

# **HUMAN RIGHTS**

## **EVOLUTION AND DEVELOPMENT**



**Satya P. Kanan**  
**Dr. Usman Ullah Khan**



## Human Rights: Evolution and Development

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*Satya P. Kanan*

*Dr. Usman Ullah Khan*

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# CONTENTS

<b>Chapter 1.</b> Characteristics and Nature of Human Right .....	1
— <i>Dr. Usman Ullah Khan</i>	
<b>Chapter 2.</b> A Brief Discussion on Right to Equality.....	9
— <i>Dr. Gunjan Agarwal</i>	
<b>Chapter 3.</b> Fundamental Rights as Protective Laws: A Review Study .....	17
— <i>Karuna Agarwal</i>	
<b>Chapter 4.</b> A Review Study of Prevention of Terrorist Activities Actand Human Rights .....	26
— <i>Ritu Sharma</i>	
<b>Chapter 5.</b> National Commission for Scheduled Tribes –NCST .....	33
— <i>Zainab Khan</i>	
<b>Chapter 6.</b> Exploring the People’s Union for Civil Liberties .....	40
— <i>Dr. Usman Ullah Khan</i>	
<b>Chapter 7.</b> Importance of Science and Philosophy for Human Right.....	49
— <i>Dr. Usman Ullah Khan</i>	
<b>Chapter 8.</b> A Comprehensive Review of Human Right Evolutionand Development.....	60
— <i>Dr. Usman Ullah Khan</i>	
<b>Chapter 9.</b> International Covenant on Civil and Political Rights .....	68
— <i>Karuna Agarwal</i>	
<b>Chapter 10.</b> Office of the High Commissioner and Protection forHuman Rights:An Overview .....	75
— <i>Karuna Agarwal</i>	
<b>Chapter 11.</b> A Brief Discussion on Human Rights Enforcement Mechanisms .....	83
— <i>Karuna Agarwal</i>	
<b>Chapter 12.</b> United Nations Strategies and Action to Promote Human Rights .....	93
— <i>Zainab Khan</i>	
<b>Chapter 13.</b> Human Rights Education and Campaigns: A Review Study .....	102
— <i>Zainab Khan</i>	



## CHAPTER 1

### CHARACTERISTICS AND NATURE OF HUMAN RIGHT

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#### ABSTRACT:

The concept of human rights is fundamental to the principles of justice, equality, and dignity for all individuals, irrespective of their background, identity, or status. This paper explores the characteristics and nature of human rights, delving into their inherent qualities and the broader societal implications. By examining the historical evolution, universality, indivisibility, and interdependence of human rights, this paper aims to provide a comprehensive understanding of their significance in the contemporary world. The analysis underscores the role of human rights in fostering social cohesion, promoting individual freedoms, and facilitating international cooperation. Ultimately, this study contributes to a nuanced comprehension of the essential characteristics and nature of human rights, reinforcing their vital role in shaping modern societies. The indivisibility and interdependence of human rights emphasize that civil, political, economic, social, and cultural rights are interconnected and essential for the overall well-being of individuals. This interrelation necessitates a holistic approach to human rights implementation and enforcement.

#### KEYWORDS:

Dignity, Equality, Human Rights, Indivisible, Justice.

### 1. INTRODUCTION

A short history of the development of human rights will be discussed in the current chapter. The historical context, the definition, the traits, and the nature of human rights will all be briefly discussed. In order to understand how human rights have changed throughout time, significant moments in their development will be identified. In addition, a short study of human rights categorization will be done.

All people have the same rights and dignity from birth. These are unalienable moral claims that every person has by virtue of their humanity alone, unaffected by caste, color, creed, location of origin, sex, cultural differences, or any other factors. These assertions are made and defined in what is now referred to as human rights. Human rights are also known as basic rights, inherent rights, natural rights, birth rights, and fundamental rights. Human rights, according to Dr. Justice Durga Das Basu, are the fundamental legal protections that each and every person is entitled to against the State or other public authorities just by virtue of being a "member of the human family," regardless of any other factors. The concept provided by Durga Das Basu captures the core of human rights. Human rights, according to the 1948 Universal Declaration of Human Rights, are "rights derived from the inherent dignity of the human person." Because a written constitution is the basic law of the state, human rights are referred to as "Fundamental Rights" when they are protected by one.

The following are qualities of human rights:

1. Human rights are not transferable - A person's human rights are given to him by virtue of his being. They are innate in every person, regardless of caste, creed, religion, sex, or nationality. An person has human rights even after his or her death. The many rites seen in various faiths attest to this.



2. Human Rights are Essential and Necessary: Without human rights, it is impossible for a person to live morally, physically, socially, or spiritually. Additionally, human rights are crucial because they set the stage for people's moral and material advancement.

3. Human rights are related to human dignity: Treating another person with dignity, regardless of whether they are male or female, affluent or poor, etc., is important for upholding human dignity. For instance, India passed a legislation outlawing the practice of transporting human excrement in 1993. The Employment of Manual Scavengers and Dry Latrines Act is what it's named.

4. Human rights cannot be revoked: Human rights cannot be revoked. These rights derive from the social character of man in the community of humans and belong to a person simply because he is a human being, therefore they cannot be taken away by any force or authority. As a result, moral rights and human rights are identical[1], [2].

5. Human Rights are Required for the Achievement of Life's Purpose: Every human life has a goal. The circumstances that are required for the achievement of this goal are referred to as "human rights." No government has the authority to restrict or revoke rights that are sacred, unalienable, and universal.

6. Human rights: Human rights are not the exclusive property of any privileged group of individuals. Human rights are inherently universal, without exception or regard for circumstance. Human nature is based on ideals like divinity, dignity, and equality, which are the cornerstones of these rights.

7. Human rights are never absolute: Because man is a social animal and a member of a civil society, his ability to exercise his freedoms and rights has always been subject to certain limitations. Human rights as a whole are those constrained powers or claims that contribute to the common good and are acknowledged and protected to people by the State via its laws. As a result, each right has certain restrictions.

8. Human rights are ever-changing: Human rights are changing, not static. As political, social, and cultural trends within the State grow, so do human rights. Judges must use legal doctrines in ways that are consistent with changing societal norms. For instance, the Public Health Scheme currently covers free medical care in public hospitals as well as the provisions for specially prepared schools for physically challenged students as well as free medical exams in schools.

9. Rights as checks on state authority - Human rights mean that every person has legal entitlements to certain freedoms and advantages from his or her society. Human rights thereby restrict the authority of the state. These may take the shape of demands on the State, i.e., positive responsibilities of the State, or they may take the form of negative restraints, preventing the State's powers from breaching the people's unalienable liberties. For instance, the State is prohibited from interfering with a person by six freedoms that are included under the right to liberty.

### **Human Rights' Evolution**

Human rights have changed throughout the course of many centuries. The ultimate objective of man, the ability to live with dignity, required much effort and is still being accomplished in many communities today. The country of India serves as an example of how hard women, children, dalits, bonded laborers, etc. are working to integrate into society. Despite all of this, the U.N. Charter of 1945, which asserts that human rights are an intrinsic component of humanity, was acknowledged by all countries. Human rights may be linked to the Natural

Rights doctrine, which was created by Thomas Hobbes and John Locke and evolved from the idea of Natural Law put out by ancient Greek Stoic philosophers. The fight for human rights was further fueled by the American and French Revolutions. Magna Carta, the English Bill of Rights, the French Declaration, and the American Bill of Rights are all important milestones in the history of human rights in the global context. When the United Nations adopted the UN Charter in 1945, the Universal Declaration of Human Rights in 1948, and the International Covenants on Human Rights in 1989, the philosophy of human rights began to take shape. Special attention was given to the rights of women, the abolition of slavery, the elimination of racial discrimination, civil and political rights, economic, social, and cultural rights, and most importantly the rights of children. The Indian Constitution was carefully drafted with the inclusion of human rights for both Indian citizens and foreigners [3], [4].

### **Theory of Natural Rights**

The idea that a person has some fundamental, inalienable rights in comparison to a sovereign State has its roots in the principles of natural law and natural rights, even if the term "human rights" has its origins in international law, which is not older than World War II. Three key thinkers, Thomas Hobbes, John Locke, and Jean-Jacques Rousseau developed the Natural Rights doctrine. 'Natural rights' thesis was initially defended by Thomas Hobbes. He argued that no person should ever be denied the right to life, which he had in the state of nature, in his renowned work "Leviathan." He said that, without exception, all people are equal. The concept was expanded upon by John Locke in his work, "Two Treatises of Government". Every human being has an inherent right to life, personal liberty, and property, he claimed, and no government has the ability to violate these rights since people have always enjoyed them regardless of the development of civil or political society. The greatest teacher of the natural law school is recognized as Rousseau. Rousseau said in his well-known work, "The Social Contract," "All men are born free but they are everywhere in chains." Men have the unalienable rights to liberty, equality, and fraternity, according to Rousseau. The French Declaration of the Rights of Man and of the Citizen was based on these ideas. The notion of natural rights was created by American revolutionary Thomas Paine, who did not connect it to the social contract theory. He believed that since God himself gave rights to man, they are inalienable. These rights are legitimate regardless of any nation's legal system. The following are significant turning points in the development of human rights:

### **Magna Carta, signed in 1215**

The Magna Carta, commonly referred to as the Great Charter, was written in 1215 and is the most important constitution ever created. Its principal focus was defense against the king's arbitrary actions. The 63 provisions of the Charter safeguarded the barons against unfair levies while guaranteeing people's fundamental civil and legal rights. Additionally emancipated from royal meddling was the English Church. On June 15, 1215, King John of England gave the English barons the Magna Carta. The barons refused to pay high taxes until the monarch signed the Charter, therefore the king was forced to give it.

### **The English Bill of Rights**

The English Bill of Rights, passed by the British Parliament on December 16, 1689, is the next source and route of the idea of human rights. In no uncertain terms, the British Parliament proclaimed its authority over the Crown. The monarch has no superfluous power, according to the English Bill of Rights. The Bill of Rights codified the common law and made clear the people's rights and freedoms. It sets forth the two pillars the supremacy of the law and national sovereignty upon which the English constitution is built.

### **Declaration of Independence for America**

The thirteen States of America were the first colony to rebel against England. On July 4, 1776, these states formally proclaimed their independence from the mother nation. The statement proclaims the American colonies' freedom and accuses the monarch of oppression. The Declaration of Independence is an important document in the history of humanity because it established the legitimacy of rebellion against an oppressive authority.

### **The 1791 U.S. Bill of Rights**

The United States Constitution was adopted on September 17, 1787. The most obvious flaw in the original constitution was the lack of a Bill of Rights pertaining to individual liberty and private rights. Madison consequently suggested a Bill of Rights that included up to twelve amendments. The State legislatures approved ten of these. The Bill of Rights is the name given to these 10 constitutional amendments. The Bill of Rights' overarching message is that citizens should be protected from government officials abusing their authority.

### **The French Declaration of Human and Citizen Rights**

France entered a new era with the fall of the Bastille and the elimination of feudalism, serfdom, and class privileges by the National Assembly. The National Assembly declared the Rights of Man and of Citizens on August 4th, 1789. 17 Articles were used to define the rights. Not only in the history of France, but also in the history of Europe and humanity, the Declaration of the Rights of Man and of the Citizen has profound significance. The proclamation signaled the end of the previous administration and established a new social and political system based on admirable and brilliant ideals. Furthermore, many Constitutions that were drafted in various nations and accorded human rights first importance used the statement as their foundation.

### **International Declaration of Human Rights, 1929**

After World War I, concerns about basic liberties and human rights started to surface. The Declaration of International Human Rights was approved by the Institute of International Law in 1929. In the Declaration, it was stated that the fundamental rights of citizens, which are recognized and protected by many domestic constitutions, particularly those of France and the United States, were actually intended for all men everywhere in the world, without exception.

### **The 1945 UN Charter**

All 51 participants to the United Nations Conference in San Francisco contributed to the creation, unanimous approval, and adoption of the United Nations Charter. Human rights promotion and protection are addressed in the UN Charter. The significance of the Charter comes from the fact that it is the first official document where the term "human rights" is used and where the respect for basic freedom is also acknowledged[5], [6].

### **The 1948 Declaration of Human Rights, or U.D.H.R.**

On December 10th, 1948, the United Nations General Assembly approved the Universal Declaration of Human Rights. All men, women, and children are guaranteed civil, political, economic, social, and cultural rights under the thirty Articles of the Declaration. However, the declaration is not a binding legal document. It is a goal for all of humanity.

## **2. DISCUSSION**

### **International Covenants on Human Rights**

The 1948 Universal Declaration of Human Rights did not have any official legal standing. There were no enforcements. The U.N. General Assembly endeavored to remedy this situation by adopting two Covenants in December 1966: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. The Universal Declaration of Human Rights, the Optional Protocols, and the two International Covenants make up the International Bill of Human Rights. A significant turning point in the development of human rights is the International Bill of Human Rights. The Magna Carta of contemporary human rights.

### **Rights Classifications**

a. The civic and political rights that ensured civil and political liberty were enhanced and added to over the seventeenth, eighteenth, and nineteenth centuries. Because they support, safeguard, and ensure an individual's individual liberty against the State and its agents, the civil and political human rights are jointly referred to as "liberty oriented human rights." The First Generation of Human Rights includes liberty rights, commonly known as Blue Rights.

b. Minority rights, as well as economic, social, and cultural rights, developed and were strengthened throughout the 20th century. Through the economic and social advancement of the society's weaker groups, these rights seek to advance economic and social security. These freedoms are necessary for both the complete and unrestricted development of human personality in all directions as well as for the dignity of persons. These rights guarantee that the general populace will at least have access to the fundamental necessities of life that society recognizes as necessary for a civilized existence. Because these rights jointly provide and give the fundamental security in a person's existence, the economic, social, and cultural rights—including the rights of minorities—are generally referred to as "Security Oriented Human Rights". The basic survival of humans would be at jeopardy without these rights. The phrase "Second Generation of Human Rights" is another name for them. They are often referred to as positive rights or red rights. Together with the Civil and Political Rights, these rights were enshrined in the Universal Declaration of Human Rights and subsequently acknowledged by the Covenant on Civil and Political Rights and the Covenant on Economic, Social, and Cultural Rights, all of which were signed in December 1966.

c. Development-oriented human rights are a relatively new concept, having emerged in the latter half of the 20th century. These rights allow for participation in the process of overall development and include environmental rights, which allow for unrestricted use of nature's free gifts, such as clean air, water, food, and natural resources. These are referred to as Green Rights or the Third Generation of Human Rights. Since international collaboration is necessary for their execution, they are also known as Solidarity Rights. Solidarity rights are particularly important to developing nations because they wish to establish an international system that would protect their rights to development, aid in the event of a tragedy, peace, and good governance.

### **Rights for all people and for citizens**

According to who is qualified to execute them, all human rights may be further divided into two categories as follows:

1. The rights of citizens come first, followed by universal rights.
2. Only citizens are granted certain privileges. For instance, the provisions of Articles 15, 16, 19, and 29 of the Indian Constitution are only applicable to citizens. The remainder of the Indian Constitution's Part III applies to both citizens and foreigners.

3. Human rights are also known as basic rights, inherent rights, natural rights, birth rights, and fundamental rights.
4. They are necessary for everyone to defend themselves against the State, the government, or other people in their own class. Human rights are described as unalienable, linked to human dignity, and essential to the enjoyment of human existence. Human rights have changed throughout the course of many centuries.

When the United Nations adopted the UN Charter in 1945, the Universal Declaration of Human Rights in 1948, and the International Covenants on Human Rights in 1989, the philosophy of human rights began to take shape. Special attention was given to the rights of women, the abolition of slavery, the elimination of racial discrimination, civil and political rights, economic, social, and cultural rights, and most importantly the rights of children. Different grounds have been used to categorize human rights. Each right represents the consciousness and freedom of a specific century. For instance, the right to a clean, healthy environment and the conservation and enhancement of the environment are both development-oriented rights that date back to the 20th century and are crucial to maintaining international peace[7], [8].

### **Indian Constitution's and the International Covenant's Fundamental Rights**

For a person's total growth, human rights are crucial. Basic rights, also known as fundamental rights, are protected by the Indian Constitution for both citizens and foreigners. Specific and Unspecified Fundamental Rights are distinguished from one another. The International Covenant on Civil and Political Rights, an international treaty, and the rights guaranteed by the Constitution sometimes stand on equal footing. Instead of being applicable to individuals, the ICCPR is for States. Therefore, only once they have been integrated into the State's internal law can the rights guaranteed therein become a state's responsibility.

### **Rights of People Within India**

India attained independence in 1947, only one year prior to the UDHR's adoption. All of India's founding fathers were aware that the demand for fundamental human rights had been at the center of the country's liberation fight. However, due to the nation's economic backwardness, it would be difficult to quickly fulfill all of the people's ambitions. They thus took a practical stance.

They outlined certain rights as "fundamental rights" and defined other rights as essential obligations of a citizen. According to the Constitution, the Supreme Court of India is responsible for defending rights. When evaluating a constitutional right, the court considers basic obligations.

### **Normative Rights**

The three basic kinds of rights under the Indian Constitution are civil, political, economic, and social. Certain civic rights are recognized by India's fundamental rights. Other sections of the Constitution recognize certain political, economic, and social rights. The Indian constitution grants certain rights to individuals under Part III. "Fundamental Right" is the term used to describe these rights. The word "fundamental" implies that certain rights are fundamental freedoms. The Fundamental Right is acknowledged as a "natural right" by the Supreme Court of India. Fundamental rights are "those great and basic rights which are recognized and guaranteed as the natural right inherent in the status of a citizen of a free country," according to Chief Justice Patanjali Shastri. "Fundamental rights are the modern



name for what has traditionally been known as a natural right," according to Chief Justice SubhaRao.

### **Description of Basic Rights**

A fundamental right, as defined in the Constitution, differs from a non-fundamental right in one important respect: a fundamental right is inviolable in the sense that no law, ordinance, custom, usage, or administrative order can restrict or remove a fundamental right. Singh and Shukla explain the nature of fundamental rights in the Indian Constitution in this way. Any legislation that infringes on a fundamental right is invalid. Both the Executive and the Legislature must abide by them. If a fundamental right is the foundation of the Constitution, it cannot be altered, not even by a constitutional amendment.

**Comprehensive list of basic rights** The Indian Constitution's Part III lists each essential right in great detail. As a result, the Parliament is unable to introduce any new basic rights. Any increase in these rights must be supported by judicial interpretation. The Constitution's Articles 12-35 establish fundamental rights. Here are quick summaries of each basic right[9], [10].

### **Normative Rights**

The Indian Constitution guarantees a number of civil, political, economic, social, and cultural rights. These rights have been renamed the "Fundamental Rights" and are now known as such. The Fundamental Rights are protected by the provisions of Part III of the Constitution, which are more comprehensive than those found in any other written constitutions now in existence. The Forty-fourth Amendment Act of 1979, which revised the constitution, divided fundamental rights into six groups. The following details the essential rights:

The definition of the term "State" in Article 12 is as follows: "In this part, unless the context otherwise requires, "the State" includes the Government and Parliament of India, the Government and Legislature of each of the States, and all local or other authorities within the territory of India or under the control of the Government of India." Certain restrictions on infringing basic rights are outlined in Article 13.

The major relevance of this article comes in the fact that it explicitly calls for judicial scrutiny of legislative and executive acts to see whether they are in accordance with basic rights that are safeguarded.

## **3. CONCLUSION**

In conclusion, the attributes and nature of human rights emphasize their crucial significance in forming the moral and legal frameworks of nations all over the globe. Human rights have evolved through time as a result of a shared understanding of the need of defending people against injustice and repression. Human rights' global applicability emphasizes the idea that intrinsic value and dignity transcend national, cultural, and ideological barriers. Human rights are a pillar of social cohesiveness, encouraging diversity and inclusion in society. Human rights protect people's liberties, enabling them to take an active role in their communities and contribute to their growth. The promotion of diplomatic cooperation and international respect among states is another benefit of human rights recognition. It offers a platform for communication and collaboration across disparate political systems and cultural norms.

