or disability that displays a boundary to satisfying a part or coming to a goal. Disability is a relative term in so far as various societies characterise their standards of being and doing another way. Originations of disability are consequently very logical and abstract. Treatment is usually provided with the consent of a parent but it may be required to treat the child using the doctrine of necessity. In this article we discuss aspects of the law, as it relates to children, to enable teams, who predominately treat sick adults, understand the legal framework surrounding the treatment of sick children.

Keywords: *Medico-Legal, Law, Pediatric, District General Hospital, Intensive Care*

INTRODUCTION

All through hundreds of years, the disabled have been abused minimised and criticised in all social orders. They constitute an area of the populace, which is most in reverse slightest served and terribly disregarded. Individual with disability are the poorest of poor people and weakest of the frail, who have been socially, instructively and monetarily burdened; consequently having generally denied their entitlement to self-declaration, character and improvement. Presently where is this exploitation more glaring than in issues of training, business and physical access. Disability isn't isolated here and there impedance and incapacitate was utilised reciprocally, yet these terms has distinctive implications and depict diverse ideas. (Makkar et al. 2018)

This incorporates people with visual, hearing, discourse, locomotor and mental incapacities. Seventy five for each penny of people with incapacities live in rustic regions, 49 for every penny of disabled populace is educated and just 34 for each penny are utilized. The prior accentuation on medicinal recovery has now been supplanted by an accentuation on social restoration. The experience of disabled individuals in country India recommends that this restorative model does not enough catch the marvels of disability. (Makkar et al. 2018; Kaur 2016) What keeps disabled people groups in towns from carrying on with an existence like any other person, going to class, taking part in family festivities and working in fields isn't person's weakness, yet how society deciphered and responds to it. The Life is made troublesome not such a great amount by the person's restorative condition, but rather for the most part by a threatening physical and social condition which prohibits disabled individuals from all circles of social life. It isn't the therapeutic hindrance, however the manner by which society responds to it, that prohibit disabled from partaking in festivity, political basic leadership or religious love. **The aim of this study to** examine the causes ,

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problems and effects relating to disabilities, to study the Medico legal issues related to children with disabilities, To analyse the impact on social life of children and To recommend the ratification of children rights in the convention.

HYPOTHESIS

Ho: The Constitution of India ensures a previledge of equity, freedom of thought for the advancement of children with disability.

Ha: The Constitution of India does not ensures a previledge of equity, freedom of thought for the advancement of children with disability.

REVIEW OF LITERATURE:

Causes of Disability

Examination of the causes of disability from a restorative or bio-driven point of view has a tendency to underline malady, inherited and birth surrenders over foundational and ecological components.(Saraswathy et al. 2018) Hereditary factors and absence of access to fundamental administrations can likewise prompt a man getting to be disabled, for instance, Before birth (poor nourishment, ill-advised prescription, taking medications, smoking cigarettes, mother presented to ailment, mental or physical injury), During birth (unexpected labor, confused conveyance), After birth (Malnutrion, Lack of immunization, Infections like meningitis polio, mishap, injury, harmful substance).

There are a few variables which in charge of disability, for example, : Poverty and Disability - There is a high connection amongst's disability and destitution however not very many examinations have researched how neediness and disability impact each other and with their blend make new types of hindrances. As a rule, individuals with incapacities are assessed to make up to 15 to 20% of the poor in creating nations Inequitable monetary and social strategies have added to extensive quantities of individuals living in outrageous destitution. Poor families regularly don't have adequate wage to meet their fundamental needs. Insufficient sanctuary, unhygienic living conditions, absence of sanitation and clean drinking water joined with poor access to health facilities prompt disability.(Saraswathy et al. 2018; Narayan et al. 2010) Lack of healthy sustenance and Disability-Malnutrition in its different structures is a reason for disability and a contributory factor in different sicknesses that expansion defencelessness to impairing conditions. Normal small scale supplement lacks that influence disability include: Vitamin An insufficiency – visual impairment, Vitamin B complex inadequacy – beri-beri (aggravation or degeneration of the nerves, stomach related framework and heart), pellagra (focal sensory system and gastro-intestinal scatters, skin irritation) and paleness, Vitamin D inadequacy – rickets (delicate and twisted bones), Iodine inadequacy – moderate development, learning challenges, scholarly handicaps and goiter, Iron inadequacy – sickliness, which hinders learning and movement, and is a critical reason for maternal mortality, Calcium insufficiency – osteoporosis (delicate bones). At the present rate, continuously 2010 there could at present be somewhere in the range of 680 million incessantly undernourished individuals whose incapacities are probably going to have establishes in small scale supplement inadequacies. Word related Hazards-Around 90%

