

Human Rights are those rights to which all humans are entitled merely by virtue of being humans. They are the inalienable and inviolable rights of all human beings. They derive from the inherent dignity of human beings. They are essential for human survival and human development.

Universal Declaration of Human Rights

The Universal Declaration of Human Rights was adopted by the UN General Assembly in 1948. This declaration represents the first international expression of human rights to which all human beings are entitled. It is described as the “International Magna Carta”. The declaration consists of 30 articles which can be divided into four parts. These are explained below. *The first two articles contain the basic principles underlying all human rights.* Thus, they state as follows:

Article 1: All human beings are born free and equal in dignity and rights.

Article 2: Everyone is entitled to all the human rights and freedoms, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Articles 3 to 21 consist of civil and political rights. They are as under:

Article 3: Right to life, liberty and security

Article 4: Freedom from slavery and servitude

Article 5: Freedom from torture and inhuman punishment

Article 6: Right to recognition as a person before the law

Article 7: Right to equality before the law

Article 8: Right to judicial remedy

Article 9: Freedom from arbitrary arrest or exile

Article 10: Right to a fair trial and public hearing

Article 11: Right to be presumed innocent until proved guilty

Article 12: Right to privacy and reputation

Article 13: Right to freedom of movement

Article 14: Right to seek asylum

Article 15: Right to a nationality

Article 16: Right to marriage and family protection

Article 17: Right to own property

Article 18: Freedom of thought, conscience and religion

Article 19: Freedom of opinion, expression and information

Article 20: Freedom of peaceful assembly and association

Article 21: Right to participate in government and equal access to public service

Articles 22 to 27 contain economic, social and cultural rights. They are mentioned below:

Article 22: Right to social security

Article 23: Right to work and equal pay for equal work

Article 24: Right to rest and leisure

Article 25: Right to adequate standard of living for health and well-being including food, clothing, housing, medical care, social services and security.

Article 26: Right to education

Article 27: Right to participate in cultural life of community

The last three articles specify the context within which all the human rights are to be enjoyed. Thus, they state as under:

Article 28: Everyone is entitled to a social and international order in which the above rights and freedoms can be fully realised.

Article 29: The exercise of the above rights and freedoms shall be limited for the purpose of securing recognition and respect for the rights and freedoms of others and for meeting the requirements of morality, public order and general welfare.

Article 30: No state, group or person has any right to engage in any activity aimed at the destruction of the above rights and freedoms.

International Bill of Human Rights

Later on, the Universal Declaration of Human Rights was bifurcated into two separate covenants, namely, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The human rights and freedoms contained in the Universal Declaration have been further developed and elaborated upon in these two covenants. Both the covenants were adopted by the UN General Assembly in 1966 and came into force in 1976. In addition to the above two detailed covenants, two Optional Protocols to the International Covenant on Civil and Political Rights were also adopted by the UN General Assembly. The First Optional Protocol was adopted in 1966 itself while the Second Optional Protocol was adopted in 1989. The First Optional Protocol provides for the submission of complaints by individuals whose human rights have been violated by a State party. The Second Optional Protocol, on the other hand, advocates the abolition of the death penalty. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights constitute what is now widely regarded as the “International Bill of Human Rights”.

Other International Conventions

The International Bill of Human Rights has been further supplemented by various other international treaties, conventions and declarations. They are usually regarded as “human rights instruments”. They are specialised in nature and related to either a particular human right or to a specific vulnerable group. The important among them are as follows:

1. Convention on the Elimination of All Forms of Racial Discrimination (1966)
2. Convention on the Elimination of All Forms of Discrimination Against Women (1979)
3. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
4. Declaration on the Right to Development (1986)
5. Convention on the Rights of the Child (1989)
6. Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
7. Convention on the Rights of Persons with Disabilities (2006)

Human Rights in India

The Constitution of India has a rich content of human rights. The Preamble, the Fundamental Rights and the Directive Principles of State Policy reflect the principles and provisions of the Universal Declaration of Human Rights (1948).

The four ideals of the Preamble are aimed at the promotion of human rights. They are as under:

1. Justice in social, economic and political spheres
2. Liberty of thought, expression, belief, faith and worship
3. Equality of status and opportunity
4. Fraternity assuring the dignity of the individual

The Fundamental Rights under Part-III of the Constitution contain an elaborate list of civil and political rights divided into six categories:

1. Right to equality
2. Right to freedom
3. Right against exploitation
4. Right to freedom of religion
5. Cultural and educational rights
6. Right to constitutional remedies

The Directive Principles of State Policy in Part-IV of the Constitution comprise economic, social and cultural rights. They can be classified into three broad categories, *viz.*,

1. Socialistic Principles
2. Gandhian Principles
3. Liberal-Intellectual Principles

Besides the Fundamental Rights included in Part-III, there are certain other rights contained in other parts of the Constitution—for example, the right to property in Part-XII of the Constitution.

In the course of time, the Supreme Court has also expanded the scope of human rights contained in the Fundamental Rights. It declared a number of human rights as integral part of fundamental rights, though they have not been specifically mentioned in Part-III of the Constitution. The examples of such un-enumerated fundamental rights are right to health, right to speedy trial, right against torture, right to privacy, right to travel abroad, right to free legal aid, and so on.

In addition to these, the various laws enacted by the Parliament and the State Legislatures contain a number of human rights, particularly for the vulnerable sections of the society. Some such laws are the Bonded Labour System (Abolition) Act, the Protection of Civil Rights Act, the Persons with Disabilities Act, the Minimum Wages Act, and so on.

Finally, the Protection of Human Rights Act (1993) defines human rights in India as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. Further, it also defined the International Covenants as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on 16th December, 1996 and such other Covenant or Convention adopted by the General Assembly of the United Nations as the Central Government may, by notifications, specify. The Indian Government acceded to these two International Covenants on April 10, 1979.

The Constitution of India and the laws of Parliament as well as state legislatures not only consist of several human rights but also provide for the establishment of national and state commissions for the protection and promotion of those rights. They are mentioned below-

National Commissions Related to Human Rights

<i>Sl.No. Name of the Commission</i>	<i>Established Under</i>
1. National Commission for SCs	Constitution (Article 338)
2. National Commission for STs	Constitution (Article 338-A)
3. Special Officer for Linguistic Minorities	Constitution (Article 350-B)
4. National Human Rights Commission	The Protection of Human Rights Act, 1993
5. National Commission for Protection of Child Rights	The Commissions for Protection of Child Rights Act, 2005
6. National Commission for Women	The National Commission for Women Act, 1990
7. National Commission for Minorities	The National Commission for Minorities Act, 1992
8. National Commission for Backward Classes	The National Commission for Backward Classes Act, 1993
9. Central Commissioner for Disabled Persons	The Persons with Disabilities Act, 1995

State Commissions Related to Human Rights

<i>Sl.No. Name of the Commission</i>	<i>Established Under</i>
1. State Human Rights Commission	The Protection of Human Rights Act, 1993
2. State Commission for Protection of Child Rights	The Commissions for Protection of Child Rights Act, 2005
3. State Commissioner for Disabled Persons	The Persons with Disabilities Act, 1995
4. State Commission for SCs and STs	Act of the State Legislature or Executive Resolution of the State Government
5. State Commission for Women	Act of the State Legislature or Executive Resolution of the State Government
6. State Commission for Minorities	Act of the State Legislature or Executive Resolution of the State Government
7. State Commission for Backward Classes	Act of the State Legislature or Executive Resolution of the State Government