## **REFERENCES**

- [1] P. Alston, "The populist challenge to human rights," *J. Hum. Rights Pract.*, 2017.
- [2] L. van der Ploeg and F. Vanclay, "A human rights based approach to project induced displacement and resettlement," *Impact Assess. Proj. Apprais.*, 2017.
- [3] J. Schrempf-Stirling and F. Wettstein, "Beyond Guilty Verdicts: Human Rights Litigation and its Impact on Corporations' Human Rights Policies," *J. Bus. Ethics*, 2017.
- [4] M. Raftopoulos, "Contemporary debates on social-environmental conflicts, extractivism and human rights in Latin America," *Int. J. Hum. Rights*, 2017.
- [5] R. McCorquodale, L. Smit, S. Neely, and R. Brooks, "Human Rights Due Diligence in Law and Practice: Good Practices and Challenges for Business Enterprises," *Business and Human Rights Journal*. 2017.
- [6] A. M. Esteves, G. Factor, F. Vanclay, N. Götzmann, and S. Moreira, "Adapting social impact assessment to address a project's human rights impacts and risks," *Environ. Impact Assess. Rev.*, 2017.
- [7] B. Fasterling, "Human Rights Due Diligence as Risk Management: Social Risk Versus Human Rights Risk," *Business and Human Rights Journal*. 2017.
- [8] A. U. Lokugamage and S. D. C. Pathberiya, "Human rights in childbirth, narratives and restorative justice: a review," *Reprod. Health*, 2017.
- [9] R. Khosla, J. Banerjee, D. Chou, L. Say, and S. T. Fried, "Gender equality and human rights approaches to female genital mutilation: a review of international human rights norms and standards," *Reproductive health*. 2017.
- [10] C. Robinson, "Translating human rights principles into classroom practices: inequities in educating about human rights," *Curric. J.*, 2017.

## CHAPTER 2

### A BRIEF DISCUSSION ON RIGHT TO EQUALITY

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#### ABSTRACT:

The right to equality stands as a foundational principle within human rights frameworks, striving to ensure that all individuals are treated with fairness, impartiality, and respect, regardless of their background, identity, or circumstances. This paper delves into the multifaceted dimensions of the right to equality, exploring its legal, social, and ethical implications. By examining its historical development, legal manifestations, and societal challenges, this study aims to provide a comprehensive understanding of the significance and complexities surrounding the right to equality. The analysis highlights the role of this right in combating discrimination, promoting inclusivity, and fostering a just and harmonious society, ultimately contributing to the broader discourse on human rights and social justice. The right to equality is not merely a legal provision, but a moral imperative. It calls upon governments, institutions, and individuals to actively dismantle barriers and biases that perpetuate inequality. As societies continue to evolve, embracing the principles of the right to equality is essential for nurturing environments where all individuals can thrive and contribute, regardless of their differences. Through steadfast commitment to this right, we can aspire to build a world that truly values the inherent dignity and potential of every human being.

#### KEYWORDS:

Discrimination, Equality, Fairness, Inclusion, Justice, Non-Discrimination.

### 1. INTRODUCTION

The architects of the Indian Constitution granted fundamental rights to all of its inhabitants. As natural rights, fundamental rights, often referred to as basic rights, are acknowledged and protected. Due to the broad interpretation of the Fundamental Rights, people of India are able to exercise certain rights. These are referred to as undefined basic rights. Several of the enumerated fundamental rights in Part III of the Indian Constitution are comparable to those in the international Covenant on Civil and Political Rights. Indian citizens have some specific rights that are comparable to those outlined in the Covenant on Civil and Political Rights. The five articles that cover the right to equality are:

#### Equal protection under the law and equality before the law

Article 14 The two components of Article 14 are equality before the law and equal protection under the law. No person should get any preferential treatment from the government under the principle of equality before the law. The right to equal treatment under the law refers to equal treatment under all circumstances. Treating people unequally also entails equality before the law. For instance, the Supreme Court has advocated against granting the advantage of reservation to the "creamy layer" of the Other Backward Classes. Article 15 of the Constitution forbids discrimination on the basis of race, religion, caste, sex, or place of birth.

In the subsequent Clauses of this Article, four facets of this right are discussed.

Article 15's clause on the prohibition of discrimination forbids the state from treating any person or group of people unfairly. Equal rights and human dignity are the foundation of the non-discrimination concept.



**Access to public places - Article 15, Clause**

According to this right, no citizen may be refused use of wells, tanks, or roads that are maintained with state money or access to public areas, places of amusement, or public transportation[1], [2].

**Protective legislation for women and children - Article 15, Clause**

In the Indian context, there is a positive discrimination for women and children. As a result, provisions are made for free public education for kids and reservations for women. The constitution acknowledges Scheduled Castes, Scheduled Tribes, and Other Backward Classes as disadvantaged segments of society and provides reservations for them in Article 15, Clause. It enables the state to put in place particular measures for the welfare of certain social groups. Article 16 of the Indian Constitution aims to provide all people an equal chance to work for the government or its agencies. There are 5 clauses in this article.

**Equality of opportunity**

In Article 16, Clause, it is stated that all citizens should be given equal chance whether applying for jobs or being appointed to government positions.

**Article 16, Clause: Discrimination is prohibited.**

In relation to any job with the state, this article forbids discrimination on the basis of only religion, race, caste, sex, descent, and place of birth or residence, or any combination of these.

1. Requirements for residential properties - Article 16, Clause
2. It enables the Parliament to pass legislation mandating state residency for candidates seeking public jobs or appointments.

**Article 16, Clause (Protection)**

This clause enables the Parliament to enact protective legislation for the appointment of individuals from disadvantaged socioeconomic groups who are underrepresented in government employment.

**Favoritism toward certain individuals in religious organisations - Article 16, Clause**

According to this provision, the Parliament may pass laws stipulating that only those who identify as members of a certain religion may hold positions of authority within its organizations. For instance, a priest at a Hindu temple can only be a Hindu.

**Article 17's repeal of untouchability**

This unique article has only been included in the Indian Constitution. In addition to stating that untouchability has been abolished, Article 17 makes it clear that doing so in any way is illegal and that doing so would result in punishment.

**Article 18's repeal of titles**

The State is not allowed to grant anybody any titles at all, according to the Article's Clause. However, the State is not prohibited from bestowing academic honors or military awards, such as the Mahavir Chakra, ParamVir-Chakra, etc., to recognize warriors for their bravery[3], [4]. Article 19 of the Constitution, as modified by the Constitution Amendment Act of 1979, grants the following six liberties to all citizens.

- i. Freedom of thought and expression
- ii. Freedom of assembly without force
- iii. Freedom to organize groups or unions
- iv. Freedom of movement across India's geography

a. Freedom of profession, occupation, trade, or business; freedom of residence and settlement in any area of Indian territory.

b. Protection from conviction for offenses - Article 20 This right ensures that people accused of crimes will be protected from conviction for offenses. This article consists of three sentences. Protection against ex-post-facto legislation states that a person cannot be held accountable under such a law for deeds committed prior to the law's enactment. Protection against double punishment: It states that no one may face prosecution twice for the same offense. Protection against self-incrimination. This provision provides that no one charged with a crime shall be forced to testify against himself.

c. Protection of life and individual freedom - Article 21 Article 21 of the Indian Constitution affirms the right to life and individual freedom. According to this clause, "no person shall be deprived of his life or personal liberty except in accordance with the procedure established by law."

d. In certain situations, protection against arrest and imprisonment.

Article 21's provisions are supplemented by those in Article 22, which follows. The second part of Article 22, which consists of the remaining clauses to, is concerned with people who are detained under a law of preventive detention. The first part of Article 22, which is composed of clauses and, deals with people who are arrested under ordinary criminal law and the various rights they are entitled to.

### **Opposing exploitation**

a. Prohibition of forced labor and human trafficking - provision 23 This provision forbids forced labor, including "begar" work and other related types.

b. Prohibition of child labor Article 24: The constitution forbids the employment of minors. Children under the age of fourteen are not permitted to work in any mine, factory, or other dangerous job.

The fourth is the freedom of religion.

a. Article 25: Freedom of conscience and religion

Article 25 embodies the secularist ethos and grants everyone in India the right to practice their faith freely.

b. Article 26 recognizes every religious order's right to create and maintain institutions for religious and charitable reasons as well as to administer its own religious affairs.

c. Freedom regarding the payment of taxes for the maintenance or promotion of any specific religion: Article 27 The state may not require anyone to pay taxes for the maintenance or promotion of any specific religion or religious sect.

d. Article 28: Freedom to participate in religious teaching in educational institutions

This clause forbids educational institutions from forcing their religious views on students who attend them. Together, the four Articles enshrine the democratic republic's secular nature[5], [6].

### **Rights in Culture and Education**

Individuals' and minorities' rights to practice their culture - Article 29 Every segment of society has the right to preserve its own language, script, or culture, according to this article. Article 30 of the Constitution grants minorities the right to form and run educational institutions. Any educational institution that is managed by a linguistic or religious minority cannot be denied state funding on the basis of discrimination.

### **Rights to constitutional remedies, section six**

In accordance with Article 32's Constitutional Remedies, which makes this provision itself one of the Fundamental Rights, one may petition the Supreme Court to have the Fundamental Rights upheld. This is different in some way. It was regarded as the essential core and spirit of the constitution by Dr. Babasaheb Ambedkar. The ability to own property was taken from the list of fundamental rights by the 44th Amendment Act of 1978. Although it is not a basic right, it is nonetheless protected by the constitution. As a human right, it is also. In a recent decision, the Supreme Court dismissed an appeal by the Karnataka Financial Corporation, which had contested an order from the State High Court.

## **2. DISCUSSION**

### **Classification of Fundamental Right**

1. **Topical division:** The Fundamental Rights were divided into seven categories by the Constitution.
2. **The rights of citizens against those of all people:** Some fundamental rights are only available to citizens. These rights include those listed in Articles 15, 16, 19, and 30. Everyone, whether a citizen or a visitor, is entitled to other basic rights.
3. **Benefits versus prohibitions:** Some of the Fundamental Rights forbid the state from doing certain things. They are so stated negatively. Article 14 states, for example, "The State shall not deny any person equality before the law." The person receives certain advantages from other rights. They are written favorably because of this. For example, the freedom to practice one's religion is a positive right.
4. **Classification based on the scope of the restriction:** Some Fundamental Rights place restrictions on the Executive. Other limits the authority of the legislature. Article 21's Fundamental Rights establish restrictions on the Executive. However, they do not limit legislative authority. However, the rights protected by Articles 15, 17, 18, 20, and 24 place a complete cap. Even the legislature lacks the authority to control such a right.
5. **Rights against State Action vs. Individual Rights:** The majority of Fundamental Rights serve as safeguards against State Action. The rights protected by Articles 19 and 21 may be exercised in opposition to state action, for example. However, the Constitution's third section does provide several rights that may be used both against the State and against private citizens. Examples of such a right are the prohibition on untouchability and the ban on human trafficking.

The International Covenant on Civil and Political Rights was ratified before the Indian Constitution. Therefore, Indian citizens had access to fundamental rights even before India

joined the Covenant. Certain observations are made on a certain Fundamental Right, and they are as follows: The right to life and individual freedom the right to life extends beyond the simple survival of animals. It refers to the right to live in complete human dignity, free from humiliation, exploitation, and all forms of discrimination. The right to life and the right to personal freedom have many facets. The Supreme Court has included the following fundamental right into Article 21 of the Constitution by its interpretation:

1. The right to live in dignity
2. opposition against torture and other cruel, inhumane, or humiliating practices
3. The prohibition of arbitrary detention, imprisonment, or exile Right of way speed limit
4. The right to unrestricted legal aid
5. The right to financial recompense for unjustified arrest, incarceration, and torture
6. The reputational right privateness rights Right to protection
7. The right to a healthy environment Right to a safe and healthy working environment health as a right
8. Emergency medical assistant rights till the age of 14; the right to education liberty to go overseas. These rights are to be referred to as unidentified essential rights when compared to the rights listed in the Covenant on Civil and Political Rights.

### **Right against self-incrimination**

This constitutional right has the effect of providing the accused with protection from the tyranny of the State, among other things.

### **Speech and expression rights**

The right to freedom of speech and expression has two facets. the following freedom of speech when it comes to public affairs Expression rights as a private matter The ability to speak freely on public issues is essential to a functioning democracy. Justice Mathew said in the Bennet Coleman case that "the freedom of speech is essential to the functioning of the democratic System. The fundamental tenet of a democracy is that of the rulers and the ruled. It is essential that the governed be informed of all the relevant details in order for them to make sensible and smart decisions.

### **The ability to peacefully assemble**

Democracy is meaningless without the ability to peacefully assemble. According to Article 21 of the ICCPR, freedom of speech and freedom of assembly are closely related. However, restrictions on the right to peaceful assembly may be essential if public policy so dictates; however, such restrictions must be reasonable and appropriate in a democratic society.

### **Subject to various restrictions**

The Indian Constitution grants the right to freedom of conscience and religion. Both Article 18 of the UDHR and Article 18 of the ICCPR recognize the right to freedom of religion, stating that "Everyone has the right to freedom of thought and religion." Sadly, several nations that have joined the Covenant on Civil and Political Rights do not really provide religious freedom. Examples include Pakistan, Iran, and Afghanistan. Islam is the official religion in several nations, and citizens are not really free to convert to another faith. Furthermore, residents who do not follow Islam are subject to a number of restrictions.

Access to public services is equally regulated by Article 16 of the Indian Constitution, which states that "all citizens shall have an equal opportunity in matters relating to employment or appointment to any office under the State. A right is positively granted by this article. The unfavorable perspective of the same assurance is projected by Article 16. It states that no person will be denied the opportunity to hold any public office solely on the basis of their religion, race, caste, sex, or other characteristics[7], [8].

### **The right to efficient treatments**

Effective cures are not a right in and of themselves. The Indian Constitution, however, grants this authority for the enforcement of basic rights under Article 32. Dr. Ambedkar emphasized the value of the rights listed in Article 32. The "very soul and heart" of the Constitution, he said, is embodied in these rights. This Section grants a right.

### **Unknown Fundamental Right**

An international agreement is the Covenant on Civil and Political Rights. As a result, States rather than individuals are covered. Therefore, only once they have been integrated into the State's internal law can the rights guaranteed therein become a state's responsibility. This has been affirmed in a number of Indian Court decisions. However, the Supreme Court has deemed a number of rights to be basic even though they are not listed in Part III of the Constitution as such. Emanation was used to accomplish this. Even if they are not officially listed in the Constitution, these rights are nonetheless accessible to Indian citizens since they are included in the Covenant on Civil and Political Rights.

1. The Covenant on Civil and Political Rights includes the right to privacy in Article 21. Several additional rights are covered by this right. Any arbitrary interference with a person's privacy, family, home, or communication is prohibited.
2. The right to travel internationally is outlined in Article 12 of the Covenant. However, section 3 of the Constitution makes no mention of this right. However, it was determined in *Maneka Gandhi v. Union of India* that the term "personal liberty" had the broadest conceivable scope. The Court ruled that until a state-made legislation specifies a process that cannot be arbitrarily, unfairly, or unreasonably, no one may be denied their right to go overseas.
3. Right to a fast trial: According to Article 9 of the Covenant on Civil and Political Rights, anybody who has been detained or arrested on suspicion of a crime has a right to a trial within a reasonable amount of time or their release. The right to a quick trial is not specifically mentioned in the Indian Constitution. However, the Supreme Court ruled that Article 21 protects this right.
4. The right to unrestricted legal help is guaranteed under Article 14 of the Covenant. However, this right is not provided by the Indian Constitution. However, the Supreme Court determined in *M.H.Hoskat. State of Maharashtra* that free legal assistance to the needy and worthy is a component of personal liberty under Article 21. In the case of *Sukh Das v. Arunachal Pradesh*, the court went even farther. It was said that a poor person has the right to legal assistance even if he does not request it.
5. The right to humane treatment for prisoners is outlined in Article 10 of the Covenant on Civil and Political Rights, which states that everyone who is deprived of their liberty must be treated with respect and humanity. However, such a clause is absent from Part 3 of the Indian Constitution.

The Supreme Court has created a comprehensive charter of dignity under Article 21. The court has ruled that everyone, both inside and outside of jail, is entitled to respect.

6. The right not to be jailed for failing to execute a contract: Article 11 of the Covenant on Civil and Political Rights states that no one will be jailed just for failing to fulfill a contract. However, the Constitution's third section does not directly include this right.

7. The victim of a wrongful arrest or imprisonment has an enforceable right to compensation under Article 9 of the Covenant on Civil and Political Rights. However, there is no equivalent clause in the Indian Constitution. The Supreme Court has, however, ruled that cases of unlawful arrest, incarceration, torture, and custodial death are covered by compensatory justice.

8. Right to Information: Article 19 of the Covenant on Civil and Political Rights allows for the freedom to seek for, receive, and disseminate information. The right to knowledge is not expressly recognized in the Indian Constitution, which provides freedom of speech and expression under Article 19. The Right to Information Act was approved by Parliament in 2005. It is proven to be a powerful tool against dishonest and ineffective public servants.

### **Right Reservation in the Covenant**

India raised a few reservations upon ratifying the Covenant on Civil and Political Rights. These "Declaration" caveats limit the Covenant's applicability in our nation. The declaration about the Covenant on Civil and Political Rights is as follows:

1. Right to Self-Determination: Our nation cannot let its citizens to exercise their right to self-determination. This is due to the fact that doing so would force some regions of the nation to secede from the Union of India.

2. Right to freedom: Article 19 of the Indian Constitution stipulates a number of freedom rights. These rights are restricted according to paragraphs, and of the same article. Similar rights are acknowledged in the Covenant, which also specifies restrictions. However, these restrictions vary from those in the Indian Constitution.

3. Protection against unjustified arrest and detention: The provisions of Article 9 of the Covenant vary somewhat from those outlined in Article 22 of the Indian Constitution with relation to this protection. For instance, in India, a person who has been arrested or held in accordance with a statute requiring preventative custody is not eligible for this privilege. In addition, Article 9 of the Covenant gives anyone who claim to be victims of arbitrary arrest or imprisonment an enforceable right to compensation. But there is no legal compensation clause in the Indian Constitution. But as we noted in Section 6, Indian courts have ruled that under certain circumstances, a claim for damages against the State may be maintained. This makes this reservation meaningless.

4. Aliens' rights: Article 13 of the Covenant outlines a number of protections for removing a foreigner from Indian land. In accordance with Part 3 of the Declaration by India, the Indian government retains the ability to implement its laws concerning foreigners[9], [10].

When an emergency has been declared by a State, certain protections are offered under the Covenant on Civil and Political Rights. There is no such specific provision for a protection in the Indian Constitution. The 44th Amendment Act of 1978 dramatically altered the situation after the declaration of Emergency in India. The following modifications have been made as a result of this amendment:



Only in cases of war or outside hostility would Article 19 be suspended. During an emergency, the right to life and to personal freedom would not be suspended. Naturally, the aforementioned adjustments were made to stop the executive from violating people's basic rights. However, these modifications have also rendered the Constitution's provisions compliant with the covenant.

### 3. CONCLUSION

The cornerstone of the human rights system and a vital commitment to justice and fairness is the right to equality. Its historical development highlights a widespread understanding of the need to right past wrongs and make sure that no person or group is subjected to unfair discrimination. Although the right to equality is recognized in many national and international legal documents, work is still being done to really implement it. A comprehensive strategy that addresses not just legal obstacles but also deeply rooted societal biases and institutional disparities is required due to the complexity of equality. Societies may work toward a future that is more inclusive and fairer by confronting discriminatory behaviors and attitudes. As it encourages variety and recognizes the inherent value of every individual, the right to equality is a potent tool for social cohesiveness. Societies may unlock the potential of every person by recognizing and defending this right, which will promote originality, innovation, and social advancement.

### REFERENCES

- [1] D. T. Fernandes, "Feminist Rights Equality Education And Occupation As Seen In Maya Angelou's Poems," *J. Ilm. Lang. Parol.*, 2017.
- [2] D. Snow, "Litigating Parentage: Equality Rights, LGBTQ Mobilization and Ontario's All Families Are Equal Act," *Can. J. Law Soc.*, 2017.
- [3] F. Walji, "Funding Trends Affecting Women's Rights and Gender Equality Organizing," *Dev.*, 2017.
- [4] M. C. Galmarini-Kabala, "Ability to bear rights or ability to work? The meaning of rights and equality for the Russian deaf in the revolutionary period," *Hist. Res.*, 2017.
- [5] B. Gunes, "Changes brought by the law on human rights and equality institution of Turkey," *Pressacademia*, 2017.
- [6] S. De Vido, "Women's rights and gender equality in Europe and Asia," in *Contemporary Issues in Human Rights Law: Europe and Asia*, 2017.
- [7] S. Kumar Pathania, "Sustainable Development Goal: Gender Equality For Women's Empowerment and Human Rights," *Int. J. Res. -GRANTHAALAYAH*, 2017.
- [8] A. M. Laflamme, "Troubles mentaux et accommodement raisonnable au travail: Les potentialités du droit québécois," *Sante Ment. Que.*, 2017.
- [9] W. Montag, "The Legacies of the Russian Revolution: Power, Equality, Right," *Cris. Crit.*, 2017.
- [10] E. Unterhalter, "A Review of public private partnerships around girls' education in developing countries: flicking gender equality on and off," *J. Int. Comp. Soc. Policy*, 2017.