of the workforce in India is in the sloppy part, which is described by low levels of innovation, low models of wellbeing and unsafe working conditions. Occupation-related health issues of laborers utilized in stone quarrying, calfskin industry, glasswork, weaving, precious stone cutting, hand weaving, and children utilized in cover, saltine and match industry have been perceived yet have not gotten suitable and managed consideration by those in charge of controlling work gauges.(John 2012)

For instance, 44,000 individuals lost their appendages in mechanical mischances amid the time of Vietnam War in which 17,000 American officers progressed toward becoming disabled. Wars and Disability-War has been the single biggest factor in charge of causing changeless disablement to warriors in the front line as well as to regular folks who are compelled to hold up under the dangers of deadly, synthetic and atomic weapons.(John 2012; Lakhan and Thomas Kishore 2016) In light of figures from an investigation completed in 206 networks, including Afghanistan and Cambodia, landmine activated disability rate among survivors is around 0.9%. Around 6% of families in Afghanistan are influenced via landmine mishaps alone. Overviews of four nations in 1995 found that between 12% and 60% landmine casualties needed to pitch resources for meet their doctor's visit expenses. Wrongdoing and Disability - Violent violations underline inadequacies in the social, political and financial game plans of a general public. Numerous children and ladies are stole to be utilized in prostitution, servitude and beggary(Sriganesh et al. 2018). The Bhagalpur blinding case in India is an outstanding and reported outline of this hazard. Movement Hazards- Unplanned urban areas with restricted streets, fast development in number of vehicles and nonchalance of activity controls have been in charge of expanding the quantity of street mishaps in India. In the event that present patterns proceed with, street mishaps may turn into the main source of death and disability in the nation. A specialist in the field, Dr Leslie G Norman , gauges that for each street mishap demise there are 30-40 light wounds and 10-15 genuine wounds, which may prompt disability. It is evaluated that by 2020, street car crashes will be positioned as the third driving reason for disability in the Asian and Pacific area. Quadriplegia, paraplegia, cerebrum harm and conduct issue are some normal incapacities among survivors of auto collisions. (Sriganesh et al. 2018; "India: Young Children with Disabilities and Early Childhood Care and Education," n.d.)

Acts for disability

The administrative framework for the assurance of the privileges of disabled individuals is secured by given acts: The Rehabilitation Council of India Act 1992: Act embarks to manage the preparation of experts in recovery and sets out a framework for a Central Rehabilitation Register. So as to give statutory forces to the Council for completing its obligations viably the Rehabilitation Council of India Act was passed by the Parliament which came into drive with impact from 1993.(Sriganesh et al. 2018; "India: Young Children with Disabilities and Early Childhood Care and Education," n.d.; Kalgotra et al. 2011) The change in the Act in 2000 gave the extra obligation of elevating exploration to the Council. The real elements of the gathering incorporate the acknowledgment of capabilities conceded by Universities in India for Rehabilitation Professionals and furthermore the acknowledgment of capability by Institutions outside India. (Kothari 2012)The Persons with Disabilities (Equal Opportunities, insurance of Rights and full Participation) Act 1995: This demonstration gives 3% reservations to disabled individuals(visually impaired or low vision, hearing weakness and locomotor disability or cerebral paralysis in neediness easing programs, government posts,