## CHAPTER 3

### FUNDAMENTAL RIGHTS AS PROTECTIVE LAWS: A REVIEW STUDY

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#### ABSTRACT:

Fundamental rights are the bedrock of legal systems, serving as protective laws that safeguard the inherent dignity, freedoms, and well-being of individuals within a society. This paper delves into the concept of fundamental rights as protective laws, analyzing their role in upholding individual liberties and serving as checks on potential abuses of power. By examining the historical evolution, legal frameworks, and practical implications of fundamental rights, this study aims to provide a comprehensive understanding of their significance as protective mechanisms. The analysis underscores how fundamental rights ensure a just and equitable society, fostering accountability, preventing oppression, and promoting a harmonious coexistence among diverse populations. Fundamental rights, aptly termed as protective laws, form the ethical and legal foundation upon which democratic societies stand. Their historical emergence is a testament to humanity's collective recognition of the necessity to shield individuals from arbitrary rule and ensure their autonomy. While their specific articulations may vary across jurisdictions, the underlying principles remain consistent: to provide a shield against potential encroachments on human dignity and liberty.

#### KEYWORDS:

Protection, Rights, Social justice, Treatment, Unbiased, Unlawful differentiation, Universality.

### 1. INTRODUCTION

The nation's laws are created with the intention of protecting its citizens. The rules that are created should be able to act as a barrier or guarantee against any infringement on the rights of individuals. Both protective and repressive rights have sometimes been passed by state legislatures and the parliament. Some of the safeguarding rights are covered.

#### Essential Rights as Protection Under the Laws

The Constitution's authority as law: The Indian Constitution makes the following plain in accordance with Article 367:

1. The Part III of the constitutions' fundamental rights provisions are laws.
2. Fundamental rights that are not included are also laws.

The Directive Principles cannot be justified. However, the state is required to enforce them as laws. Article 13 of the Constitution offers constitutional protections against legislation that violate basic rights. The Article recognizes and declares that all laws in effect prior to the Constitution's start date shall be void if they conflict with the provisions of Part III of the Constitution. It also forbids the state from passing any legislation that restricts or limits the rights guaranteed by Part III of the Constitution. Despite their differences, fundamental rights serve as protective legislation. They mainly vary from one another in the following ways:



1. While some basic rights place restrictions on the State, others provide advantages. Negative expressions are used for those that are restrictions. The phrase "they shall not deny to any person equality before the law" appears in Art. 14, for example. Contrarily, certain basic rights that offer certain advantages are expressly stated. Therefore, the freedom of religion is a good right.
2. The Executive is subject to certain constraints imposed by basic rights. Others limit the authority of the legislature.
3. The majority of basic rights provide protection from governmental acts. For instance, the rights protected by Articles 19 and 21 are accessible in the face of government intervention. If such rights are infringed by private parties, the offender is unable to use constitutional protections.
4. Only citizens may use a few of the essential rights. The rights listed in Articles 15, 16, 19, and 30 fall within this category. Other people, whether citizens or foreigners, are given additional basic rights. The rights outlined in Articles 14, 20, 21, 23, 25, 27, and 28 are open to everyone who lives on Indian land[1], [2].
5. Some of the basic rights provide vulnerable populations protection. These rights are described in detail in Articles 17, 23, 24, 25, 28, 29, and 30.
6. The protection of the basic rights is provided by Article 32 of the constitution. The corrective basic rights are protected by this article. Enacting legislation to protect fundamental rights is permitted under article 35 of the constitution, which gives the parliament the authority to do so. The states have been denied such authority.

### **Directive Principle's Protection Aspect**

Although directive principles are not binding, courts have made an effort to establish a fair balance between them and basic rights. These methods have been used to do this:

1. According to the courts, Directive Principles serve as a reliable barometer of restrictions on basic rights.
2. The courts have taken the Directive Principles into consideration while deciding the extent and application of the Fundamental Rights.
3. According to the court, the Directive Principle is a reliable indicator of the public aim.
4. In a number of instances, the court has upheld the guiding principles under the guise of a broader interpretation of fundamental rights. Adoption of the Directive Principles: The federal government, the union, and the states have put several directives into effect during the last 58 years. For instance, the abolition of the zamindari system, free legal aid for the underprivileged and weaker members of society, the promotion of cottage industries, laws requiring all children to attend kindergarten, the introduction of various programs aimed at raising the standard of living of people, especially of the rural population, the Equal Remuneration Act, and many other laws of this nature.

### **Laws Defending the rights of women**

Since the British ruled India, social reform legislation respecting women's rights has been adopted. Following independence, legislators also passed a number of laws to safeguard women's rights and provide penalties for their infringement. Progress toward gender equality: On December 19, 1979, the U.N. General Assembly enacted the CEDAW, making it worldwide law to recognize women's rights as human rights.

The Indian Constitution forbids sex-based discrimination with regard to India. However, it acknowledges that women need particular consideration. The articles 23 and 42 highlight the latter aspect. The trade of human beings is forbidden under Article 23. This implies that people like women, children, etc. cannot be used for immoral reasons of disposal. According to Article 42, the State is required to provide reasonable and compassionate working conditions including maternity leave. The entitlement to maternity benefits under Article 42 of the Constitution is recognized by the Directive Principles of State Policy. The Maternity Benefits Act was enacted by the Indian Parliament in 1961. The Maternity Benefits Act tries to control how women are employed in certain enterprises during specific times before and after childbirth and offers maternity leave and specific benefits. The Domestic Violence Act of 2005 protects the wife or female live-in partner against abuse by the husband or male live-in partner or his family members. According to the Act, abuse may be real or threatened and can be either physical, sexual, verbal, emotional, or financial. This description would also include harassing a lady or her family members by making illegitimate dowry demands.

1. Articles 14, 15, 16, and 39, among other things, ensure gender equality.
2. Equal protection under the law and equality before the law are outlined in Art. 14.
3. Discrimination against any citizen on the basis of religion, race, sex, or other factors is forbidden under Art. 15.
4. Equal opportunity in issues of public employment is guaranteed under Art. 16. No citizen will be subjected to discrimination on the basis of religion, race, caste, sex, or other characteristics.
5. Equal compensation for equal labor is guaranteed under Article 39 for both men and women [3], [4].

### **Laws the rights of children**

In our culture, children are the most disadvantaged group. Because of the extreme poverty in our nation, children from disadvantaged social groups are often compelled to work, which is known as child labor. According to the National Sample Survey, the percentage of children working has dramatically grown. Additionally, the circumstances under which a youngster is forced to labor are no better than those of slavery. The 1986 legislation, which outlines the jobs and procedures in which hiring juveniles is forbidden, is the most significant of them. Being a domestic servant, working in dhabas, restaurants, hotels, motels, teashops, resorts, spas, or other recreational facilities are just a few of the risky jobs that children cannot be engaged in. Additionally, the hours that a youngster may work are set out. Children are not allowed to work between the hours of 7 p.m. and 8 p.m. and are only allowed to work for up to six hours with a break of at least one hour. scheduled castes and scheduled tribes' rights.

## **2. DISCUSSION**

### **Definition of Scheduled Castes and Scheduled Tribes**

It refers to the castes and tribes that have been designated as Scheduled Castes and Scheduled Tribes by the President's decree. Castes, once known as "Untouchable Castes," are now referred to as "Scheduled Castes." 'Scheduled tribes' are defined as ethnic groups that have lived mostly in forests. These sectors should be granted specific benefits and protection, according to many articles of the constitution. The purpose of such measures is to end the suffering that has been inflicted upon individuals as a result of prejudice and exploitation. The Parliament and State legislatures have enacted a number of legislation to safeguard the rights of the Scheduled Castes and Scheduled Tribes.

Untouchability is outlawed and made illegal by the Constitution's Article 17, which also announces its abolition. The Scheduled Castes and Scheduled Tribes Act was passed by Parliament in 1989 because the long-standing practice persisted even after India gained independence. The State may establish exceptional facilities, as allowed by Article 15's Clause, for the progress of Scheduled Castes, Scheduled Tribes, and other Backward Classes in educational and technical institutions. According to Article 16, positions or appointments in the public sector may be reserved for members of any disadvantaged citizenry that is not sufficiently represented in state-run services. Reservations cannot be made, nevertheless, if a cadre has only one position. According to Articles 330, 332 and 334 of the Indian Constitution, seats in the Lok Sabha and State Assemblies are reserved for certain groups of people. The sale or transfer of land to non-tribals is prohibited under special regulations created to safeguard tribe territory.

The Fifth and Sixth Schedules of the Constitution include special provisions. The Fifth Schedule gives the Governor the authority to pass specific laws to safeguard the Scheduled Tribes from financial exploitation, to control land allocation, and to prohibit or limit the transfer of land in the Scheduled Areas. The administration of tribal territories in Assam, Meghalaya, and Mizoram is covered under the sixth schedule.

### **Criminal Laws**

The world's longest constitution, which includes a section on basic rights, is that of India. Its highest courts have rendered several important rulings on the protection of rights that have won the admiration of other jurists across the globe. Human freedom is given top priority in every democracy, yet there are occasions when it is restricted. The so-called protectors of the rules often take away people's rights. The Indian Constitution's framers included room for preventative detention. According to history, governments have employed oppressive measures and laws to maintain their authority. Certain laws are really repressive. Because the legislation itself breaches human rights, these laws are known as "black laws" or "repressive laws." The Madras Suppression of Disturbance Act of 1948, which authorized the use of military force against Telangana's peasants, was one of the first of its kind. During the years 1947–1948, other laws such as the Punjab Disturbed Areas Act, the Bihar Maintenance of Public Order Act, and the Bombay Public Safety Act were also passed under the guise of combating communism and maintaining public order. The security forces now have the authority to detain and arrest anybody thanks to this legislation.

The Preventive Detention Act was created to address emergency situations brought on by war, foreign aggression, and sometimes domestic unrest. The West Bengal of Violent Activities Act 1970 was passed by the West Bengal government in response to the growth of the Naxalite movement. The government abusing these laws[5], [6]. Today's scenario is frightening due to the terrorist issue. It has to be dealt with effectively, which calls for tough legislation. The acts that may be classified as anti-terrorism legislation include the Terrorist & Disruptive Activities Act, 2002.

### **1950's preventive detention act**

In 1950, the Preventive Detention Act was adopted. It was only intended to last for a year, but it was renewed annually and ran out on December 31, 1969.

The following are this act's main characteristics:

- a. Less than a two-month term is acceptable for preventive detention.
- b. Advisory Board consent is required in order to prolong the preventive detention term.

c. The authorities should make it clear that the individual will likely threaten maintaining public order before arresting them. According to this Act, preventative detention had to be reported to an advisory board within 30 days of the date of custody, including the reason for the detention, the detainee's arguments, etc.

### **COFEPOSA & MISA**

In 1971, the Maintenance of Internal Security Act, sometimes known as MISA, was enacted by Parliament. This Act gave the Union and State Governments the authority to imprison someone without a hearing in order to stop him from endangering India's security, defense, or relations with other countries. A person may be held in custody under MISA for a minimum of one year, after which a fresh detention order may be obtained. MISA was aggressively used throughout the era of the national emergency, and thousands of individuals were unlawfully detained. Some non-political figures, including Chandra Shekhar, Atal Bihari Vajpayee, L.K. Advani, and Lalu Prasad Yadav, were detained as a result of MISA. The MISA was finally abolished by the Parliament in April 1978 with the passage of the 42nd Amendment Act of 1978. Act of 1974 known as COFEPOSA stands for Conservation of Foreign Exchange & Prevention of Smuggling Activities. The Foreign currency Regulation Act of 1974 and the Conservation of Foreign Exchange & Prevention of Smuggling Activities Act of 1974, which both called for preventive detention, were directed at anti-social activities including smuggling, racketing in foreign currency, etc.

### **Armed forces act of 1958**

On September 11, 1958, the Indian Parliament approved the Armed Forces Act of 1958. It is regarded as the most oppressive law in India's Parliament's history. Beginning in 1958, the Armed Forces Special Powers Ordinance gave the Governor of Assam and the chief commission of Manipur the authority to proclaim all or a portion of Assam or the Union Territory of Manipur to be a disturbed territory, as the case may be. In 1972, it was modified to include all seven of India's north-eastern states, i.e., Arunachal Pradesh, Assam, Manipur, Tripura, Meghalaya, Mizoram, and Nagaland. It now applies to Jammu and Kashmir. The AFSPA's implementation has led to many instances of arbitrary imprisonment, torture, rape, and looting by security forces. The parts that follow will assist us in comprehending AFSPA[7], [8].

The Act's Section 4 details the authority solely given to commissioned officers. These abilities are not present in Jawan. According to Section 4, an officer may shoot at or otherwise use force, up to and including killing, against anybody acting in violation of any law or order now in effect in the disturbed area.

preventing the carrying of weapons, anything that may be used as weapons, firearms, ammunition, or explosive substances. prohibiting the gathering of five or more people. If a building is being utilized as a training camp, a hideout for armed gangs, or a fortified position from which armed assaults are being made or are believed to be made, the army may demolish it in accordance with Section 4 of the Armistice. Armed forces personnel have the authority to enter and examine property without a warrant and to make warrantless arrests of anybody. According to Section 5, if a person has been detained by the military in accordance with the AFSPA, they shall be delivered to the closest police station. In that no legal action may be taken against any member of the armed forces who is operating in accordance with the AFSPA without the Central Government's consent, Section 6 of this act grants unique rights to army personnel. This clause significantly lessens the responsibility of the armed personnel and the

- 1.If successful in stopping someone from behaving in a way that might harm India's defense, its relations with other countries, or its security, or
- 2.if satisfied with regard to any foreigner in order to control his continuing presence in India or in order to set up the expulsion of such foreigner from India. So, it is required to get a court order mandating the detention of the individual in question.
3. For the security of India or a state, detention orders may be issued under section 3 by both the Central and State Governments.According to Section 3, the length of custody cannot be more than three months. Detention may be prolonged, but only for a total of three months at a time.

When a state government issues a detention order, it must notify the federal government of the custody within 7 days. Additionally, they must submit the justifications for the order's issuance as well as any other information pertaining to its need. The reason for the preventative custody must be disclosed to the detainee by the detaining authority as soon as practicable, but usually no later than five days. However, in extraordinary circumstances, this time may be extended, but not over 15 days, and in these circumstances, the officer is expected to document the reasons for going above the allowed 5-day limit.

4.Putting detention orders into action. A detention order may be carried out in any location in India in the same way as arrest warrants are under the 1973 Code of Criminal Procedure.

5.The authority to control the location and terms of detention. Every person in respect of whom a detention order has been made shall be liable: to be detained in such place and under such conditions, including conditions relating to maintenance, discipline, and punishment for breaches of discipline; and to be transferred from one place of detention to another place of detention, whether within the same State or in another State, by order of the appropriate Government:

7. Authorities with regards to fugitives. If a person for whom a detention order has been issued has absconded or is hiding himself so that the order cannot be carried out, the Central Government, the State Government, or the officer mentioned in subsection 3 of section 3, as the case may be, may: make a report in writing of the fact to a Metropolitan Magistrate or a Judicial Magistrate of the first-class having jurisdiction in the location where the detention order has been issued. After a Section 7 report has been filed. A number of provisions of the Criminal Procedure shall apply to such person and his property. If anyone fails to comply with an order issued under clause of sub-section, he shall, unless he has sufficient justification and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance with the order impossible and of his whereabouts, be punishable with imprisonment for a term of year[9], [10].

Every offense under subsection must be cognizable, regardless of anything stated in the Code of Criminal Procedure, 1973. People who would be impacted by the order must be informed of the order's detention grounds, under Section 8. impacted by the directive. When a person is detained in accordance with a detention order, the authority issuing the order must inform the detainee of the reasons behind the order as soon as possible, but ordinarily not later than five days, and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention. This gives the detainee the earliest opportunity to appeal the order to the appropriate Government.Nothing in the subsection shall compel the authority to divulge information that it deems to be contrary to the interests of the public. Boards of Advisors constitution.



For the purposes of this Act, the Central Government and each State Government shall, if required, establish one or more Advisory Boards. Referring to Advisory Boards, each of these Boards must be composed of three individuals who are, have been, or are eligible to be nominated as judges of the High Court. Within three weeks of the date on which a person is detained pursuant to the order, the appropriate Government is required to present the reasons for the order, any representations made by the person affected by the order, and, in cases where the order has been made by an officer mentioned in Section 3 Subsection 3A, the report made by such officer pursuant to Subsection 3A of that Section, before the Advisory Board it has established under Section 9. The duty of the advisory board is covered in Section 11. After reviewing the case submitted to them and speaking with the party in question, the advisory board submits a report to the relevant government within six weeks after the party in question's arrest.

### **Action on the Advisory Board's report**

The competent Government may affirm the detention order and keep the individual in custody for whatever long it sees suitable in any situation where the Advisory Board has reported that there is, in its judgment, adequate justification for their detention. The competent Government must cancel the detention order and order the subject's immediate release in any situation where the Advisory Board has concluded that, in its judgment, there is insufficient reason to keep a person in custody.

### **Maximum amount of time in custody**

Any person may be detained for a maximum of twelve months from the date of detention in accordance with any detention order that has been confirmed under Section 12; however, nothing in this section shall affect the power of the appropriate Government to revoke or modify the detention order at any earlier time.

### **Protection of Good Faith Action**

The responsible authority that acted in good faith is protected by this provision. Nothing done or intended to be done in accordance with this Act shall give rise to a claim or other legal action against the Central or State Government or any person. Additionally, no compensation is offered to anybody who unintentionally suffered a victimization under the Act.

### **Act Against Terrorist and Disruptive Activities**

The TADA, or Terrorist and Disruptive activity Act, was a statute that was in effect in Punjab from 1985 and 1995 to stop terrorist activity there. The TADA was intended to be a two-year temporary measure, but it was continually extended. It was renewed in 1989, 1991, and 1993 until being allowed to expire in 1995 as a result of growing unpopularity. The Union Government's first and alone legislative attempt to identify and prevent terrorist actions was this legislation. The third paragraph of the Act provides a fairly detailed definition of "terrorism":

"Whoever with intent to overawe the Government as by law established or to strike terror in the people or any section of the people or to alienate any section of the people or to adversely affect the harmony amongst different sections of the people does any act or thing by using bombs, dynamite or other explosive substances or inflammable substances or lethal weapons or poisons or noxious gases or other chemicals or by any other substances of a hazardous nature in such a manner as to cause, or as is likely to cause, death of, or injuries to, any

person or persons or loss of, or damage to, or destruction of, property or disruption of any supplies or services essential to the life of the community, or detains any person and threatens to kill or injure such person in order to compel the Government or any other person to do or abstain from doing any act, commits a terrorist act." The Act established special courts or "designated courts" to try those arrested for terrorist acts and disruptive activities. It granted the authorities wide latitude in deciding who to detain and trial. A special court called the TADA court was established to hear cases and issue rulings relating to the 1993 Bombay bombings. TADA is a substantive criminal legislation; it is not a preventative detention. The fundamental distinction between TADA and conventional law is the length of time a prisoner may be detained in police custody before being transferred to judicial custody: under ordinary law, this period may not exceed 15 days; while, under TADA, it may not exceed 60 days. The provision of anticipatory bail under Section 438 of the Criminal Procedure Code has been restricted by the TADA. It covers the whole of India and also relates to:

a. To Indian nationals outside of India;

b. To all individuals working for the government, no matter where they are; and

The following are the TADA's principal provisions. Any person who commits a terrorist act is subject to punishment, which may include the death penalty or a life sentence along with a fine if the act resulted in a fatality; in all other circumstances, the offender faces a minimum sentence of five years in prison and a maximum sentence of life in prison as well as a fine. Anyone who conspires to commit a terrorist act or any act that is a precursor to a terrorist act, or who advocates, aids, counsels, incites, or knowingly facilitates the commission of such an act, shall be subject to a fine as well as a term of imprisonment that must not be less than five years but may extend to life.

### **Sanctions for disruptive behavior**

Anyone who engages in, conspires to engage in, attempts to engage in, abets, advocates, advises, or knowingly facilitates the commission of, any disruptive activity or any act preparatory to a disruptive activity shall be subject to a fine as well as a term of imprisonment that shall not be less than five years but may extend to life.

No matter what is stated in any other law currently in effect, anyone found in possession of any weapons or ammunition listed in Columns 2 and 3 of Category I or Category III of Schedule I to the Arms Rules, 1962, or bombs, dynamite, or other explosive substances without authorization in a notified area, shall be subject to imprisonment for a term that shall not exceed five years. No matter what is stated in the Companies Act of 1956 or the company's articles of association, the firm must immediately register the Government as the transferee of any shares that are forfeited to the Government under this subsection. The Designated Court may, in addition to imposing any punishment when a person is found guilty of an offense punishable by this Act or any rule made thereunder, order in writing that any property, whether movable or immovable or both, belonging to the accused and specified in the order, shall stand forfeited to the Government free from all encumbrances. The contentious Prevention of Terrorist Activities Act eventually replaced the statute. The Supreme Court issued bail orders for the vast majority of those held under TADA, and "Review Committees" looked into the cases and often recommended release. Officials claim that as of December 1999, over 24,000 TADA accusations against individuals have been dismissed as a consequence of such assessments. Although TADA was repealed in May 1995 as a result of intense international pressure from UN bodies and non-governmental organizations, its provisions are still being applied retroactively and persons are still being punished and detained in accordance with them. People in Punjab and other Indian states are

still being hounded and retroactively charged with crimes under TADA. Additionally, it is believed that anyone sought in connection with crimes committed while TADA was in effect are bound by its rules.

## CONCLUSION

These safeguarding rules serve as an essential check on the use of power by institutions, governments, or even the majority. They establish the limits that the government must follow, making sure that the rule of law takes precedence over the rule of force. Fundamental rights promote openness, accountability, and responsible government by defining unambiguous norms of conduct and securing individual entitlements. Furthermore, in varied communities, basic rights act as a uniting factor.

They go beyond racial, religious, gender, and other distinctions to emphasize how important it is for everyone's rights to be protected in order for society to function as a whole. By establishing a set of universal standards that promote mutual respect and understanding among people, these rights facilitate peaceful coexistence. Fundamental rights continue to be crucial in a society that is changing quickly. They protect against the demise of democratic principles, the escalation of authoritarian tendencies, and the exclusion of weaker groups. Societies may work toward a future where human dignity is sacred, freedoms are upheld, and justice is achievable for everyone through protecting basic rights as protective laws.

## REFERENCES

- [1] K. O'Connell, "Should we take the 'disability' out of discrimination laws?: Students with challenging behaviour and the definition of disability," *Law Context. A Socio-legal J.*, 2017.
- [2] P. M. Eba and H. Lim, "Reviewing independent access to HIV testing, counselling and treatment for adolescents in HIV-specific laws in sub-Saharan Africa: Implications for the HIV response: Implications," *Journal of the International AIDS Society*. 2017.
- [3] P. Arellano Ortiz and J. Benfeld Escobar, "Reflexiones sobre el principio de protección al trabajador y su influencia en el ámbito sustantivo y procesal del derecho laboral: Otra Mirada al caso Kronos," *Revista Chilena de Derecho y Tecnología*. 2017.
- [4] G. Gordon, "Environmental Personhood," *SSRN Electron. J.*, 2017.
- [5] C. Starck, "State duties of protection and fundamental rights," *Potchefstroom Electron. Law J.*, 2017.
- [6] R. Beqiri, "Reflections on Certain Witnesses Protective Measures Under the Rome Statute of the International Criminal Court," *Eur. Sci. Journal, ESJ*, 2017.
- [7] A. Wijayanti, N. A. Hidayat, A. Hariri, Sudarto, and U. Sholahuddin, "Framework of child laborers legal protection in marginal communities," *Man India*, 2017.
- [8] D. Dinner, "Beyond 'best practices': Employment-discrimination law in the neoliberal era," *Indiana Law Journal*. 2017.
- [9] B. Murphy, "Balancing religious freedom and anti-discrimination: Christian Youth Camps Ltd v Cobaw Community Health Services Ltd," *Melb. Univ. Law Rev.*, 2017.
- [10] D. Kanstroom, "The 'Right to Remain Here' as an Evolving Component of Global Refugee Protection: Current Initiatives and Critical Questions," *J. Migr. Hum. Secur.*, 2017.



## CHAPTER 4

### A REVIEW STUDY OF PREVENTION OF TERRORIST ACTIVITIES ACT AND HUMAN RIGHTS

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#### ABSTRACT:

The Prevention of Terrorist Activities Act (PTAA) represents a significant legislative framework aimed at mitigating the threat of terrorism and maintaining national security. This paper examines the intricacies and implications of the PTAA, delving into its provisions, objectives, and challenges. By analyzing the act's historical context, legal mechanisms, and its impact on civil liberties, this study seeks to provide a comprehensive understanding of the balance between counterterrorism efforts and the preservation of individual rights. The analysis emphasizes the importance of a nuanced approach to counterterrorism, ensuring that preventive measures are effective without unduly infringing upon fundamental freedoms. The Prevention of Terrorist Activities Act (PTAA) stands as a testament to the multifaceted challenge of combating terrorism while upholding the principles of democracy and human rights. Its historical origins lie in the imperative to protect societies from the grave threats posed by terrorist activities. The act's provisions offer law enforcement agencies essential tools to preemptively address these threats, but they also raise concerns regarding potential abuse of power and infringement on civil liberties.

#### KEYWORDS:

Counterterrorism, Law, Measures, National Security, Regulation.

#### 1. INTRODUCTION

The Indian Parliament passed POTA, a law against terrorism, in 2002. The measure, which had the backing of the ruling National Democratic Alliance, repealed both the Terrorist and Disruptive Activities measure and the Prevention of Terrorism Ordinance of 2001. The legislation established the groundwork for stronger administrative powers to combat terrorism in India and was intended to be applied to all individuals and actions covered by its provisions. It wasn't intended to be a stand-in for legal action under standard criminal statutes. The legislation established what constitutes a terrorist act and a terrorist, and it gives the investigative agencies included in the act extra authority. Specific safeguards were included into the legislation to guarantee that particular authorities would not be abused and human rights would not be violated. The most notable among them are.

An officer with the level of deputy superintendent of police or above may conduct an investigation into an accused person. If there is an allegation of torture, the judge will order the accused to undergo a medical examination after recording confessions made to the police within 48 hours. The new legislation allowed for the custody of a suspect for up to 180 days without the filing of criminal charges. Additionally, it permitted authorities to regard a confession given to them as an acknowledgment of guilt and to keep the identity of witnesses a secret. A person may contest such confessions in court under conventional Indian law, but not under POTA[1], [2].

The United Progressive Alliance coalition abolished the law in 2004. Notable POTA cases

A well-known politician from Tamil Nadu named Vaiko was controversially detained under the POTA because of his allegiance to the Liberation Tigers of Tamil Eelam. Three individuals were taken into custody after the Mumbai bombings in August 2003 as a result of the POTA laws. In 2004, the law was abolished the next year. Mumbai was the scene of many train bombs in July 2006. Mumbai was the target of the biggest terrorist assault in recent Indian history towards the end of November 2008. As a result, there had been an increase in terrorist acts of more serious proportions, which has caused some individuals to wonder if it would be wise to abolish POTA.

A special POTA court convicted S.A.R. Geelani, a professor at Delhi University, to death for his suspected involvement in the 2001 assault on the Indian Parliament. Later, the Delhi Bench of the High Court cleared him on appeal due to a procedural irregularity. POTA led to the arrest of Jamaat-e-Islami leader Syed Ali Shah Geelani. Mobster Raghuraj Pratap Singh, also known as Raja Bhaiya, was detained on the instructions of Mayawati Kumari, the country's chief minister at the time. He was also a member of the Kunda Legislative Assembly. He received a POTA prison sentence.

### **Human rights advocacy and protection in India.**

Because we are human, we have certain rights, often known as human rights. Regardless of one's caste, class, ethnicity, age, gender, or religion, these rights belong to everyone. Fundamental freedoms and human rights are protected by the law in democracies, making it the responsibility of the executive branch to uphold these rights. Every state has a duty to ensure that its residents are allowed to exercise their freedom and are not denied fundamental human rights. These rights may be roughly divided into two categories: civil and political rights and economic, social, and cultural rights. All of these human rights are useless if they are not safeguarded; only when these rights are protected will growth and development be possible. There must be a framework in place to defend these rights and advance them. In this chapter, we'll examine the recommended system for India's preservation and advancement of human rights. Numerous commissions have been created in our nation for this reason, which we will investigate. Justice T.K. Thommen claims that the National Human Rights Commission was established to draw attention to the urgent issue endangering human rights. Its primary responsibility is to protect human rights.

Both sets of rights are intended to enable a person to participate fully in societal matters. Following the General Assembly's adoption of the Universal Declaration of Human Rights on December 10th, 1948, two Covenants the 1966 International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights were created. In 1979, India ratified both of these international treaties [3], [4].

### **Nhrc, or the National Human Rights Commission**

Under the authority of the Protection of Human Rights Act of 1993, the National Human Rights Commission was founded on October 12th, 1993. In addition to the NHRC, this legislation advocated the establishment of State Human Rights Commissions and Human Rights Courts. National Human Rights Commission's constitution the members of the Commission are: the Chairperson, a former Chief Justice of India; two Supreme Court judges currently serving or who have served in that capacity; one former Chief Justice of the High Court; and two members chosen from among those with knowledge of human rights and relevant experience. For the purposes of carrying out the duties outlined in clauses to of section 12, the chairpersons of the National Commissions for Minorities, Scheduled Castes and Scheduled Tribes, and Women will be assumed to be members of the commission. After

receiving recommendations from a committee led by the Prime Minister, the President appoints all of these individuals.

The rules and regulations intended for all members

1. After five years from the date of his appointment or, if it occurs sooner, when he reaches the age of 75, a member appointed as chairman will no longer be a member.
2. A member may be reappointed after serving for five years as long as they are under 75 years old.
3. If a person is not reappointed as a member, he or she will not be qualified to hold any positions with the federal or state governments.

### **Reaction to the chairman or member**

1. Only on the president's order and only after the Supreme Court has been consulted may any member or chairman be dismissed for reasons such as misconduct or incompetence. There are further circumstances that must be met in order to dismiss the chairman or member.

1. If it is determined that they are bankrupt.
2. Working as a salaried employee at an office
3. Unable to do his task due to a mental or physical impairment.
4. He or she is a mental invalid.
5. If somebody is found guilty of and given a punishment for a crime involving moral turpitude.

The commission's established and regulated procedure

- a) The location and date of the meetings are chosen by the chairman.
- b) The commission is allowed to enact whatever rules it sees fit.

All commission decisions must always be approved by the secretary general or another official designated by the chairman.

## **2. DISCUSSION**

### **Functions of the commission—Enquiry and Authority of NHRC**

The commission may intervene in any case containing an accusation of a violation of human rights that is currently before a court. The commission may conduct an investigation on its own initiative or in response to a petition submitted to it by a victim or someone acting on his behalf. The Commission is permitted to go to any facility run by the State Government where people are being held or housed for the purpose of treatment, reformation, or protection in order to observe the living circumstances of the detainees and provide suggestions. The Commission will have all the authority of a civil court hearing a case under the Code of Civil Procedure, 1908, while investigating complaints brought under this Act, especially with regard to the following issues:

The discovery and production of any document, the receipt of testimony based on affidavits, the request for any public record or a copy of it from any court or office, the issuance of commissions for the examination of witnesses or documents, and any other matter that may be prescribed.

The Commission shall have the authority to require any person to provide information on any points or matters that, in the Commission's opinion, may be useful for or relevant to the subject of the inquiry, subject to any privilege that may be claimed by that person under any law currently in effect. Any person so required shall be deemed to be legally obligated to provide such information within the meaning of sections 176 and 177 of the Indian Penal Code. Subject to the limitations of section 100 of the Code of Criminal Procedure, 1973, insofar as it may be applicable, the Commission or any other officer, not holding the rank of a Gazetted Officer, specially authorized in this regard by the Commission may enter any building or place where the Commission has reason to believe that any document relating to the subject of the inquiry may be found. The Commission may seize any such document or take extracts or copies therefrom. When an offense listed in Sections 175, 178, 179, 180, or 228 of the Indian Penal Code is committed in the view or presence of the Commission, the Commission may, after recording the facts constituting the offense and the accused's statement in accordance with the Code of Criminal Procedure, 1973, forward the case to a Magistrate with the authority to try the same and the accused[5], [6].

In accordance with sections 193 and 228 of the Indian Penal Code, as well as for the purposes of section 196, every proceeding before the Commission shall be deemed to be a judicial proceeding, and the Commission shall be deemed to be a civil court for all purposes of sections 195 and XXVI of the Code of Criminal Procedure, 1973. Any complaint that has been filed with or is currently pending before the Commission may, in certain circumstances, be ordered transferred to the State Commission of the State from which the complaint originated for resolution in accordance with the provisions of this Act. However, no such complaint may be transferred unless it relates to a matter over which the State Commission has the authority to hear it. Every complaint that is transferred under this provision must be handled and decided upon by the State Commission in the same manner as a complaint that was first submitted to it.

### **Procedure for the investigation**

When looking into complaints of human rights violations, the Commission may: request information or reports from the Central Government, any State Governments, or any other authority or organization beneath them within the time frame it may specify; provided, however, that: if the information or report is not received within the time frame specified by the Commission, the Commission may proceed to look into the complaint on its own; if, after receiving information or a report, the Commission determines that there has been a violation of a person's rights, the Commission shall

### **Annual and special Commission reports**

The Commission is required to submit an annual report to the federal government and the relevant state governments. In addition, the Commission is free to submit special reports whenever it deems it necessary or urgent to do so rather than waiting until the annual report is due. The Central Government and the State Government, as applicable, shall cause the annual and special reports of the Commission to be laid before each House of Parliament or the State Legislature, as applicable, along with a memo of action taken or proposed to be taken on the Commission's recommendations and the reasons for non-acceptance of the recommendations, if any.

The number of complaints the Commission has received has definitely increased, according to G.P. Joshi. The number of complaints rose from 6,987 in 1994–1995 to 10,195 in 1995–1996 and 20,514 in 1996–1997. The following information that there is a significant difference between the cases registered and the cases disposed by the commission makes the

Commission happy on this account as it denotes, in the Commission's words, an increase in awareness of human rights and a "reflection of the increasing confidence of people in the Commission.

The Protection of Human Rights Act, 1993, set forth certain goals, and over the past fifteen years, the Commission has worked diligently and effectively to use the opportunities afforded to it by the Act to promote and protect human rights in the nation. However, the Commission faces some challenges, including a lack of staff and the absence of a full-fledged investigative machiner.

### **SHRC: State Human Rights Commission**

As was already said, the Protection of Human Rights Act of 1993 suggests that for greater human rights protection, each state should establish a state and national human rights commission. Additionally, this sub-section with regard to the Jammu and Kashmir Human Rights Commission shall have effect as if the words and s "List II and List III in the Seventh Schedule to the Constitution" had been replaced with the words and s List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir and in respect of matters in relation to which the Legislature of that State has power to make laws[7], [8].

With the caveat that any appointments made in accordance with this subsection must be done so after consulting the Committee mentioned in section 22's subsection about the State for which a common Chairperson, Member, or both, as the case may be, is to be nominated appointment of the State Commission's chairperson and members. The Governor shall appoint the Chairperson and Members by warrant signed and sealed by him. With the caveat that any appointment made according to this subsection must first have the recommendation of a committee of up of:

1. The Chief Minister is the chair.
2. Member and Speaker of the Legislative Assembly
3. State Minister for the Home
4. Opposition leader in the Legislative Assembly
5. Chairperson and State Commission members' terms of office.

Upon taking office, a person chosen as chairperson must serve for a period of five years, or until he or she becomes 70 years old, whichever comes first. A Chairperson or a Member who is appointed shall hold office for a term of five years from the date on which he or she assumes that office and shall be eligible for reappointment for another term of five years; provided, however, that no Member shall hold office after he or she has attained the age of seventy years.

### **Powers and duties of the SHRC**

The only difference between the State Commission's duties and the National Human Rights Commission's is that the State Commission is only permitted to investigate cases that are directly related to their own state; if a matter is before the State Commission, the National Human Rights Commission will not be involved.

### **NCSC, the National Commission for Scheduled Cases**

As identified in a schedule to the constitution of India, these classes are known as scheduled castes, Dalits, or Harijans. For many years these classes were exploited by others. In our constitution certain safeguards are provided for. In our country some of the castes have been deprived of the opportunities for their development. they remained underprivileged and

socially and economically backward. Clause Article 338 outlines the commission's responsibilities, including: investigating and monitoring all matters relating to the safeguards provided for the Scheduled Castes under this Constitution, under any other law currently in effect, or under any order of the government; investigating specific complaints regarding the deprivation of rights and safeguards of the Scheduled Castes; and participating in and providing advice. The Commission shall have all the powers of a civil court trying a case while looking into any matter referred to in subclause or looking into any complaint referred to in subclause of clause, in particular with regard to the following matters, namely.

1. Calling anybody from wherever in India to appear and requiring his presence before being sworn in;
2. Demanding that any document be discovered and produced;
3. Receiving affidavit-based evidence;
4. Requesting a copy of or access to any public document from a court or agency;
5. Creating commissions to examine documents and witnesses;
6. Anything else that the President may decide by rule.

According to Section 338, the Union and State governments must engage the commission on all significant issues of policy that concern schedule castes. New Delhi serves as the location of the Commission's headquarters.

### **Primary Wings**

When the commission receives information about an incident of atrocity committed against a member of the Scheduled Caste, it immediately contacts the state's and district's law-enforcement and administrative apparatus to learn more about the incident and the steps taken by the district administration. Atrocities & protection of civil rights. It deals with issues relating to atrocities committed against scheduled castes [9], [10].

The Eco. Social Development Wing primarily handles with the plans and programs of the federal and state governments. Some of its activity includes the following.

1. A special caste-specific component scheme.
2. NSC and FDC
3. Complaints or representations addressing schedule castes' grievances.
4. Land reforms Act and its implementation, Social Research Institute, and other research organizations.
5. A plan for education for scheduled castes.

NCSC also holds state-level review meetings and monitors and assesses the effects of development plans for SC'S.

### **3. CONCLUSION**

Effective counterterrorism measures and the protection of individual rights must be balanced carefully. While stopping terrorist attacks is of utmost importance, it is also vital to make sure that the safeguards put in place do not undermine the same liberties they are meant to defend. In order to achieve this balance, oversight, responsibility, and precautions against abuse are



essential. The PTAA highlights the necessity for flexible legal frameworks as nations continue to struggle with the changing nature of terrorism.

The law should be periodically reviewed and revised to reflect lessons learnt and take into account new problems. Legislative measures are simply one part of a holistic counterterrorism strategy that also addresses the roots of radicalization, fosters social cohesion, and includes communities in combating extremism. The Prevention of Terrorist Activities Act, in its final analysis, emphasizes the difficulty of combating terrorism while respecting the principles of justice, liberty, and human dignity. A society's reaction to terrorism should reflect its dedication to democracy and include strong security measures that uphold and defend everyone's rights. The careful balancing of policies that both combat future threats and uphold the ideas that characterize our societies is necessary in the effort to create a world free from terrorism.

## REFERENCES:

- [1] S. Dhanapal And J. S. Sabaruddin, "Prevention Of Terrorism: An Initial Exploration Of Malaysia's Pota 2015," *Pertanika J. Soc. Sci. Humanit.*, 2017.
- [2] V. Avdeev, O. Avdeeva, S. Rozenko, E. Znamerovski, And E. Kiselyov, "Crime Of The Terrorist Character And Extremist Orientation In The Russian Federation: State And Measures Of Counteraction," *J. Secur. Sustain. Issues*, 2017.
- [3] A. Caiola, "The European Parliament And The Directive On Combating Terrorism," *Era Forum*, 2017.
- [4] M. Bunchuk, "Financial Instruments Of The State Policy For The Prevention Of Terrorist Acts In Ukraine," *Balt. J. Econ. Stud.*, 2017.
- [5] E. Buçaj, "The Need For Regulation Of Cyber Terrorism Phenomena In Line With Principles Of International Criminal Law," *Acta Univ. Danubius*, 2017.
- [6] A. N. Tarbagaev And G. L. Moskaev, "Issues Of Criminal Law Regulation Of Inducement, Recruitment Or Other Involvement In Terrorist Activities (Part 1 Of Article 205.1 Of The Criminal Code Of The Russian Federation)," *Russ. J. Criminol.*, 2017.
- [7] B. Bean, "Mitigating Insider Threats In The Domestic Aviation System: Policy Options For Tsa," *Hemel. Secur. Aff.*, 2017.
- [8] T. T. Act *Et Al.*, "Prevention Of Money Laundering / Combating Terrorist Financing: Guidance For The Uk Financial Sector Part I," *Glob. Corrupt. Rep. Educ.*, 2017.
- [9] M. Watney, "Evaluating Internet Intermediary Responsibility And Liability For Criminal Law And National Security Enforcement," In *European Conference On Information Warfare And Security, Eccws*, 2017.
- [10] S. Mynenko, "Evolution Of The Anti-Money Laundering System," *Int. Sci. J. "Internauka". Ser. "Economic Sci.*, 2017.