and in state instructive offices, and additionally different rights and privilege). The particular destinations of the Act are: Prevention and Early Detection of Disabilities, Education – all Government instructive establishments saves over 3% seats for disabled. Business – with 3% reservations the disability opportunities not filled upto be conveyed forward for next three years and after that the opening will be filled by a non-disabled individual. Plans for guaranteeing work of individual with inabilities are: Training and welfare, Relaxation of upper age restrict, Regulation the business, Health and wellbeing measures. Governmental policy regarding minorities in society – Preferential allocation of land for certain reason – government or neighborhood experts for: House; Setting up business; Setting up extraordinary diversion focuses; Establishment of uncommon school; Establishment of research focuses; Establishment of production lines by business visionaries with disability.(Vandal et al. 2018)

For instance, 44,000 individuals lost their appendages in mechanical mishances amid the time of Vietnam War in which 17,000 American fighters moved toward becoming disabled. Wars and Disability-War has been the single biggest factor in charge of causing changeless disablement to soldiers in the war zone as well as to regular folks who are compelled to manage the dangers of deadly, concoction and atomic weapons. In light of figures from an investigation did in 206 networks, including Afghanistan and Cambodia, landmine activated(Auvin et al. 2018) disability rate among survivors is around 0.9%. Around 6% of family units in Afghanistan are influenced via landmine mishaps alone. Studies of four nations in 1995 found that between 12% and 60% landmine casualties needed to pitch advantages for meet their hospital expenses. Wrongdoing and Disability - Violent violations underline weaknesses in the social, political and financial plans of a general public. Numerous children and ladies are stole to be utilized in prostitution, servitude and beggary. The Bhagalpur blinding case in India is an outstanding and recorded outline of this threat. Activity Hazards-Unplanned urban areas with tight streets, fast development in number of vehicles and carelessness of movement directions have been in charge of expanding the quantity of street mishaps in India. On the off chance that present(Auvin et al. 2018; Pise, Pradhan, and Gharote 2017) patterns proceed with, street mishaps may turn into the main source of death and disability in the nation. A specialist in the field, Dr Leslie G Norman , gauges that for each street mishance passing there are 30-40 light wounds and 10-15 genuine wounds, which may prompt disability. It is assessed that by 2020, street car crashes will be positioned as the third driving reason for disability in the Asian and Pacific area. Quadriplegia, paraplegia, cerebrum harm and social issue are some regular inabilities among survivors of car crashes.

Constitutional Framework in India

The Constitution of India applies consistently to each legitimate resident of India, regardless of whether they are solid or disabled in any capacity (physically or rationally) and ensures a privilege of equity, freedom of thought, articulation, conviction, confidence and love and correspondence of status and of chance and for the advancement of organisation. To defend the interests of the burdened segments of the Society, the Constitution of India ensures that no individual will be denied 'correspondence' under the steady gaze of the law (Article 14 of the Indian Constitution). Pertinent Articles in Indian Constitution giving

constitutional certifications to all including disabled are:(Auvin et al. 2018; Pise, Pradhan, and Gharote 2017; Arora et al. 2018)

Article 15(1): It urges on the Government not to oppress any native of India (Including disabled) on the ground of religion, race, rank, sex or place of birth.

Article 15(2): It expresses that no national (counting the disabled) will be subjected to any disability, risk, confinement or condition on any of the above grounds in the matter of their entrance to shops, open eateries, lodgings and spots of open amusement or in the utilisation of wells, tanks, showering places (ghats), streets and spots of open resort kept up completely or halfway out of government subsidies or devoted to the utilisation of the overall population.

Article 17: No individual including the disabled independent of his having a place can be dealt with as an untouchable. It would be an offence culpable as per law.