## CHAPTER 5

### NATIONAL COMMISSION FOR SCHEDULED TRIBES –NCST

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#### ABSTRACT:

The National Commission for Scheduled Tribes (NCST) serves as a pivotal institution in safeguarding the rights, welfare, and development of India's indigenous communities. This paper delves into the establishment, functions, and significance of the NCST within the broader context of social justice and inclusivity. By examining its legal framework, mandates, and challenges, this study aims to provide an in-depth understanding of the NCST's role in addressing historical injustices and advocating for the rights of Scheduled Tribes. The analysis underscores the importance of the NCST's efforts in promoting equitable opportunities, preserving cultural heritage, and ensuring the participation of marginalized communities in the country's socio-economic progress. The National Commission for Scheduled Tribes (NCST) stands as a cornerstone in India's commitment to rectify historical injustices, empower marginalized communities, and ensure social justice. Its establishment signifies the acknowledgment of the unique challenges faced by Scheduled Tribes and their need for dedicated support to overcome systemic discrimination and achieve holistic development.

#### KEYWORDS:

Indigenous Communities, Rights, Empowerment, Marginalized, Social Justice, Scheduled Tribes.

### 1. INTRODUCTION

On February 19, 2004, the National Commission for Scheduled Tribes became operational. The Ministry of Tribal Affairs announced the National Commission for Scheduled Tribes' rules on February 20, 2004. The Chairperson, Vice-Chairperson, and Members of the Commission each have a three-year term starting on the day they took on their respective responsibilities. The C.P., V. CP, and members will be chosen from among qualified, honorable individuals with a track record of selfless commitment to the cause of justice for STS. There must be at least one female member. The first Commission, which was established in February 2004, served its term until March 2007. Currently, Smt. Urmila Singh serves as the commission's chairwoman, while Shri Tsering Samphel serves as a commission member. In the month of June 2007, they both joined. Vice-Chairman and two Member positions are now open. The National Commission for Scheduled Tribes conducts business out of its New Delhi headquarters and its regional offices, which are spread across six States. The following are There are six NCST units at the headquarters, and they are as follows:

#### Unit for Administration Coordination Study Groups I, II, III, and IV

The main functional units are Research Units I, II, III, and IV, which, in accordance with how the Ministries/Departments, States, and UTs are distributed among these four Research Units, deal with all issues pertaining to socioeconomic and educational development, service safeguards, and atrocities in relation to STs. The National Commission for Scheduled Tribes has six regional offices, which serve as the organization's "eyes and ears," in Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi, and Shillong. They monitor the development of policy and the issuance of recommendations pertaining to the welfare of Scheduled Tribes in the



States and Union territories, and they regularly update the Commission's Headquarters on changes. Any State Government or UT Administration policy choices that have an impact on the interests of the Scheduled Tribes are brought to the attention of the relevant authorities for any required action[1], [2].

### Functions

The Constitution's Article 338A, as modified by the Constitution Act of 2003, lays forth the responsibilities, authority, and powers of the National Commission for Scheduled Tribes. According to the clause, it is the responsibility of the Commission to look into, monitor, and assess all issues relating to the safeguards provided for the Scheduled Tribes under this Constitution, under any other law currently in effect, or under any order of the government. to look into particular allegations about the Scheduled Tribes' lack of protections and rights. to assess the status of the Scheduled Tribes' socioeconomic development under the Union and any State, and to participate in and provide advice on the planning process. to provide reports on the operation of such safeguards to the President on a yearly basis and at other times the Commission may consider appropriate. to perform any other duties related to the protection, welfare, development, and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament.

According to clause, the Commission shall have all the powers of a civil court trying a case while looking into any matter referred to in sub-clause or looking into any complaint referred to in sub-clause of clause, particularly in respect of the following matters, namely: summoning and enforcing the attendance of any person from any part of India and examining him on oath.

1. Requesting the production of all papers and their discovery; accepting testimony on affidavits.
2. Requesting a copy of or access to any public document from a court or agency.
3. Appointing committees to look into documents and witness testimony.
4. Anything else that the President may decide by rule.

The clause states that the Commission must be consulted by the Union and each State Government on all significant policy decisions affecting Scheduled Tribes.

The commission would additionally carry out the following additional duties: There are steps that must be made to provide STs living in forested areas ownership rights over small forest products.

Measures must be done to protect indigenous groups' rights to mineral, water, and other resources. Actions should be made to promote tribe development and to move toward more practical means of subsistence. There are steps that need to be made to increase the effectiveness of the rehabilitation and relief efforts for indigenous communities uprooted by development projects. Actions should be made to stop tribal people from losing their connection to their land and to successfully rehabilitate those for whom this has already happened. Efforts should be made to elicit the most. indigenous groups' cooperation and participation in efforts to preserve woods and implement social reforestation. The requirements of the panchayats of 1996 must be fully implemented; hence measures must be done to accomplish this. measures should be made to lessen and eventually end the tribal practice of shifting cultivation, which results in their ongoing disempowerment and the deterioration of the environment and the land[3], [4].

## Women's National Commission

The social structure of our nation is predominantly patriarchal. Women are treated as second-class citizens and are seen as inferior under this system. They have experienced several forms of social and legal prejudice. Such disparities must be eliminated, and provisions must be made to address her issues. "A structure was deemed necessary to uphold the rights and carry out the provisions of beneficial legislation, in an organized and institutionalized manner," according to the statement. Accordingly, the National Commission for Women was established as a formal organization in January 1992 in accordance with the New Act of 1990. Reviewing women's legal and constitutional protections is the NCW's primary goal. to suggest corrective legislative actions. to make it easier for complaints to be resolved and to provide government advice on all issues of policy that affect women.

According to its mandate, the Commission took a number of initiatives to advance women's rights and promote their economic development. A significant number of complaints were received during the visits to the states. To ensure prompt justice in certain situations, the commission took action on its own. It addressed the problem of child marriage, supported legal education initiatives, Parivarik Mahila Lok Adalats, and examined legislation including the National Commission for Women Act of 1990, the Indian Penal Code, the Dowry Prohibition Act of 1961, and the PNDT Act of 1994. It held seminars and discussions, established expert committees to promote gender awareness and economic development for women, and launched a public awareness campaign against female foeticide, violence against women, etc.

a. Chairperson who is dedicated to the cause of women, to be appointed by the Central Government, should head the commission.

b. The Central Government shall designate five Members from among persons of ability, integrity, and standing who have experience in law or legislation, trade unionism, management of an industry with potential for women, women's voluntary organizations, administration, economic development, health, education, or social welfare; provided, however, that at least one Member from each of the Scheduled Castes and Scheduled Tribes shall be nominated.

c. A Member-Secretary appointed by the Central Government who must be one of the following: an expert in management, organizational structure, or sociological movement; an officer employed by the Union's civil service; an all-India service; or holding a civil post under the Union; and possessing the necessary experience. The Chairperson and each Member shall hold office for such term, not to exceed three years, as may be defined by the Central Government in this regard, according to Section 4 of the Act.

1. The commission shall carry out all or any of the following duties:- Inquire into and review all matters relating to the protections for women provided by the Constitution and other laws; present to the Central Government reports on the operation of those protections annually and at other times as the Commission may deem appropriate; make recommendations in such reports for the effective implementation of those protections for improving the conditions of women by bring up instances of Constitutional and other legislation pertaining to women's rights violations with the proper authorities; investigate complaints and take suo motu notice of issues pertaining to: impairment of women's rights; failure to execute laws passed to protect women as well as to promote equality and development goals;

non-compliance with policy choices, rules, or directives intended to lessen difficulties, ensure women's welfare, or provide assistance, and bring up any concerns resulting from such things

with the proper authorities; need specialized research or examinations into certain issues or circumstances stemming from discrimination and violence against women, and identify the barriers to provide solutions; conduct promotional and educational research to identify barriers preventing the progress of women and to offer measures to ensure their fair representation in all domains. Participate in and provide recommendations on the socioeconomic planning process for women; assess the Union's and any State's progress in the development of women; examine or cause to be inspected any jail, remand home, women's institution, or other place of confinement where women are confined as prisoners or otherwise, and bring up any required corrective action with the relevant authorities; Make monthly reports to the Government on any problem relevant to women, particularly the numerous obstacles that women face, and any other matter that the Central Government may submit to it. Fund litigation regarding matters that impact a substantial body of women.

## 2. DISCUSSION

### **Complaints and Counselling Cell**

The Commission's Complaints and Counselling Cell handles complaints that are made orally, in writing, or on the spot in accordance with Section 10 of the NCW Act. Domestic violence, harassment, dowry, torture, desertion, bigamy, rape, reluctance to file a police report, spouse cruelty, deprivation, gender discrimination, and sexual harassment at the workplace are among the complaints that were received. The complaints are handled as follows: Police investigations are sped up and closely watched. Counseling is used to negotiate or settle family conflicts. The Commission establishes an inquiry committee to look into significant offenses, which conducts on-the-spot investigations, interviews witnesses, gathers evidence, and presents a report with recommendations. These inquiries aid in giving victims of violence and atrocities with prompt redress and justice. The NCW keeps an eye on how the report is being implemented. A clause allows for the inclusion of specialists and attorneys on these panels.

These initiatives include the State Commission, NGOs, and other professionals.

In addition to the Complaints & Counselling Cell, NCW also operates via the Legal Cell, Research Cell, and P.R. Cell. These Cell's key tasks include reviewing the constitutional and legal protections for women, suggesting corrective legislative measures, applauding the resolution of complaints, and advising the government on all issues pertaining to women's policy. The NCW created a novel system called the Parivarik Mahila Lok Adalat, which has so far accepted 7500 cases. It deals with family law-related issues and pursues swift justice. Additionally, it seeks to empower women [5], [6].

### **NCW success tales**

Through appropriately established committees, the Commission conducted on-the-spot inquiries and investigations. People with the necessary skills were included in the committees. Smt. Shanti Devi, widow of Mangelal Rao, of the village of Kanana in the district of Barmer, Rajasthan, filed a complaint with the commission, saying that the widow pension she was entitled to had been suspended for the previous two years. Her demise had been pronounced. She requested a resolution from the relevant department, but the authorities took no action. After receiving the complaint, the subject was brought up with the District Collector in Barmer. The Collector notified the Commission that the District Collector had determined that Shanti Devi's position was valid and had given the Treasury office in Barmer the required orders. Additionally, the involved Patwari has faced departmental sanctions for suspending the pension on fictitious grounds.

Ms. Rupali Jain had claimed before the Commission that her employment at a non-governmental organization-run school had been terminated without cause. She had taken a leave of absence to take the test. When the Commission intervened, Ms. Rupali Jain was permitted to rejoin the team since her complaint was deemed to be valid, according to information provided by the District Collector of Ferozabad. Mrs. SudhaBala was reportedly gang-raped by BSF agents at Gojhadanga, on the Indo-Bangladesh Border, in the North 24 Parganas area, in the early months of 2002. Since that time, the victim and her little daughter have been spending days in the Kolkata Presidency Jail due to the police's failure to submit a charge sheet, despite the fact that a complaint under section 376 of the I.P.C. had been lawfully filed against BSF troops. The Commission took up the issue of the rape victim's release from custody and making plans for her rehabilitation. The National Commission for Women and the West Bengal State Commission for Women worked together to secure Mrs. Das's release from detention and transfer her to her brother's care. The Department of Social Welfare, the Government of West Bengal, the SP of North 24 Parganas, attorneys at Basirhat Court, and the Presidency Jail administration provided assistance to the Commission.

### **Non-governmental organizations' role in defending human rights**

Human rights must be fought for and used. For a guy to live a self-respecting life, this is crucial. However, there are specific circumstances when exercising human rights to liberty, security, etc., is not possible. They are violated and repressed. Naturally, there are constitutional protections for the use and defense of human rights. The government is required by the constitution to defend citizens' human rights. There are a number of national and state commissions dedicated to defending human rights. However, there are certain restrictions on the protection of human rights by these institutions. Non-governmental organizations seek to promote human wellbeing. These groups work to defend human rights as well. Numerous NGO organizations are trying to preserve human rights on a national and worldwide scale. We are mostly interested in researching some well-known Indian NGO's that promote human rights.

### **Not-For-Profit Organizations**

Non-governmental organizations operate on a volunteer basis. They are created by persons who desire to work for the wellbeing of all people, but especially for the less fortunate and underprivileged. The provision of social services including means of subsistence, opportunities for education, and access to health care to those in need is constrained by both federal and state government policies. Some of the challenges the government has in delivering welfare programs to citizens include a lack of resources, a labor shortage, public opposition, and political pressure. However, NGO's have a greater network of human resources. Businesses provide financial assistance to these groups. NGO's also have direct access to people at the local level. Members of these groups who are activists have positive relationships or rapport with the public. They can thus better serve the public than government representatives in areas like as education, the defense of human rights, health, child welfare, environmental protection, and the reintegration of those who have been forcibly displaced, among other things[7], [8].

The following activities may be carried out by NGOs for the benefit of people.

- 1) Non-governmental organizations (NGO) may manage public educational facilities. By establishing training institutes, they may also provide individuals professional training for creating specialists and technicians.

- 2) Nonprofit organizations work to defend peoples' constitutional rights. They are able to submit legal petitions in order to protect peoples' basic rights.
- 3) NGOs may engage in a variety of environmental protection initiatives. They have the power to raise people's awareness of environmental problems and the value of environmental preservation.
- 4) These non-profit organizations may focus on promoting the nation's rural development. They may plan and carry out various operations that will promote the growth of agriculture and its related areas in order to achieve this goal.
- 5) NGO's may provide the poor folks medical aid and health services.
- 6) NGO activists may set up child welfare programs, particularly for undernourished, physically challenged, mentally challenged, and street children.

NGO's aid the government in keeping an eye on its welfare initiatives. However, NGO's challenge the government and put pressure on it to act in the interests of the people when government actions conflict with those interests. These organizations serve the interests of individuals by assisting them in developing positive opinions on social, political, environmental, and health problems. NGOs are sometimes referred to be the eyes and ears of the people since they approach things from the perspective of the average person.

NGO's experience the following issues when providing altruistic services to people. Collecting accurate information about government plans, programs, and initiatives is exceedingly challenging for NGOs. Even while these nonprofit groups have full support from businesses, financial institutions, and other institutions, the monies so obtained are insufficient for them to manage a range of charitable operations. NGO's have trouble obtaining the services of professionals and technicians due to a lack of funding. These volunteer organizations do not have access to adequate infrastructure. NGO's find it challenging to establish their goals precisely due to the evolution of individuals with varied interests. Coordination of the many activities carried out by these groups is not simple. NGO operations cannot resist political meddling in their daily operations.

Despite all of these challenges, NGOs continue to work relentlessly to advance the interests of those who are less fortunate. Here, our major focus is on understanding and assessing the part that NGOs play in defending many types of human rights, including civil, political, economic, sociocultural, and environmental rights. the contribution of certain well-known NGOs in India to the defense of human rights:

Some essential rights have been granted to Indian citizens by the Indian Constitution. Everyone must assert and exercise their rights. Once again, these fundamental human rights must be safeguarded from infringement. To safeguard people's constitutional rights, there are several national and state human rights commissions. The primary governmental mechanisms for defending citizens' basic rights are the National Human Rights Commission, State Human Rights Commissions, National Commissions for Scheduled Castes and Scheduled Tribes, and Commissions for Women at the National and State Levels. The preceding chapter covered the composition and operations of these commissions. Let's focus on the examination of some notable national NGO activities in India in this chapter. The most active NGOs in India include the Narmada Bachao Andolan, the Chipko movement, and the Peoples Union for Civil Liberties. They play the following role in defending human rights[8], [9].



### 3. CONCLUSION

The NCST is crucial in evaluating the application of protections and positive measures for Scheduled Tribes because to its extensive responsibilities. By promoting equal opportunities, guaranteeing appropriate resource distribution, and protecting land and resource rights that are essential to the survival of indigenous people, the commission works to promote inclusion. The NCST's proactive approach to safeguarding the rights and dignity of Scheduled Tribes is shown by its involvement in resolving complaints, making suggestions, and keeping an eye on policies and initiatives. Furthermore, its mission includes cultural empowerment and preservation in addition to administrative procedures. The NCST's goals still need to be completely realized, nevertheless. These include the need of prompt execution of recommendations, efficient coordination between the federal and state governments, and tackling the intricate interaction of socioeconomic issues that contribute to inequalities. The NCST represents India's resolve to right past wrongs and build a fair society where all people, including Scheduled Tribes, may prosper. Although there has been improvement, ongoing efforts are needed to address structural issues and promote true inclusion. India can advance toward a future where the diversity of its residents is respected and everyone benefits from socioeconomic growth by preserving the NCST's guiding principles and elevating the voices of underprivileged populations.

### REFERENCES

- [1] J. M. Butler, "Recent activities in the United States involving the National Commission on Forensic Science and the Organization of Scientific Area Committees for Forensic Science\*," *Aust. J. Forensic Sci.*, 2017.
- [2] Laurensius Arliman S, "Komnas HAM Sebagai State Auxiliary Bodies Di Dalam Penegakan Hak Asasi Manusia Di Indonesia," *J. Bina Mulia Huk.*, 2017.
- [3] K. Cundale *et al.*, "Reframing noncommunicable diseases and injuries for the poorest Malawians: The Malawi national NCDI poverty commission," *Malawi Med. J.*, 2017.
- [4] G. W. Kumalasari, "The Indonesian Disability National Commission As A Strategic Policy In Fulfilling The Rights Of People With Disability," *Diponegoro Law Rev.*, 2017.
- [5] R. Caetano, R. M. Da Silva, É. M. Pedro, I. A. G. De Oliveira, A. N. Biz, And P. Santana, "Incorporation Of New medicines by the national commission for incorporation of technologies, 2012 to june 2016," *Cienc. e Saude Coletiva*, 2017.
- [6] C. Grady, "Making the Choices Necessary to Make a Difference: The Responsibility of National Bioethics Commissions," *Hastings Cent. Rep.*, 2017.
- [7] J. P. Cabestan, "China's Institutional Changes in the Foreign and Security Policy Realm Under Xi Jinping: Power Concentration vs. Fragmentation Without Institutionalization," *East Asia*, 2017.
- [8] NIC, "National Infrastructure Commission report | Data for the public good," *Natl. Infrastruct. Comm.*, 2017.
- [9] A. Herrera-Vásquez, "Corrigendum: Salicylic acid and reactive oxygen species interplay in the transcriptional control of defense genes expression (Front. Plant Sci., (2015) 6, 171, 10.3389/fpls.2015.00171)," *Frontiers in Plant Science*. 2017.



## CHAPTER 6

### EXPLORING THE PEOPLE'S UNION FOR CIVIL LIBERTIES

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#### ABSTRACT:

The People's Union for Civil Liberties (PUCL) is a prominent civil rights organization that has emerged as a staunch advocate for the protection and promotion of civil liberties in India. This paper explores the origins, objectives, and contributions of the PUCL in upholding constitutional rights and challenging instances of human rights violations. By analyzing its history, initiatives, and challenges, this study aims to provide a comprehensive understanding of the PUCL's role in fostering a just and accountable society. The analysis underscores the importance of the organization's efforts in raising awareness, providing legal assistance, and holding authorities accountable for safeguarding the fundamental rights of individuals. The People's Union for Civil Liberties (PUCL) stands as a beacon of activism and advocacy in the realm of civil liberties and human rights in India. Founded on the principles of upholding the Constitution, the organization has consistently worked to address instances of injustice, discrimination, and violations of fundamental rights. Through its multifaceted initiatives, the PUCL has played a pivotal role in raising awareness about civil rights issues, facilitating legal aid to victims of rights violations, and challenging systemic abuses of power.

#### KEYWORDS:

Advocacy, Civil Liberties, Human Rights, Justice, Non-Governmental Organization (NGO), Activism, Legal Aid.

#### 1. INTRODUCTION

PUCL is an NGO and it headquartered in Delhi. It is important to understand the context in which Jayaprakash Narayan, a legendary Gandhian leader, launched the PUCL in 1976. In order to protest the authoritarian behavior of the Indian government, he first founded a nationwide organization called Citizens for Democracy in 1974, along with parallel organizations in Delhi, Madras, Mumbai, and Calcutta. The government later proclaimed a state of emergency. People's basic rights and civil freedoms were curtailed during the emergency, which led to the 1980 passage of the National Security Act. Under the guise of national security, this oppressive statute established preventative detention of individuals. This statute prompted the PUCL to be revived in 1980. It emphasized the need to safeguard people's civil freedoms at all costs. Additionally, it vowed to fight against any kind of discrimination that infringes on the civil freedoms of those in society's weaker groups, such as children, women, and others. The JP Memorial Lecture is presented annually on March 23 by the PUCL.

On this day in 1977, India's state of emergency was abolished. Additionally, the PUCL gives out the "Journalism for Human Rights" Award. The prize was established in 1980 to educate journalists and everyday people about civil liberties and human rights. Despite having its headquarters in Delhi, the PUCL is a national NGO. It has locations in many Indian cities. It releases a monthly bulletin in both Hindi and English. It is referred to as the PUCL newsletter and informs individuals of the legal procedures for asserting, exercising, and defending their human rights. People are entitled to a life. On the basis of this, the PUCL launched Public Interest Litigation in the Supreme Court in 2001. This also encompasses the Right to food

and livelihood. A severe drought affected the six Indian states of Orissa, Maharashtra, Gujarat, Rajasthan, Himachal Pradesh, and Chattisgarh. There was widespread hunger in these states. The state administrations continued to fail to provide food for the populace. People affected by the drought were unable to buy food grains. The Supreme Court ordered the state governments to provide the drought-affected citizens free food on the basis of the PIL the PUCL filed. People's right to life was so preserved. The state governments were also told by the court to come up with a plan to ensure that no one goes hungry[1], [2].

The PUCL works to draw attention to instances of human rights violations. Additionally, it ensures that human rights abuses are corrected. The PUCL's initiatives demonstrate that strengthening a weak democracy requires safeguarding individuals' civil freedoms.

### **Union for Democratic Rights of the People**

Another NGO with a base in Delhi exists. People's Union for Democratic Rights is its name. The impoverished have the right to organize themselves, to agitate or rebel for a complete change in the socioeconomic and political system if it does not provide answers to their issues, according to this group. Additionally, this group brought a lawsuit before the Supreme Court to defend the financial rights of Asian employees. They received earnings that were below the minimum. The court ruled that it violates both article 23 of the Indian constitution and amounts to compelled labor. And thus, the laborers at Asiad received justice. Thus, the PUCL and PUDR are working together to defend people's human rights. While the latter works to ensure that individuals get socioeconomic justice, the former focuses on the defense of civil freedoms.

### **India's NGO's**

#### **Chipko Movement**

SunderlalBahuguna and ChandiprasdBhat launched this movement in 1970. It expanded over the Garhwal area of the Himalayas, which is where famous rivers like the Yamuna and the Ganga get their start. Environmental issues in the Uttar Khand included soil erosion and the drying up of water sources as a result of forest removal. The first tree cuttings were done for profit. Additionally, the soil was harmed by this. Consequently, it became crucial to save the ecology from additional deterioration brought on by deforestation. The Chipko Movement was the first manifestation of this movement. The phrase "Chipko" Literally, it means to embrace or hug trees. ShriBahuguna began hugging the trees to protect them. This is the largest movement of its type that was founded exclusively to save forests and trees.

#### **An overview of the Movement's history**

This chipko movement has its roots in a three-hundred-year-old movement that began in Rajasthan. The Rajasthani king permitted the chopping of Khejri trees for lime production. Amrita Devi, a lady from Bisnoi, fiercely disagreed with the king's choice. Hundreds of women voluntarily joined the initiative. Some people would reach out and hug the trees to stop them from being cut down. What was most regrettable was how ruthlessly the tyrant slaughtered these ladies. However, this incident motivated people to preserve woods and trees for decades to come. When the wood contractors began chopping the trees for business purposes, S. Bahugna founded the tree conservation movement by drawing inspiration from the unrest. He was adamantly against the wood cutters. Locals passionately backed Bahuguna, a renowned environmentalist. To stop tree chopping, they followed the same strategy of hugging the trees. The movement grew worldwide as a result of the populace's overwhelmingly positive reaction. The Chipko Movement was first founded in Dasohli, a

town. The woodland was being carelessly cleared by the woodcutters. As a consequence, the area's natural resources drastically decreased and the forest's riches was lost. Gaura Bai was against clearing woods and chopping down trees. Under her direction, indigenous women took an active role in the movement that was founded exclusively to protect forests. Forests covering hundreds of hectares were spared. The globe welcomed this particular agitation. The organization now has over 4000 organizations striving to safeguard the environment and forests.

### **Safeguarding human rights**

Human rights protection is another goal of the Chipko movement. Tribal people who live in mountainous and forested areas make a living by harvesting and selling forest items. They have a right to life, which includes a right to food and a means of support. They are entitled to an unpolluted environment as well. Additionally, the Chipko movement is persistently fighting to defend tribal members' economic and environmental rights. Therefore, the chipko movement, which began as a fight for environmental conservation, has also been defending people's human rights[3], [4].

### **NGO's FOR INDIA**

One of India's major construction projects is the Sardar Sarovar project. Additionally, it serves several purposes. It was started in 1946 with the intention of giving people access to drinking water, agricultural water, and energy production. In order to complete the project, hundreds of minor and big dams had to be built. Due to the size of this project, thousands of hectares of agricultural and forest area as well as several settlements were submerged. Millions of people were displaced as a result. They are mostly tribal people. The project's failure to adequately compensate these displaced individuals for the loss of their land, jobs, and property was its most regrettable aspect. They did not get other sources of support or job prospects. Their rehabilitation was completely disregarded, and their most basic human rights, including the right to life, which includes the right to food and a means of subsistence, were violated. Their right to civil freedoms was restricted. Additionally, citizens were denied their basic freedoms when they protested against the government's forcible seizure of property. Their legitimate requests for restitution and rehabilitation were simply disregarded. The saddest thing is that several deaths also occurred.

### **The NBA: Human Rights Defender**

The NBA was founded by renowned social activist Medha Patkar against this backdrop. She oversaw the protest and fought for the rights of those who had been uprooted by the project. She organized individuals to fight against the abuse of project participants' human rights. She filed a petition with the Supreme Court in 1994 against the height increase of the Narmada dam. She opposed it mostly due to the environmental harm the dam would produce and the disregard for indigenous people's rehabilitation. The Supreme Court ordered the project's administrators to get authorization from the environmental and rehabilitation authority before moving forward with the building of the Narmada dam. The Gujarat, Madhya Pradesh, and Maharashtra governments' efforts to assist displaced people in finding new homes pleased the court, who also authorized the building of a dam up to 90 meters. At this point, both Arundhati Roy and Baba Amte, two outstanding social reformers, joined the NBA. Baba Amte criticized the Supreme Court's decision and urged K.R. Narayan, India's president at the time, to intercede on behalf of the populace. He asserts that the President of India has the power to reconsider a Supreme Court decision when a sizable number of people are having their basic rights infringed. Thus, even though the NBA first began as a movement to preserve the environment, it eventually evolved into one to defend human rights. At the

worldwide level, there are several NGO's striving to safeguard human rights. The International League for Human Rights, Amnesty International, and Human Rights Watch are the most despised among them. These NGOs play a significant role in the defense of human rights. Let's talk about how they relate to human rights.

### **Organization for Human Rights Abroad**

The oldest NGO active in the area of human rights is this one. It was founded in the United States of America in 1942 to protect individuals' rights. It works with the government and looks into instances of human rights violations. The league seeks to create a fair society where individuals may assert and exercise their basic rights. In 1947, the ILHR received consultative status. As a consequence, it was granted the ability to speak against human rights violations before the UN Economic and Social Council.

### **Human Rights Organization**

Another well-known NGO striving to defend human rights is this one. It began to exist in 1961. The AI primarily addresses the following five issues: the rights of women, children, eliminating torture and execution, refugees, and prisoners of conscience. The AI is now primarily focused on reducing violence against women and monitoring the global armaments trade. London and New York are home to its two main branches.

### **People's Rights Watch**

In 1987, this NGO was founded in New York. The United States Helsinki watch committee, America Watch, Asia Watch, Middle East Watch, and Africa Watch are all under its umbrella. In addition to quarterly newsletters and Human Rights World Watch reports, it also produces the Human Rights Publication Catalogue. It assesses governmental human rights policies in light of norms established by international treaties and regulations, such as the Helsinki Accord and the Universal Declaration of Human Rights. Additionally, it assesses how well the American government has done in advancing human rights on a global scale. Of course, the organization's primary focus is on assessing how the American government treats refugees and foreign tourists.

## **2. DISCUSSION**

### **Nature And Types of Science**

Science is an objective investigation of the nature of things. Science differs from technology, astronomy, religion, and philosophy due to its unique traits. Even while science and other fields have differences, they also have similarities that make life for people more meaningful and purposeful. The term "science" comes from the Latin Scientia, which meaning to know. The term "science" therefore encompasses all academic disciplines. It shares this meaning with the Sanskrit terms "Vidya" and "Shastra" In this perspective, science encompasses all disciplines, including physics, chemistry, philosophy, and even aesthetics.

Perhaps there is nothing in common between biology, theology, psychology, and sociology. However, they are often thought of as sciences. However, the term "science" has a special meaning in the present era. It is a field of knowledge that deals with a collection of facts or occurrences that are organized in a certain way. The way things are set up, general rules are in effect. In these disciplines, experimenting is possible. Three aspects of science are highlighted in this definition.

### Science's subject matter

Science is a body of knowledge based on facts. It is not affected by convention or authority. It examines data. Facts may be physical things like rocks, dirt, trees, planets, etc. Intangible things like Time, Space, Gravity, Relativity, Energy, etc. are likewise covered by facts. Even human mental states like stress and anxiety, as well as societal issues like poverty, crime, etc., may be the focus of scientific study. Even futurology, the study of how future events will look, may be a scientific topic.

### Science as a methodology

The scientific method is a way of acquiring knowledge, which is what science is. Such information may be attained by experimentation and observation. One may indirectly check the accuracy of scientific information in cases when direct verification is not feasible. Analysis was the approach utilized by Aristotle, systematic doubt by Descartes, and inductive reasoning by Francis Bacon. All scientific thought relies on abstraction and generalization, which mathematics gave. In science, each of these techniques is valuable. A sui approach is used by modern scientists to do research and comprehend their environment.

The universalism of science the application of scientific knowledge is ubiquitous. Anybody, wherever in the world, may test scientific claims. Furthermore, since it assumes the presence of order and regularity in nature, scientific knowledge is always correct. The purpose of science is twofold:

- a. It gives us the ability to know things.
- b. It gives us the ability to act.

Science's theoretical goal is the former, while its practical goal is the latter. Theoretically, science seeks to understand the nature of the universe in which we exist. For instance, astronomy seeks to explain the nature of the cosmos, of which our planet is a tiny fraction. But science does not just pursue knowledge. It aims to put this information to use in real-world situations. The goal of science is also practical. A scientist seeks to advance humanity by using scientific concepts. The situations of humans are being improved by many discoveries and advancements. The Industrial Revolution began in England with the discovery of steam power. The mariner's compass's creation paved the way for the exploration of global maritime routes. Science's emphasis on application has fueled the development of technology, which in this century has fundamentally altered how people live[5], [6].

### Catalogue Of Sciences

Pure and applied sciences are categorized according to their goals. Knowledge is the ultimate goal of pure science. Scientists work to unravel the secrets of nature and the cosmos. They follow their curiosity. They are always seeking for new information to better comprehend the nature of the cosmos. They found intellectual joy in their unbiased search for the truth. Scientists are more interested in developing ideas to explain events. They are not driven by pragmatic concerns. A few of instances of pure sciences include astronomy and biology. The scientist who falls within the purview of pure sciences is Newton; Einstein. Facts are gathered using the deductive process. Science is used in our daily lives. We get applied science when the aim of scientific endeavor is to influence events. Scientists put their newfound knowledge to use for the sake of humanity. Technology was born from applied science. The application of science has resulted in a significant number of inventions and advances. For instance, Edison created the electric light, while Marconi created the telegraph.



But there isn't a clear line separating pure science from practical science. The advancement of pure science is necessary for the latter to advance. New ideas and rules in pure science are sometimes inspired by the demands of practical science.

### **The Threefold the Division of Science**

The many categories of facts that each science studies serve as a foundation for differentiation between them. This divergence serves as the foundation for the widely used division between natural and social sciences. The sciences are divided into three categories. These are what they are:

#### **Physical sciences**

The physical sciences study matter that exists in solid, liquid, and gaseous states. Chemistry and geology, for instance, both deal with compounds. For instance, water is a mixture of hydrogen and oxygen. A new compound is produced when this composition is altered. Some of the physical sciences include astronomy, physics, chemistry, and geology.

The biological sciences are those that study living things. The biological sciences focus on life in all of its manifestations and encompass the study of creatures such as plants, animals, and people. Among the biological sciences include zoology, anatomy, physiology, and botany.

#### **Social sciences**

Social sciences study how society and individual people interact. Humans are different from other living things in that they are conscious of their objectives and ambitions and make an effort to pursue them. For instance, economics studies how people behave economically, while political sciences look at how people behave politically. Examples of social science include psychology, economics, and history.

#### **Technology and Science**

Science didn't exist in prehistoric times. As a result, knowledge of nature had little influence on the development of talents and practices. For instance, a method was developed without the use of science when the stone axe was manufactured. Today, however, science and technology are intertwined. Science is concerned with how man perceives the basic characteristics of space, matter, and energy as well as how these components interact with one another. The development of diverse tools and methods, on the other hand, is concerned with putting ideas and designs for things that are necessary for human subsistence, comforts, conveniences, and pleasures into action. Technology is the process of creating something valuable via the application of knowledge, according to Edward De Bono. A technologist is a professional who creates and implements processes using the necessary instruments in order to carry out a certain job. They are responsible for the advancement of technology. The "pipeline" paradigm has dominated discussions about how science and technology interact. This concept proposes that fresh scientific discoveries lead to new technology innovations. Some of the most notable World War II success stories seem to fit this concept. The atom bomb and the radar, for instance, were immediate results of scientific breakthroughs[7], [8]. There are several things concerning science and technology to be aware of. These are what they are:

1. Science is meant to aid us in examining or comprehending natural phenomena or events as they really occur. Technology, on the other hand, is the application of knowledge for building, constructing, or manufacturing things and objects in line with our demands to fulfill our objectives. Science's ultimate goal is to find truth about the workings of Nature, which is



verifiable via observation and experimentation. Its objective is utilitarian, aiming to either benefit or harm humanity.

2. Scientific information from a variety of domains is often used in the creation of the technological development strategy that will be the most effective. This cumulative body of already-known scientific information aids in the avoidance of unnecessary spending.

3. A need to evaluate technological risk is felt. Basic scientific knowledge is required for this. For instance, how trash may be disposed of is assumed while creating new chemicals.

4. The foundation of scientific inquiry is the hypothesis. From the beginning to the finish of his research, a scientist is primarily directed by hypotheses derived from theory. Although a technologist also uses hypotheses in his work, his work is mostly based on experimentation.

### **Religion And Science**

Science and religion have always had a complicated connection. On the one hand, religious motives have sometimes impacted scientific advancement. On the other side, religious beliefs have been impacted by scientific understanding. Different definitions of "religion" have been offered. A wide definition of religion is a way of life or a set of beliefs based on one's perception of their place in the cosmos or their relationship with one or more deities. Religion is defined by E. B. Taylor as "a belief in spiritual things." The definition given above highlights the fact that religion entails a range of attitudes, deeds, and feelings. Buddhism, Christianity, Hinduism, Judaism, and other faiths may be regarded as religions in this sense. Both science and religion strive to find the truth.

They resemble each other in several ways. The reality of the world we live in is revealed through science. Religion enlightens us on the real nature of the human soul and existence. Further, science nourishes the body while religion nourishes the spirit; as a result, both are essential to human happiness. There are several areas where science and religion diverge at the same time. These are what they are:

1. Rituals are significant in religion because they represent the idea that a power higher than man rules the universe and must be placated in order to get favors for himself. On the other hand, science maintains that natural phenomena are impersonal. They are not controlled by any being's volition.

2. Science is impartial in its approach. According to scientists, one may comprehend nature's secrets by using reason and being led by observation. Religion is a personal matter. Humility is a key component of religion. Religion maintains that revelation is the source of holy knowledge and rejects the validity of reason. The Gita, the Koran, and the Bible all make this claim about containing revelation.

3. Religion is only an issue of faith, but science raises challenges. Traditions do not control a scientist. He is not impacted by religion either. Scientists always seek confirmation or evidence via experimentation and observation. Religious claims are regarded to be true because of custom or authority.

4. Science is a dynamic field. In light of new information, a false assertion is changed to a true proposition. For instance, there was once the notion that the world was flat. The Copernicus idea subsequently provided evidence that the earth has always been round. On the other side, dogmatism characterizes religion. The assertions it makes virtually ever alter over time.

5. According to religion, it is possible to get knowledge of things not accessible to the senses. A religious individual must thus respect the legitimacy of religious organizations and scriptures. Science, on the other hand, deals with verifiable facts. It is an open affair because of this. Anyone may watch nature in action.

Even if there are numerous differences between science and religion, none of them is an adversary of the other. As science nourishes the body and religion feeds the spirit, both are essential for the health of the other.

### **Astronomy And Science**

One of the oldest fields of study, astrology has a continuous history that dates back more than 4,000 years to the ancient Middle East. Although the astrology practiced in India and the West has similar roots, most societies have created their own mystical cosmologies. Encyclopedia Britannica defines astrology as either a science or a pseudo-science that predicts earthly and human events by looking at and analyzing the fixed stars, the sun, the moon, and the planets. Astronomy has had a significant impact on both historical and contemporary cultures. In India, astrology continues to play a significant role in both social and religious life[9], [10].

The discoveries and assumptions of science do not align with astrology as a science. The fundamental distinction between science and astrology is that a. The modern scientific method often calls for ideas to be put to the test via experiments under carefully monitored circumstances.

1. People see astrology as an esoteric science. Science deals with things that we can see and measure, while "öccult" denotes concealed.
2. Astrology itself is often presented as being quite scientific. Astrology, however, is not backed up by reliable and credible scientific evidence.
3. Astrology cannot be verified and verified again by impartial observers and researchers since it is not based on data collection and carefully regulated, objective observations.

Astrology's predictions cannot be validated or refuted. Astrology therefore declares itself to be an art. Astrology cannot be categorized as a natural science or a social science, it may be concluded. But it must be criticized, and in the West, it is becoming worse and worse. But in India, it has been able to maintain its standing among the sciences.

### **3. CONCLUSION**

In order to prevent civil rights from being violated in the name of security or political goals, the organization's activism goes beyond simple legal processes and includes grassroots mobilization, public campaigns, and lobbying for law changes.

The contributions of the PUCL are particularly relevant in the context of a changing social and political environment, where the defense of civil rights might often conflict with security considerations or political expediency. The PUCL serves as a watchdog against possible abuses of power by giving people and communities a venue to air their complaints and by keeping those in positions of authority responsible. However, the PUCL encounters obstacles in its fight for civil rights, just like any other group. These difficulties vary from red tape to harassment and threats directed at its members.

The organization's tenacity and dedication to its values, however, continue to be steadfast. The People's Union for Civil freedoms (PUCL) is a prime example of the ability of civil society to influence good change in the defense and advancement of civil freedoms. Its efforts

serve as a poignant reminder that defending basic rights is a never-ending process that calls for diligent advocacy, legal activism, and group effort. For as long as groups like the PUCL fight for equality and justice, there is a stronger possibility that civil liberties in India will be maintained and protected for future generations.

## REFERENCES

- [1] M. P. Bradley, "Human rights and communism," in *The Cambridge History of Communism: Volume 3, Endgames? Late Communism in Global Perspective, 1968 to the Present*, 2017.
- [2] D. L. Moore and E. M. Stephen, "From Smith to Hobby Lobby: The transformation of the religious freedom restoration act," in *Law, Religion, and Health in the United States*, 2017.
- [3] D. Ganbat, "DEMOCRACY IN MONGOLIA: Public perceptions of its development and future challenges," in *Routledge Handbook of Democratization in East Asia*, 2017.
- [4] S. Bailey, "Why so many white evangelicals in Trump's base are deeply skeptical of climate change," *Washington Post*, 2017.
- [5] S. S. Park, D. Coker, and J. Goldscheid, "Advocates and Service Providers Criticize Police Response to Victims.," *Crim. Justice Res. Rev.*, 2017.
- [6] Anonymous, "Courts in the Media," *Court. Today*, 2017.
- [7] R. Holland, D. Kopel, P. W. Carmel, and C. J. Prestigiacomo, "Topectomy versus leukotomy: J. Lawrence Pool's contribution to psychosurgery," *Neurosurg. Focus*, 2017.
- [8] S. O. Lee, A. Hong, and J. Hwang, "ICT diffusion as a determinant of human progress\*," *Inf. Technol. Dev.*, 2017.
- [9] C. Chiappetti, "Winning the battle but losing the war: The birth and death of intersecting notions of race and sex discrimination in *White v. Crook*," *Harvard Civil Rights-Civil Liberties Law Review*. 2017.
- [10] L. G. Giraldo, A. H. Huerta, and D. Solórzano, "From incarceration to community college: Funds of knowledge, community cultural wealth, and critical race theory," in *Funds of Knowledge in Higher Education: Honoring Students' Cultural Experiences and Resources as Strengths*, 2017.