Article 21: Every individual including the disabled has his life and freedom ensured.

Article 23: There can be no movement in individuals (counting the disabled), and hobo and different types of constrained work is denied and the same is made culpable as per law.

Article 29(2): The privilege to training is accessible to all subjects including the disabled. No subject will be denied induction into any instructive foundation kept up by the State or getting help out of State stores.

Article 32: Every disabled individual can move the Supreme Court of India to uphold his central rights and the rights to move the Supreme Court.

Acts for disability

The authoritative framework for the assurance of the privileges of disabled individuals is secured by given acts:

The Rehabilitation Council of India Act 1992: Act embarks to manage the preparation of experts in restoration and sets out a framework for a Central Rehabilitation Register. To give statutory forces to the Council for completing its obligations successfully the Rehabilitation Council of India Act was passed by the Parliament which came into compel with impact from 1993. The change in the Act in 2000 gave the extra obligation of elevating examination to the Council. The real elements of the gathering incorporate the acknowledgment of capabilities allowed by Universities in India for Rehabilitation Professionals and furthermore the acknowledgment of capability by Institutions outside India(Auvin et al. 2018; Pise, Pradhan, and Gharote 2017; Arora et al. 2018; Baby et al. 2018).

The Persons with Disabilities (Equal Opportunities, security of Rights and full Participation) Act 1995: This demonstration gives 3% reservations to disabled individuals(visually impaired or low vision, hearing hindrance and locomotor disability or cerebral paralysis in destitution easing programs, government posts, and in state instructive offices, and additionally different rights and privilege). The particular targets of the Act are: Prevention and Early Detection of Disabilities, Education –(Auvin et al. 2018; Pise, Pradhan, and Gharote 2017; Arora et al. 2018; Baby et al. 2018; Ahmed et al. 2011) all Government instructive organisations saves over 3% seats for disabled. Business – with 3% reservations the disability opportunities not filled upto be conveyed forward for next three years and after that the opening will be filled by a non-disabled individual. Plans for guaranteeing work of individual with inabilities are: Training and welfare, Relaxation of upper age restrict, Regulation the business, Health and security measures. Governmental policy regarding minorities in society – Preferential distribution of land for certain reason – government or

neighbourhood experts for: House; Setting up business; Setting up unique amusement focuses; Establishment of extraordinary school; Establishment of research focuses; Establishment of processing plants by business people with disability.

The instructive capabilities for the candidates are eighth or working class go from provincial regions, at any rate registration or secondary school for urban regions. Movement stipend: Orthopedically impaired with disability of lower limits will be paid transport recompense at twofold the ordinary rates. Incapacitated representatives who have been given government convenience inside a separation of 1 kilometre from the work environment or inside the grounds, the recompense will be allowable at typical rates. Random projects: Family annuity to disabled children - Handi-topped children will be qualified for the advantage of family benefits regardless of whether they have been conceived after the retirement of the Government Servant from a marriage solemnised after retirement.(Vickerman, n.d.) Impromptu assignment of focal pool private facilities to the physically debilitated representatives Government workers experiencing tuberculosis, growth and physically impeded people may get specially appointed distribution of general pool private convenience on ask for after suggestion of the uncommon proposal council and on the endorsement of the urban improvement service. (Vickerman, n.d., n.d.)

Concentrates identified with disability in particular mental issue Disability, a restriction in working, happens in relationship with various illnesses. Failure to perform social parts and limited capacity to work at expected levels are its typical outcomes. Schizophrenia: Although the issues and encounters related with schizophrenia are regularly troubling, the impacts of the confusion can be inescapable. A critical number of individuals keep on experiencing long haul weaknesses, and subsequently schizophrenia can considerably affect individuals' close to home, social and word related lives. An European investigation of six nations found that more than 80% of grown-ups with this determination had some tireless issues with social working, however not every one of them were extreme. The best indicator of poorer working in the long haul was poor working in the initial 3 years post-determination. It has discovered that 80% stayed jobless.(Vickerman, n.d., n.d.; Bøttcher and Dammeyer 2016) The handicaps experienced by individuals with schizophrenia are not exclusively the aftereffect of intermittent scenes or proceeding with indications. Upsetting reactions of treatment, social affliction and separation, destitution and vagrancy likewise have an impact. These challenges are not made any less demanding by the proceeding with bias, disgrace and social avoidance related with the diagnosis. Affective Disorder: Researchers found in their investigations that in wretchedness the odds of finish recuperation are not as high as we accepted before. A large portion of the patient keeps on having the leftover side effects and thus incapacities additionally persevere notwithstanding amid euthymic period. Researchers detailed fundamentally more disability in patients of full of feeling issue than controls in zones like occupation status, yearly salary, relational relationship, recreational movement and generally speaking fulfilment. In contrast with different clutters like schizophrenia and tension issue, full of feeling issue have observed to be related with less disability. Fanatical Compulsive Disorder: OCD is additionally an unending and disability ailment with working course. It influences all circles of life of an individual and his relatives. In examination thinks about, disability level in OCD in observed to be more than other nervousness disorder. OCD causes brokenness and disability incorporates such conditions as reduced interpersonal organisations, disgrace, destitution, joblessness as an absence of having a place. Mental Retardation: Mental hindrance is a profoundly predominant and very

incapacitating condition. It is by and large considered that 2% of the Indian populace constitutes people with mental impediment. In India pervasiveness of mental hindrance differs from 0.22-32. for each thousand populaces. As indicated by American relationship of Mental lack, "Mental hindrance can be characterised as a fundamentally sub normal general scholarly working, coming about or related with simultaneous impedance in versatile conduct and is showed amid the formative time frame". It has discovered that the guardians of children with Mental Retardation enrolled high despondency and uneasiness scores, and the larger part met the criteria for conceivable clinical melancholy as well as nervousness. They were more drained, edgy, and more disappointed, miserable, discouraged, vulnerable, and disenfranchised. In arrangement definition, arranging, execution, observing in disability in India.

RESEARCH METHODOLOGY:

This research is based on both Doctrinal and Non Doctrinal study, where an empirical analysis is also made and this uses random sampling methodology in finding out an effective result to the main purpose of the survey.

DATA ANALYSIS:

Occupation * 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?

Crosstab							
			63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?				Total
			strongly disagree	disagree	agree	strongly agree	
Occupation	private sector	Count	42	54	48	144	288
		% within Occupation	14.6%	18.8%	16.7%	50.0%	100.0%
		% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	23.3%	8.5%	13.3%	23.3%	16.1%

Government sector	Count	6	114	42	60	222
	% within Occupation	2.7%	51.4%	18.9%	27.0%	100.0%
	% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	3.3%	17.9%	11.7%	9.7%	12.4%
professional	Count	48	180	96	126	450
	% within Occupation	10.7%	40.0%	21.3%	28.0%	100.0%
	% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	26.7%	28.3%	26.7%	20.4%	25.1%
Business	Count	48	96	66	120	330
	% within Occupation	14.5%	29.1%	20.0%	36.4%	100.0%
	% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	26.7%	15.1%	18.3%	19.4%	18.4%
student only	Count	24	150	90	150	414
	% within Occupation	5.8%	36.2%	21.7%	36.2%	100.0%

		% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	13.3%	23.6%	25.0%	24.3%	23.1%
Total	Home Makers	Count	12	42	18	18	90
		% within Occupation	13.3%	46.7%	20.0%	20.0%	100.0%
	% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	6.7%	6.6%	5.0%	2.9%	5.0%	
	Count	180	636	360	618	1794	
	% within Occupation	10.0%	35.5%	20.1%	34.4%	100.0%	
		% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	100.0%	100.0%	100.0%	100.0%	100.0%

Chi-Square Tests			
	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	119.369 ^a	15	.000
Likelihood Ratio	125.831	15	.000

Linear-by-Linear Association	3.761	1	.052
N of Valid Cases	1794		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 9.03.