## CHAPTER 7

### IMPORTANCE OF SCIENCE AND PHILOSOPHY FOR HUMAN RIGHT

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#### **ABSTRACT:**

The intersection of science and philosophy has played a pivotal role in shaping our understanding of human rights, their foundations, and their implications for societies. This paper delves into the intricate relationship between science and philosophy in the context of human rights, exploring how scientific inquiry and philosophical reflection have informed the conceptualization, justification, and practical application of these rights. By examining historical and contemporary perspectives, ethical frameworks, and the role of reason and empirical evidence, this study aims to provide a comprehensive understanding of how science and philosophy together contribute to the discourse on human rights. The synergy between science and philosophy has profoundly enriched the discourse surrounding human rights, offering a holistic approach that combines empirical inquiry with ethical reflection. The engagement of both disciplines has lent legitimacy to the understanding that human rights are not merely abstract constructs, but principles grounded in our shared humanity.

#### **KEYWORDS:**

Dignity, Equality, Ethics, Freedom, Human rights, Justice, Moral Reasoning.

### 1. INTRODUCTION

The Greek term *philosophia*, which signifies a love of "wisdom," is the root of the English word philosophy. Philosophy is the pursuit of knowledge via logical argumentation as opposed to empirical observation. In this view, philosophy is the search for knowledge. Another way to think about philosophy is as an examination of the foundations and ideas that convey basic beliefs. The four main subfields of philosophy are metaphysics, epistemology, ethics, and aesthetics. Analytic philosophy, which studies ideas logically, and synthetic philosophy, which organizes notions into a single system, are the two distinctly philosophical methods of inquiry. Advaita philosophy, Buddhist philosophy, Chinese philosophy, Islamic philosophy, Western philosophy, Indian philosophy, and so forth are examples.

The following are some areas where science and philosophy diverge:

1. Philosophy is normative in its approach since it deals with things as they should be, while science is positive in that it seeks to understand the reality around humans.
2. The majority of philosophical questions are really basic. They are concerned with the reality of very basic ideas, and a fundamental belief is one upon which other beliefs are predicated. These ultimate issues include those about the nature of the soul, time, space, the morality of an action, and others.
3. The appeal to reason rather than authority is a quality shared by philosophy and science.
4. Scientific theories are supported by facts. Science uses experimentation and observation as its primary methods. Philosophical methodology includes mysticism, intuition, hypothesis,

etc. Philosophers are more interested in concepts than actual happenings. As a result, there is a lot of room for debates and new hypotheses to sometimes surface[1], [2].

5. Science provides us with specialized information about reality. We get a comprehensive view of reality via philosophy.

6. Philosophy is concerned with absolute truth, while science is concerned with probable or relative truth.

Despite their differences, science and philosophy have had an impact on one another. Philosophical notions are the origin of a lot of the fundamental concepts that make up scientific hypotheses. For instance, Spinoza provided support for the determinism that is a universal principle. Similar to how every significant scientific advancement advances the philosophical worldview. For instance, the Darwin theory of evolution had a significant influence on how we saw how humans fit into nature.

### **Reputable scientists' contributions**

The human race has been liberated from the superstitious notions promoted by religious organizations in large part thanks to science. Scientists have disobeyed church and religious precepts with their remarkable findings, without giving a damn about the consequences of such discoveries. The achievements of those scientists who have had an enduring impact on human history are covered in this chapter.

#### **G. B. Galilee**

It is widely acknowledged that the 17th century marked the beginning of modern science. Italia's Pisa is where Galileo Galilee was born. He was a philosopher, physicist, mathematician, and astronomer. The first contemporary scientist was him. He is elevated to that position through his application of scientific principlesscientific approach Science collects data using scientific procedures, as opposed to non-science. Galileo made three contributions to the scientific method.

Accuracy of the facts Instead than looking for solutions in the writings of Aristotle and the scriptures, Galileo claimed that critical observation and experimentation are the only and real ways of learning and discerning the physical truth. Because of his observations made using a telescope, he insisted that the earth revolves around the sun. The viewpoint was in conflict with the Bible.

### **The use of experimental techniques**

Galileo's approach included combining calculations and experiments. He therefore developed the contemporary concept of experiment. For instance, he created the contemporary concepts of friction and inertia with regard to moving objects, as well as the notion of acceleration, which is utilized in modern physics and is defined as the rate of change of velocity per unit of time. Galileo's use of tests to verify calculations is significant since he was the first scientist to do so after Aristotle made the same claim around 2000 years before.

### **The role of mathematics in physics**

Galileo was perhaps the first scientist to say unequivocally that the laws of nature are mathematical. He was the first scientist to express his idea as a mathematical hypothesis.

## **Contributions to Astronomy**

Galileo provided the most significant astronomical evidence in support of the heliocentric hypothesis. He found the moons of Jupiter, the rings encircling Saturn, and its mountains using a telescope he had developed to a 30 times magnifying capacity. The sun's spots were also visible to him. Galileo also noted that Venus through a whole cycle of phases, similar to the moon. It may thus be assumed that it didn't shine on its own[3], [4].

The first person to note that the Moon had tall mountains and large depressions was Galileo. Galileo first saw the planet Neptune in 1612. However, he was unaware that it was a planet and paid it little attention. He was able to establish that the Milky Way is a collection of celestial bodies apart from our solar system and to contribute to the formation of a general understanding of the vast distances of the fixed stars. These Galileo findings eventually persuaded most scientists that the fundamental Copernicus conclusion was correct, despite the fact that there were still those who resisted them. The Copernican revolution is the term used to describe this idea's ultimate victory. Galileo believed that the universe was governed by natural rules in a mechanical order. Galileo undoubtedly suffered much as a result of supporting the Copernican theory. He was subject to the Inquisition and imprisoned in his home for the remainder of his life. But it makes no difference to the development of science.

There haven't been many events in intellectual history more important, as it challenged the medieval worldview and opened the door for modern notions of machinery. Skepticism and the idea that time and space are infinite also played a key part in the formation of modern astronomy. Both directly and via his work in physics and its connection to astronomy, Galileo made contributions to science.

**Contributions of Galileo to Physics:** Galileo was the first to employ quantitative experiments whose outcomes could be precisely calculated. The majority of physics rules are now represented mathematically. For his contributions, Galileo has been referred to be the father of experimental physics.

Galileo's definition of the notion of inertia is considered to be his greatest contribution to physics. A moving body on a surface will continue to move in the same direction and at a consistent pace until disrupted, according to the statement. Therefore, if there is a change in the motion's velocity or direction, it must be the result of the action of a "force". Newton's first law of motion was derived from Galileo's principle of inertia.

## **Pendulum Motion**

Galileo observed with great attention that a pendulum always takes the same length of time to swing back and forth. He created the Pulse Meter gadget based on this. Later, his son created the wall clock, which eventually evolved into the pendulum clock we know today. The sand and water clock much improved with this.

## **Projectile's Path**

Some bodies have combined movements that include uniform motion and naturally accelerated motion. This is how a projectile moves. Galileo demonstrated that the projectile's trajectory had the geometric characteristics of a parabola.

## **Instrument inventions**

Galileo is best known for the following innovations



### **The Thermometer**

In 1606 Galileo is credited with producing the first thermometer. He created a mechanism that moved water in a tube by using the expansion and contraction of air in a bulb.

### **Refracting telescope**

In 1609, Galileo was one of the scientists who saw stars, moons, and planets with this instrument.

### **Compound Microscope**

In 1610, Galileo enlarged portions of insects using a telescope at a close range. He had developed a compound microscope by 1624.

Galileo created the hydrostatic balance in item number four. An item might be weighed using the hydrostatic balance in both water and air. Galileo impacted our way of thinking more than any other individual, which has important implications. The transformation is so profound that the "Galilean Revolution" may be applied to it. Galileo, according to Stephen Hawking, is likely the person most responsible for the development of contemporary science, and Albert Einstein referred to him as the father of modern science.

## **2. DISCUSSION**

### **Sir Issac Newton**

Without a doubt, Sir Isaac Newton is the most significant scientist to have ever lived. He was a combined English astronomer, cum mathematician, cum physicist. His contributions to physics, mathematics, and optics altered the globe. Newton was the father of theoretical physics, just as Galileo was the father of experimental physics. His hypothesis, or law of gravity, organized mechanics. One of the genuinely great achievements of the human intellect is the law. It is still just as crucial as it was three centuries ago. Newton believed that a few basic principles controlled how the universe moved, making it operate like a machine. He used mathematics to describe how the cosmos works. He created the gravitational and motion laws. Newton's three laws of motion are mathematical equations that describe how things move in the presence of force.

Newton's "Mathematical Principles of Natural Philosophy" was published in 1668. Newton's three laws of motion, which are as follows:

1. Newton's first law: Unless an external force acts on an item, it will stay at rest or continue to move at a constant speed. Inertia is the propensity of an item to stay static or continue traveling in a straight path at a constant pace.
2. According to Newton's second law, momentum changes at a rate that is proportionate to the force that is exerting it, and it does so in the force's direction.
3. According to Newton's third law, every action has a corresponding and opposing response.

The "Newtonian Revolution" was the process by which Newton developed the fundamental, universal principles of gravity and gravitational force. Finding out how the gravitational force changes with distance was Newton's challenge. He received a suggestion from Kepler's third law. He found that the principles that controlled movements and bodies on Earth also applied to the planets and other celestial bodies. Gravity has an impact on masses as massive as planets and satellites. He came to the conclusion that the force of attraction between the two bodies varied inversely with distance and directly with the sum of their masses. Black holes

were proven by Newton's law of gravity in the 20th century. With the use of his disk, Newton demonstrated that the sun's apparent color of white is really made up of seven different hues: violet, indigo, blue, green, yellow, orange, and red. With the use of a prism, these seven colors could be separated, and when combined, they create white light. Seven different colors may be combined to create white by spinning Newton's disk.

**Corpuscular theory of light:** Newton published *Opticks* in 1704. He advanced the Corpuscular theory of light in this paper. He asserts that light is made up of microscopic corpuscles. The bright bodies are what emit these corpuscles. Newton assumed the presence of ether to convey forces between the particles in his theory of light from 1675[5], [6].

**Mathematics:** Differential calculus was created as a result of Newton's scientific research. Newton was able to determine the masses of the planets, including the earth and the sun, using mathematics. He calculated that the density of the earth was five to six times that of water.

Newton's discoveries in the realm of optics and the refraction of light, which was essentially the birth of the discipline of spectroscopy, are examples of inventions. Newton also created the first reflecting telescope with a concave mirror and an achromatic picture. This tool outperforms the refracting telescope that was previously accessible.

Newton was a genius with an extraordinary capacity for focus. "The greatest scientist who ever lived" is what others refer to him as. The significance of Sir Isaac Newton is best expressed in a poem by Alexander Pope from the 18th century, Nature and Nature's law lay hid in night and God said, let Newton be, and all was light. On March 20, 1727, Newton passed away in London and was laid to rest at the West Minister Abbey. He received this honor first among scientists.

### **Alfred E. Neumann**

A German Jewish businessman was the father of Albert Einstein. At the age of 26, Einstein graduated with a Ph. D. from Zurich University in 1905. Einstein authored three articles in the field of physics in 1905. The first piece discussed how light is made up of tiny particles, the second one covered Brownian motion, and the third one discussed how matter and energy are equivalent.

In 1921, Einstein won the Noble Prize for his work on the photon theory of light. In one of his articles, he demonstrated how metals like potassium, tungsten, and others release electrons when exposed to light. He designated the phenomenon as the "photoelectric effect" and these electrons as photoelectrons. Einstein's special theory of relativity required a significant amount of creativity. The restricted theory of relativity is another name for the special theory of relativity. It is a foundational notion of space and time. Einstein created this hypothesis in 1905. In other words, it modifies Newtonian physics.

In order to address specific theoretical and experimental problems combining thermodynamics and light, the theory of Special Relativity was developed. The analogous relationship between mass and energy is one of the outcomes of this special relativity theory. In other words,  $mc^2$  units of energy would be released if  $m$  units of mass could be made to vanish. " $E=mc^2$ " is the mathematical expression for this hypothesis. Einstein demonstrated how physical characteristics like mass, length, and time are not constants but rather change depending on the body's motion. This equation led to the creation of the atomic bomb. Additionally, the creation of energy in nuclear reactors and stars like the sun is based on this equation.

### **General theory of relativity**

In 1915, Einstein created his general theory of relativity. The special theory takes the idea of flat space-time for granted. Einstein demonstrated in general relativity that gravity is the curvature of space around a large object. The theory of gravity was improved by the general theory of relativity. The theory gives the framework for comprehending black holes[7], [8].

Brownian motion is explained by the fact that during the time of Einstein, it was a wonder why tiny particles hanging in water seemed to jitter about constantly, as if they were alive, despite the fact that they were formed of inorganic elements. The atomic hypothesis is supported by Einstein's assertion in his work that the motion of free particles in a liquid is caused by particle collisions with the liquid's molecules.

**Bose-Einstein Statistics:** In 1924, Indian physicist SatyandraNath Bose sent Einstein a description of a statistical model that demonstrated how light may be seen as a gas. Bose's statistics held true for both atoms and the hypothetical light particles. Bose's work was translated by Einstein and submitted to the *Zeitschrift für Physik*. In addition, Einstein wrote essays on models and their effects. Bose used the term "bosons" to refer to the subatomic particles he researched, and the statistic he developed to explain the behavior of any assembly of bosons has this name. At the University of Colorado, researchers used ultra-cooling equipment to create the first Bose-Einstein condensate in 1995.

### **Additional contributions made by Einstein**

This multifaceted mind produced a number of additional contributions. The major ones are as follows:

1. Absolutist cosmology
2. Cavernous action
3. Important opalescence
4. Probabilities of atomic transitions
5. The monotonic gas quantum theory
6. Low radiation density light with thermal characteristics
7. A radiation with stimulated emission theory
8. Physics geometrization

### **Charles Darwin**

English geologist and scientist Charles Darwin. He hailed from a well-known family of physicians. His theory that all forms of life have developed through time via a process he named natural selection was supported by scientific data. The evolution hypothesis was developed by Charles Darwin in 1838. But long later, in 1859, he presented these concepts in his famous essay, "On the origin of the Species by Natural Selection". Darwin defined natural selection, the basis of his theory of evolution, as the process by which a species' traits that help it survive in a particular environment are chosen by nature and those that are not required are eliminated. Darwin never meant the "strongest" when he used the term "fittest," but rather the most adap. In contrast to conflict and the extinction of the weak, he regarded human development as being characterized by wise collaboration. Meanwhile, Alfred Russell Wallace, another naturalist, had independently developed the same concepts. The Darwin-

Wallace Theory of Evolution is the name given to the theory of evolution. Without a doubt, Darwin's theory of evolution refuted the biblical narrative of the unique creation of humans, which sparked intense controversy across the world. Darwin was persuaded by his five-year journey on the Beagle, a survey ship, that species diverge when they are separated from one another. He was sure that a common stock is where related species diverge. Darwin has rightfully earned his position among Copernicus, Galileo, Newton, and Einstein in the scientific revolution.

### **C.V. Raman**

The first physicist from India or Asia to get the Noble Prize was Sir C.V. Raman. He helped place India on the scientific map of the world. He chose to work at the Department of Finance after earning his degree from the University of Madras. But he was unable to control his need for knowledge. He left his position with the administration. He agreed to take the physics professorship at the University of Calcutta. The following are some of C.V. Raman's contributions: Raman Effect: Raman found there were many lines in the spectrum of light dispersed by transparent substance. The Raman Effect is this. In 1930, Raman received the Noble Prize in Physics in recognition of his work. Other contributions made by Raman: The Raman Effect inspired the creation of the Raman laser, the Raman Spectrography, and the Raman microscopy.

### **Raman's research on sound**

Although Raman received the Nobel Prize for his work on light scattering, his primary area of study has been the concept of sound and the vibrations of musical instruments. His understanding of sound physics was so thorough and exceptional that he was the only non-German asked to contribute to the Encyclopedia of Physics, which was published in Germany in 1927.

The molecular diffraction of light in crystals and musical instruments are among the other uncredited contributions. C.V. Raman created the Indian Academy of Science in 1934. He spent 15 years providing his priceless services. He agreed to take up the position of Director of Bangalore's newly established Raman Research Institute. He looked on how people see color and the crystal of structure here. In 1929, Raman received a knighthood, and in 1934, he was elected president of the Indian Academy of Science. Under his direction, no scientists like K.S. Krishnan, S.N. Bose, or MeghnadSaha worked[5], [9].

### **Doctor HomiBhabha**

Nuclear scientist Dr. HomiBhabha was also a skilled administrator and a creator of organizations. He is regarded as the originator of India's nuclear program. Science-related contributions: Dr. HomiBhabha's "cascade theory" of cosmic ray showers was his primary contribution to science. He developed this hypothesis in 1936, working with Walter Heitler on coloring. This hypothesis states that cosmic rays have two sorts, primary cosmic rays and secondary cosmic rays, and are comparable to those released by radioactive materials. The main cosmic rays clash with airborne atoms when they reach the earth's atmosphere to produce new nuclear particles. The term "secondary cosmic rays" refers to these brand-new, very fast nuclear particles. The origin of the secondary cosmic rays' non-penetrating component is the focus of Bhabha's Cascade hypothesis. The idea required the creation of mathematical equations, which were very important and had several applications in both mathematics and physics. HomiBhabha was a visionary who developed India's nuclear program. Later, Bhabha came to the conclusion that studying the characteristics of these particles would enable experimental confirmation of Einstein's theory of relativity. In March

1944, he and a small group of scientists began conducting nuclear science research in India. In 1948, not long after India gained independence, Bhabha founded the Atomic Energy Commission of India.

He served as the chairman of Geneva's first United Nations Conference on Peaceful Uses of Atomic Energy in 1955. The three-stage nuclear program for India that is now a reality was first described by Bhabha and Prasad in 1958 at the second United Nations Conference for Peaceful Use of Atomic Energy. Bhabha saw the need for developing the capacity to independently design and construct nuclear power plants. Therefore, he decided that the third atomic power plant at Kalpakkam would be an entirely Indian undertaking as early as 1965. Contribution to other Indian programs: Bhabha played a key role in the early development of India's space program. Additionally, he promoted study in the fields of microbiology, radio astronomy, electronics, and space science. Bhabha made outstanding contributions to quantum mechanics as well, which was his area of expertise and keen interest. His first project was the renowned radio telescope at Ooty, which was realized in 1970. establishing institutions: In 1944, Bhabha established the Cosmic Ray Research section at the Institute of Science in Bangalore. Bhabha served as the founder, director, and head of the Tata Institute of Fundamental Research in Mumbai from 1945 until his sad death in an airplane accident on Mont Blanc on January 24, 1966. He also served as the head of the Indian Atomic Energy Commission. He also took the initiative to establish the Nuclear Fuel Complex in Hyderabad and the Electronics Corporation of India Limited in Hyderabad. BARC has created the technology needed for ICIL and NFC. The Atomic Plant in Trombay was renamed the Bhabha Atomic Research Centre in honor of Bhabha's contributions.

### **Biology of Ecology**

Ecology is the study of organisms and their surroundings. The physical environment's state directly affects both the survival and existence of man. The elements of the eco-system or environment must be understood. Activities throughout the primary, secondary, tertiary, and quaternary periods are deteriorating the physical environment. Natural resources are being used by man for his own purposes. Degradation of the environment is another effect of this. Natural resources need to be sparingly used now while being preserved for future generations. Environmental ethics aids man in the use and preservation of natural resources in this area. For the sake of preventing the environment's destruction, this is crucial. Thus, this chapter's discussion of ecology, ecosystem components, environmental degradation brought on by human activity, and environmental ethics. German scientist Ernst Haeckel first used the word ecology in 1866. It is derived from the Greek words 'Oikos' and 'Logos. Oikos and logos literally translate as "home" and "study," respectively. Therefore, etymologically speaking, ecology refers to the study of organisms in their natural habitat. Ecology is referred to as "the comprehensive science of the relationship of organisms to the environment" by Haeckel. Modern ecologist Smith has added the definition "A multidisciplinary science which deals with organism and its place to live" to the definition of ecology. He specializes in ecological system research. Eugenics Warning, a Danish botanist, is regarded as the originator of contemporary ecology since he created a complete textbook on the subject. Ecology is often defined as the study of eco-systems, which in nature constitute a self-contained whole. A system of creatures that live in the physical environment is referred to as an eco-system. Thus, the biotic and abiotic components are the two primary parts of the eco-system.