Symmetric Measures		Value	Asymp. Error ^a	Std.	Approx. T ^b	Approx. Sig.
Interval by Interval	Pearson's R	-.046	.024		-1.941	.052 ^c
Ordinal by Ordinal	Spearman Correlation	-.038	.024		-1.610	.108 ^c
N of Valid Cases		1794				

a. Not assuming the null hypothesis.

b. Using the asymptotic standard error assuming the null hypothesis.

c. Based on normal approximation.

Occupation * 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?

Crosstab		
	63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	Total

			strongly disagree	disagree	agree	strongly agree		
Occupation	private sector	Count	42	54	48	144	288	
		% within Occupation	14.6%	18.8%	16.7%	50.0%	100.0%	
		% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	23.3%	8.5%	13.3%	23.3%	16.1%	
		Count	6	114	42	60	222	
		% within Occupation	2.7%	51.4%	18.9%	27.0%	100.0%	
		% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	3.3%	17.9%	11.7%	9.7%	12.4%	
	Government sector	professional	Count	48	180	96	126	450
			% within Occupation	10.7%	40.0%	21.3%	28.0%	100.0%
			% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	26.7%	28.3%	26.7%	20.4%	25.1%
			Count	48	96	66	120	330
			% within Occupation	14.5%	29.1%	20.0%	36.4%	100.0%
			% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?					
Business	Business	Count	48	96	66	120	330	
		% within Occupation	14.5%	29.1%	20.0%	36.4%	100.0%	
		% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?						
		Count	48	96	66	120	330	
		% within Occupation	14.5%	29.1%	20.0%	36.4%	100.0%	
		% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?						

		% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	26.7%	15.1%	18.3%	19.4%	18.4%
Total	student only	Count	24	150	90	150	414
		% within Occupation	5.8%	36.2%	21.7%	36.2%	100.0%
		% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	13.3%	23.6%	25.0%	24.3%	23.1%
	Home Makers	Count	12	42	18	18	90
		% within Occupation	13.3%	46.7%	20.0%	20.0%	100.0%
		% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	6.7%	6.6%	5.0%	2.9%	5.0%
	Total	Count	180	636	360	618	1794
		% within Occupation	10.0%	35.5%	20.1%	34.4%	100.0%
		% within 63. Do you think the Government Schemes are providing equal opportunities to the disabled section of the society?	100.0%	100.0%	100.0%	100.0%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	119.369 ^a	15	.000
Likelihood Ratio	125.831	15	.000
Linear-by-Linear Association	3.761	1	.052
N of Valid Cases	1794		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 9.03.

Symmetric Measures

		Value	Asymp. Error ^a	Std. Approx. T ^b	Approx. Sig.
Interval by Interval	Pearson's R	-.046	.024	-1.941	.052 ^c
Ordinal by Ordinal	Spearman Correlation	-.038	.024	-1.610	.108 ^c
N of Valid Cases		1794			

a. Not assuming the null hypothesis.

b. Using the asymptotic standard error assuming the null hypothesis.

c. Based on normal approximation.

INTERPRETATION

From the above figure , In this research majority of the respondents are professionals , Which includes 48 respondents said that they strongly disagreed government schemes are providing equal opportunities to the disabled section of the society and 96 respondents agree that the government schemes are providing equal opportunities to the disabled section of the society. The second majority of the respondents were students , out of 414 only 150 disagree that the government schemes are providing equal opportunities to the disabled section of the society and 90 respondents agree that the government schemes are providing equal opportunities to the disabled section of the society. The third majority of the respondents from business in which includes 330 out of which 96 disagree that the government schemes are providing equal opportunities to the disabled section of the society and 66 disagree that the government schemes are providing equal opportunities to the disabled section of the society. The second least minority were from government sectors which includes 288 , out of which only 144 disagree that the government schemes are providing equal opportunities to the disabled section of the society and 96 agree that the government schemes are providing equal opportunities to the disabled section of the society. The least minority are from homemakers says that government schemes are providing equal opportunities to the disabled section of the society. From the above table 2, the Pearson chi square value is 0.000 which is lesser than 0.005 and implies that there is relationship between independent variables is occupation and dependent variables is that majority of the people disagree that the government schemes are providing equal opportunities to the disabled section of the society.

Occupation * 64. Do you think that the rights of the disabled children are safeguarded in India?

Crosstab			64. Do you think that the rights of the disabled children are safeguarded in India?				Total
			strongly disagree	disagree	agree	strongly agree	
Occupation	private sector	Count	66	48	66	108	288
		% within Occupation	22.9%	16.7%	22.9%	37.5%	100.0%

		% within 64. Do you think that the rights of the disabled children are safeguarded in India?	28.2%	8.4%	15.1%	19.6%	16.1%
	Government sector	Count	18	96	24	84	222
		% within Occupation	8.1%	43.2%	10.8%	37.8%	100.0%
	professional	% within 64. Do you think that the rights of the disabled children are safeguarded in India?	7.7%	16.8%	5.5%	15.2%	12.4%
		Count	42	108	174	126	450
	Business	% within Occupation	9.3%	24.0%	38.7%	28.0%	100.0%
		% within 64. Do you think that the rights of the disabled children are safeguarded in India?	17.9%	18.9%	39.7%	22.8%	25.1%
		Count	30	132	60	108	330
		% within Occupation	9.1%	40.0%	18.2%	32.7%	100.0%
	student only	% within 64. Do you think that the rights of the disabled children are safeguarded in India?	12.8%	23.2%	13.7%	19.6%	18.4%
		Count	54	156	96	108	414
		% within Occupation	13.0%	37.7%	23.2%	26.1%	100.0%
		% within 64. Do you think that the rights of the disabled children are safeguarded in India?	23.1%	27.4%	21.9%	19.6%	23.1%

	Home Makers	Count	24	30	18	18	90
		% within Occupation	26.7%	33.3%	20.0%	20.0%	100.0%
		% within 64. Do you think that the rights of the disabled children are safeguarded in India?	10.3%	5.3%	4.1%	3.3%	5.0%
Total		Count	234	570	438	552	1794
		% within Occupation	13.0%	31.8%	24.4%	30.8%	100.0%
		% within 64. Do you think that the rights of the disabled children are safeguarded in India?	100.0%	100.0%	100.0%	100.0%	100.0%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	173.734 ^a	15	.000
Likelihood Ratio	171.322	15	.000
Linear-by-Linear Association	10.727	1	.001
N of Valid Cases	1794		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 11.74.

Symmetric Measures

		Value	Asymp. Error ^a	Std.	Approx. T ^b	Approx. Sig.
Interval by Interval	Pearson's R	-.077	.025		-3.284	.001 ^c
Ordinal by Ordinal	Spearman Correlation	-.084	.025		-3.574	.000 ^c
N of Valid Cases		1794				

a. Not assuming the null hypothesis.

b. Using the asymptotic standard error assuming the null hypothesis.

c. Based on normal approximation.

INTERPRETATION

From the above figure , In this research majority of the respondents are professionals 450 , Which includes 108 respondents said that they strongly disagreed government schemes are providing equal opportunities to the disabled section of the society and 174 respondents agree that the government schemes are providing equal opportunities to the disabled section of the society. The second majority of the respondents were business , out of 414 only 156 disagree that the government schemes are providing equal opportunities to the disabled section of the society and 90 respondents agrees that the government schemes are providing equal opportunities to the disabled section of the society. The third majority of the respondents from business in which includes 330 out of which 96 disagree that the government schemes are providing equal opportunities to the disabled section of the society and 66 disagree that the government schemes are providing equal opportunities to the disabled section of the society. The second least minority were from government sectors which includes 288 , out of which only 144 disagree that the government schemes are providing equal opportunities to the disabled section of the society and 96 agree that the government schemes are providing equal opportunities to the disabled section of the society. The least minority are from homemakers says that government schemes are providing equal opportunities to the disabled section of the society. From the above table 2, the Pearson chi square value is 0.000 which is lesser than 0.005 and implies that there is relationship between independent variables is occupation and dependent variables is that majority of the people disagree that the government schemes are providing equal opportunities to the disabled section of the society.

DISCUSSION

From the above figure 1, In this research majority of the respondents were completed their UG degree, which include 371 respondents said that the there is difficulty for school/activities/services for the disabled child, 225 respondents said that the 131 respondents said that the there is difficulty for school/activities/services for the disabled child, second majority of the respondents were the people who completed their PG degree, which include 152 respondents said that the there is difficulty for school/activities/services for the disabled child, 119 respondents said the there is difficulty for school/activities/services for the disabled child,, 100 respondents said that the there is difficulty for school/activities/services for the disabled child. While looking into the view of an illiterate respondents, 62 respondents said that the, 56 respondents said that the, 31 respondents said that the there is difficulty for school/activities/services for the disabled child,. From the above table figure 9, the Pearson chi square value is 0.000 which is lesser than 0.007 and implies that there is relationship between independent variable is educational qualification and dependent variable is the there is difficulty for school/activities/services for the disabled children.

RECOMMENDATION

International commitment to building more inclusive societies has resulted in improvements in the situation of children with disabilities and their families, but too many of them continue to face barriers to their participation in the civic, social and cultural affairs of their communities. Realizing the promise of equity through inclusion will require action to:(Thapa, Aalsvoort, and Pandey 2008)

1. Ratify – and implement – the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child.
2. Fight discrimination and enhance the awareness of disability among the general public, decision- makers, and those who provide essential services for children and adolescents in such fields as health, education and protection.
3. Dismantle barriers to inclusion so that all children’s environments – schools, health facilities, public transport and so on – facilitate access and encourage the participation of children with disabilities alongside their peers.
4. End the institutionalization of children with disabilities, starting with a moratorium on new admissions. This should be accompanied by the promotion of and increased support for family- based care and community-based rehabilitation.
5. Support families so they can meet the higher costs of living and lost opportunities to earn income associated with caring for children with disabilities.
6. Move beyond minimum standards by involving children and adolescents with disabilities and their families in evaluating supports and services designed to meet their needs.
7. Coordinate services across all sectors so as to address the full range of challenges facing children and adolescents with disabilities and their families.
8. Involve children and adolescents with disabilities in making decisions that affect them – not just as beneficiaries, but as agents of change.
9. Promote a concerted global research agenda on disability to generate the reliable and comparable data needed to guide planning and resource allocation, and to place children with disabilities more clearly on the development agenda.

CONCLUSION

In India, the quantities of disabled are so huge, their issues are intricate, accessible assets likewise rare, social shame still connected and individuals states of mind so harming. Attitudinal obstructions ingrained as a feature of India's recorded reaction to disability must be changed through instruction programs for the two instructors and the general people. These projects require money related and synergistic duty from key national and state instruction partners, and association with colleges to help inquire about based activities. It is just enactment which can in the long run achieve a significant change in a uniform way. In spite of the fact that enactment can't be the only one fundamentally change the texture of a general public in a limited ability to focus time, it can by and by, increment openness of the disabled to training and business, to open structures and strip malls, to methods for transport and correspondence. In this way, in nation like India mainstreaming of these individuals is testing issue. For accomplishing this errand it's important to change open states of mind, expel social shame, give obstruction free condition, needs reorganization in the zone of approach and institutional level.

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