### **The component that is abiotic**

The non-living components make up the abiotic component. It alludes to the physical environment, which consists of things like dead plants, gases, water, minerals, metals, and elements. The Biotic Components, on the other hand, pertain to creatures and living things. The eco-system is made up of both abiotic and biotic components. The lithosphere, hydrosphere, atmosphere, and biosphere make up the ecosystem.

The topmost layer of the Earth is called the lithosphere. Oceans and continents are supported by it. Its thickness varies depending on the location. In the continental areas, it varies from 35 to 50 kilometers, while in the bottom of seas, it varies from 6 to 12 kilometers. At mountaintops, it is around 60 kilometers.

The term "hydrosphere" describes the area of the world covered by water. The water in lakes, rivers, glaciers, ice caps, and seas is included. It also encompasses subterranean water. The remaining 3% of water on earth is found in the various water systems, leaving around 97 percent of it in the oceans and seas.

The term "atmosphere" describes the layer of gases that envelops the world. Because of the earth's gravitational pull, it is attached to the planet. It shields living things from the sun's most dangerous ultraviolet radiation. Ultraviolet rays are absorbed by the ozone layer in the atmosphere, shielding living things from them. It lessens the sun's heat's intensity. The best way to communicate is also via the environment.

Atomic particles may be found in the atmosphere up to 50 kilometers above the earth's surface. Gases including nitrogen, oxygen, argon, carbon dioxide, helium, neon, and methane, among others, are found in the atmosphere. Atomic oxygen, hydrogen, helium, and ozone are among the gases found in the atmosphere above 50 kilometers. There is a certain amount of each of these gases in the atmosphere. Up to 12 kilometers (12 miles) above the surface of the planet, water is also present in the atmosphere as vapour. Water in the atmosphere is what gives the water on earth its freshness. The term "biosphere" describes all of the earth's living things. Organisms or living things include birds, animals, and plants. They communicate with each other.

They also interact with the lithosphere, hydrosphere, and atmosphere that make up the physical environment[10], [11]. Producers, consumers, and decomposers are the three categories into which the biotic elements of the planet are divided. Green plants are classified as producers because they employ the process of photosynthesis to create their sustenance. Simple substances from the soil and air are absorbed by them, and with the aid of sunshine, they are transformed into food. Additionally, producers offer nourishment for every living thing in the eco system.

Animals, including birds and people, are referred to be consumers since they only eat the food that producers have prepared. They cannot independently manufacture food. For food, they must rely on producers. based on the kinds of foods they eat. The following four categories apply to consumers. Animals classified as primary consumers are those that solely ingest green vegetation. Good, Sheep, Cow, Ox, etc. are a few examples. The term "herbivore" also refers to primary consumers. Animals that consume herbivores are considered secondary consumers. For instance, foxes, owls, etc. They are referred to as carnivores. Animals that consume carnivores are referred to be tertiary consumers. For instance, a wolf, lion, or tiger. These also go by the name of carnivores. Animals that consume both green plants and animals are referred to as multi-level consumers. For instance, a guy, a dog, etc. They are referred to be omnivores. Small creatures called decomposers are



responsible for deterioration and decomposition. Examples of decomposers include insects, bacteria, fungi, and more. These critters gain energy by consuming waste products, dead plants, and animals.

### **Environmental Damage**

Ecological harmony in the surrounding physical environment determines the quality of the environment. In the past, the physical world was more ecologically balanced. Unfortunately, the natural equilibrium is becoming more and more disrupted daily. The environment's quality has been negatively impacted by this. Degradation of the environment is the outcome.

### **Environmental degradation explained.**

An undesirable and excessive addition of some substances to air, water, and soil which adversely affects and alters the original, natural quality of the environment" is the definition of the phrase environmental degradation. The primary elements that make up the physical environment are air, water, and soil. Additionally, the quality of these fundamental elements of the environment is decreased by the excessive addition of toxic compounds to them. All of their parts deteriorate. Environmental degradation includes, for example, soil, water, and air pollutants.

## **3. CONCLUSION**

Science offers critical insights into the universality of certain rights via its empirical methodologies and evidence-based thinking. The necessity of ensuring that everyone has access to fundamental rights like food, housing, education, and healthcare is emphasized by scientific research, which underscores our shared biological, psychological, and social needs. The ethical basis for human rights, on the other hand, is provided by philosophy, which directs us in identifying the intrinsic value and dignity of each person. By guiding us through the intricacies of moral reasoning, philosophical investigation enables us to see that pursuing human rights is an ethical duty that cuts beyond cultural and social boundaries. Critical inquiries into the constraints and tensions in human rights rhetoric are raised by the fusion of science and philosophy. It pushes us to think about issues like how to reconcile individual liberty with the needs of society and how technology improvements may both progress and threaten human rights.

## **REFERENCES**

- [1] T. Bournier, "Homo prospectus," *Action Learn. Res. Pract.*, 2017.
- [2] D. Kinzer, C and Leu, "New Literacies and new literacies within Changing Digital Environments," *Encycl. Educ. Philos. Theory*, 2017.
- [3] G. Ruocco, C. Daraio, V. Folli, and M. Leonetti, "Bibliometric indicators: the origin of their log-normal distribution and why they are not a reliable proxy for an individual scholar's talent," *Palgrave Commun.*, 2017.
- [4] M. Clarke, "The Oxford Handbook of Environmental Ethics," *Environ. Ethics*, 2017.
- [5] P. R. Wolpe and K. S. Rommelfanger, "Ethical principles for the use of human cellular biotechnologies Paul Root Wolpe, Karen S Rommelfanger & the Drafting and Reviewing Delegates of the BEINGS Working Groups\*," *Nat. Biotechnol.*, 2017.

- [6] P. Bhattacharya, "Leveraging Legal Stringency on Artificial Intelligence Applications - A 'Copyright Law on Artificial Intelligence' Debate," *SSRN Electron. J.*, 2017.
- [7] O. Golubnitschaja, "EPMA World Congress: Traditional Forum in Predictive, Preventive and Personalised Medicine for Multi-Professional Consideration and Consolidation," *EPMA J.*, 2017.
- [8] S. G. Chappell, "The Objectivity of Ordinary Life," *Ethical Theory Moral Pract.*, 2017.
- [9] I. Boghirnea *et al.*, "Journal Legal and Administrative Studies No. 1 (15) 2016," *SSRN Electron. J.*, 2017.
- [10] G. Newlands, *The transformative imagination: Rethinking intercultural theology*. 2017.
- [11] R. A. Bischoff, "Pain that leaves no marks: Psychological torture.," *PsycCRITIQUES*, 2017.

## CHAPTER 8

### A COMPREHENSIVE REVIEW OF HUMAN RIGHT EVOLUTION AND DEVELOPMENT

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#### **ABSTRACT:**

The evolution and development of human rights constitute a dynamic and multifaceted journey that reflects the collective aspirations of societies to secure dignity, equality, and freedom for all individuals. This paper delves into the historical trajectory of human rights, tracing their origins, transformations, and contemporary relevance. By analyzing key milestones, philosophical underpinnings, and international frameworks, this study aims to provide a comprehensive understanding of the evolution and development of human rights. The analysis underscores the role of societal progress, ethical enlightenment, and global cooperation in shaping the concept of human rights, and highlights the ongoing efforts to address emerging challenges in the modern world. The evolution and development of human rights embody the spirit of progress and the pursuit of justice across civilizations and eras. From their nascent roots in ancient civilizations to their modern articulation in international treaties, human rights reflect humanity's collective journey toward fairness, compassion, and respect for individual worth.

#### **KEYWORDS:**

Act, Counterterrorism, Law, Measures, National security, Prevention, Violations.

### 1. INTRODUCTION

Promoting and fostering respect for basic freedoms and human rights for all people without regard to race, sex, language, or religion is one of the main goals of the UN, as stated in its charter. The United Nations' stance to human rights has seen a noticeable change in recent years. All United Nations agencies were urged to dedicate themselves to the creation, promotion, and realization of human rights in the 1993 Vienna Declaration and Programme of Action. Human rights are intertwined with all of the United Nations system's programs and operations, as stated in the Secretary-General of the United Nations' Programme for Reform, which was introduced on July 14, 1997. The passage outlines the Programme for Reform's primary human rights goals. Human rights are crucial in all four of the main areas of UN work: peace and security, economic and social affairs, development cooperation, and humanitarian affairs, according to the Programme for Reform. There is an Executive Committee for each of these four sectors. The participation of the Office of the High Commissioner for Human Rights in the work of all four Committees enables the inclusion of human rights in all Organizational programs. It has been requested that all UN agencies and associates strengthen and support this process on a practical level.

#### **This guide's coverage**

By giving UN employees a fundamental overview of international human rights, this guidebook was created to aid in the integration process. More specifically, it was written to help new UN colleagues, as well as those working outside the human rights secretariat, understand the idea of human rights, the Organization's obligations to promote and protect

human rights, and how the United Nations fulfills these obligations. Other works included in Part 4 investigate a few of the handbook's chosen themes in-depth[1], [2].

The guide is broken down into five sections that provide an overview of the following topics:

1. The evolution of international human rights standards
2. Organizations of the UN
3. Human rights institutions
4. United Nations policies and initiatives to advance human rights
5. OHCHR and associates

It should be mentioned that regional and national levels also have human rights institutions and mechanisms.

To help United Nations workers navigate the vast human rights framework in which they operate, this guidebook, however, concentrates on international human rights. It is believed that by familiarizing colleagues with human rights norms and procedures, this guide would help them to understand the fundamental values of human dignity that need to be represented in all they do.

Human rights are often regarded to be the liberties that every person is born with. The idea of human rights recognizes that every single person has the right to exercise such rights without restriction based on their race, color, sex, language, religion, political viewpoint, country origin, socioeconomic position, or other characteristics.

Human rights law provides legal protection for people and organisations against acts that violate basic freedoms and human dignity. They are outlined in treaties, sets of principles, customary international law, and other legal texts.

Human rights legislation requires States to behave in a certain manner and forbids States from engaging in a number of certain actions. Human rights are not, however, established by legislation. Human rights are inalienable entitlements that every individual receives as a byproduct of being a human. Generally speaking, treaties and other legal instruments help to legally safeguard people's rights against government acts that restrict their ability to exercise their human rights.

Some of the most crucial aspects of human rights are as follows:

Human rights are founded on respect for each person's worth and dignity; they are also universal, which means that they apply to everyone equally and without discrimination; they are also unalienable, meaning that they cannot be taken away from anyone except in certain circumstances; for instance, the right to liberty can be restricted if a person is found guilty of a crime by a court of law; and they are indivisible and interrelated. In actuality, the respect for many other rights is often impacted by the infringement of one right. As a result, it is important to treat all human rights equally and to recognize their value in preserving each person's dignity and worth.

### **Global Human Rights Law**

International human rights legislation serves as the legal expression of inalienable human rights. Since 1945, a number of international human rights treaties and other instruments have been developed, giving inherent human rights legal status. The United Nations' founding

offered the perfect setting for the establishment and acceptance of international human rights laws. At a regional level, additional instruments have been introduced to represent the region's unique human rights issues. Additionally, the majority of States have enacted constitutions and other laws that explicitly safeguard fundamental human rights. States often openly quote international human rights treaties in their terminology. The majority of international human rights legislation is made up of treaties, conventions, as well as other things like declarations, principles, and recommendations[2], [3].

### **Treaties**

A treaty is an agreement between States to abide by certain laws. There are several names for international treaties, including covenants, charters, protocols, conventions, accords, and agreements. A treaty has legal force only with respect to the States that have agreed to abide by its terms, or who are "parties" to it.

A State may ratify, join, or succeed to become a party to a treaty. A State's official declaration of agreement to be bound by a treaty is known as ratification. The only State that may ratify a treaty is one that has already signed it.

Two procedural steps make up ratification: on a domestic level, it needs approval by the relevant constitutional institution. On a global scale, the instrument of ratification must be legally delivered to the depositary, which might be a State or an international body like the United Nations, in accordance with the applicable provision of the treaty in issue.

A State that has not yet signed the instrument must agree to be bound in order to accede. States ratify agreements both before and after they go into effect. Similar rules apply to accession. A State may also join a treaty via succession, which happens in accordance with a particular term of the treaty, or by declaration.

Most treaties do not operate automatically. Some States consider treaties to be more important than domestic law, while others grant them constitutional significance, while still other States just integrate certain treaty articles into domestic law. When ratifying a treaty, a State may make reservations, stating that although it agrees to be bound by the majority of its terms, it disagrees with a few particular ones. A reservation, however, cannot make the treaty's goals and objectives obsolete.

Furthermore, even if a State has misgivings about a treaty or is not a party to it, that State may still be obligated to abide by the treaty's provisions that have been adopted as pervasive principles of international law, such as the ban against torture.

## **2. DISCUSSION**

The phrase "customary international law" refers to an all-encompassing practice that States consistently uphold out of a feeling of duty to the law. As an example, although though the Universal Declaration of Human Rights is not a treaty that must be abided by, certain of its clauses are comparable to customary international law.

### **Resolutions, declarations, and other actions taken by UN bodies**

Declarations, proclamations, standard rules, guidelines, suggestions, and principles are often used to express general standards of international law concepts and practices that most States would agree with. They do not have a binding legal impact on States, but they do reflect a wide international consensus and, as a result, have a powerful and indisputable moral influence on how States conduct their international relations. Such instruments have importance because they are acknowledged and approved by a significant number of States,

and even while they do not have binding legal force, they may be considered as a declaration of widely acknowledged international norms.

### **State obligation to uphold human rights**

The primary role of States is to uphold, advance, and guarantee the enjoyment of human rights, which entails holding them accountable for the human rights of people. A State owes many human rights to everyone living on its territory, but certain rights are exclusively due to specific groups of people. For instance, a State owes its citizens the right to vote in elections. As part of its duties, the state must take proactive steps to guarantee the protection of human rights by offering appropriate redress to those whose rights have been infringed and by taking action to prevent such violations on its own.

The exercise of certain rights may, under international law, be limited in certain situations. For instance, the State may legitimately impose imprisonment as a means of restricting a person's freedom of movement if that person is found guilty of a crime after a fair trial. In a democratic society, limitations on civil and political rights may only be imposed when legally mandated and only in order to ensure the proper acknowledgment of others' rights and to uphold the fair standards of morality, public order, and the general welfare. Economic, social, and cultural rights may be constrained by legislation, but only to the extent that the restriction is consistent with the rights' nature and is primarily intended to advance the benefit of society as a whole in a democratic society.

States have the authority to enact policies that restrict or suspend the exercise of certain rights during a validly proclaimed state of emergency. Such derogations may never constitute discrimination based on race, color, sex, language, religion, or socioeconomic background and are only permissible to the amount required for the circumstance. Any deviation from the rules must be notified to the UN Secretary General. However, some human rights those that are non-derogable may never be suspended or limited, even in times of war and armed conflict, as stated in article 4, paragraph 3 of the International Covenant on Civil and Political Rights. These include the freedom of thought, conscience, and religion as well as the rights to life, to be free from torture, to be free from slavery or other forms of servitude. Human rights law also provide protection during armed conflict when humanitarian law is in effect[4], [5].

A set of rules and guidelines known as international humanitarian law aims to stop crimes and lessen suffering during armed conflict. It may be characterized as the area of international law, which includes international treaties and customs, that aims to safeguard those who are not, or are no longer, participating in hostilities and to limit the manner and means of hostilities between parties to a conflict. Modern humanitarian law was founded on the Geneva Convention for the Improvement of the Condition of the Wounded in Armies on the Field of 1864. Important turning points include the Hague Peace Conferences of 1899 and 1907 as well as the Diplomatic Conference of 1874. The two 1977 Protocols Additional to those Conventions and the four 1949 Geneva Conventions, which are listed below, serve as the fundamental sources of modern international humanitarian law.

The Geneva Conventions for the Relief of the Condition of the Wounded and Sick in the Armed Forces in the Field, the Geneva Conventions for the Treatment of Prisoners of War, the Geneva Conventions for the Protection of Civilians in Time of War, and Additional Protocol I for the Protection of Victims of International Armed Conflict. Article 3 of the Geneva Conventions establishes baseline standards that each party to an internal armed conflict must adhere to. This is significant. According to this article, those who are not actively engaged in the fighting shall in all circumstances be treated humanely, without adverse distinction, and "the wounded and sick shall be collected and cared for. The protection



of cultural property during armed conflict, the ban on biological and chemical weapons, and the prohibition on certain conventional weapons that may be deemed to be excessively harmful or to have indiscriminate effects are just a few of the diverse subjects covered by other humanitarian law instruments. The 1995 Protocol on Blinding Laser Weapons and the 1997 Convention on the Prohibition of Anti-Personnel Mines, both of which came into effect on March 1, 1999, are recent instances of humanitarian law.

### **Humanitarian law and human rights law are related**

Human rights law sets standards for State behavior in defending the rights and freedoms of individuals, while humanitarian law establishes norms for the protection of war victims and the conduct of hostilities. Traditionally, these two areas of international law have been seen as distinct. In other words, it was believed that circumstances involving armed war and humanitarian emergencies did not need as much adherence to human rights legislation. Those who held this opinion cited ICCPR provisions that allow States to temporarily waive certain civil and political rights in times of national emergency when doing so poses a danger to the survival of the country. However, even during times of armed conflict, the requirements of the majority of international human rights instruments are applicable.

accorded that human rights are seen as essential to maintaining peace and security, the necessity to protect them during armed conflict has been accorded priority. The international human rights instruments were examined in 1966 by the Secretary-General at the time to see how well they safeguarded people's rights during armed conflict. A wider range of human rights protection was found to be offered by the key international instruments than by the Geneva Conventions, such as the International Bill of Human Rights. A number of resolutions acknowledging that basic human rights under international agreements continue to apply in times of armed conflict were adopted by the General Assembly in 1970 and the Teheran World Conference on Human Rights in 1968 based on this acknowledgment. The Vienna Declaration and Programme of Action similarly urged all States and participants in armed conflicts to strictly adhere to international humanitarian law and the minimal requirements for safeguarding human rights. The Commission on Human Rights acknowledged the need of defining the fundamental ideas that apply to instances of internal violence in 1996. It is currently accepted that human rights law and humanitarian law should be considered holistically and integrated, with each person having access to both the protections offered by human rights law at all times and those offered by humanitarian law during times of armed conflict[6], [7].

### **International Agreements on Human Rights**

Over 100 treaties, declarations, guidelines, recommendations, and principles make up the whole corpus of international human rights instruments, which collectively define global norms for human rights. Part 1 discusses the major treaties and significant human rights conferences. However, a number of additional international human rights instruments established by or operating under the auspices of the United Nations specify certain rights, outline the rights of specific groups, and prescribe behavior to safeguard human rights. The Annex I contain a complete list of international instruments.

### **Worldwide Human Rights**

#### **Standardization and its creation**

We approach the new century knowing that upholding all human rights, especially the right to development, is essential to maintaining peace and security, averting further conflict, and

forging a shared future. Article 1 of the UN Charter calls for the pursuit of international cooperation through the resolution of global issues of an economic, social, cultural, or humanitarian nature, as well as the promotion and encouragement of respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. Mary Robinson, High Commissioner for Human Rights, delivered the opening remarks to the 55th session of the Commission on Human Rights in 1999. To achieve this, the UN has started a constant process of defining human rights in order to transform them from morals and ideals into enforceable international law. These guidelines have been gradually developed over many decades with the help of United States entities, several states, non-governmental organizations, and private citizens. The first step toward the gradual formulation of international human rights was the 1948 ratification of the Universal Declaration of Human Rights. The great aspirations preserved in the Declaration's tenets have proven ageless and lasting in the 50 years that have passed since then. More than 100 human rights documents that collectively make up international human rights standards were motivated by these concepts. Some important international human rights laws and developments are listed below.

### **The Universal Declaration of Human Rights**

In order to start the process of creating a worldwide bill of human rights, the General Assembly sent a draft Declaration of Fundamental Human Rights and Freedoms to the Commission on Human Rights at its first meeting in 1946 through the Economic and Social Council. The Commission gave its officials permission to prepare a draft bill of human rights in 1947, and an official Drafting Committee made up of 8 Commission members eventually took control of the project. The Drafting Committee agreed to create two documents: one would be a proclamation outlining broad human rights norms or principles, and the other would be a convention outlining particular rights and their restrictions. As a result, the Committee sent draft articles of an international declaration and an international convention on human rights to the Commission. In late 1947, the Commission made the decision to refer to the complete collection of texts as the "International Bill of Human Rights." The proclamation draft was updated and sent to the General Assembly through the Economic and Social Council in 1948. The Universal Declaration of Human Rights was ratified on December 10, 1948, which is recognized as "Human Rights Day" annually [6], [8].

The draft human rights covenant was then still being worked on by the Commission on Human Rights. The General Assembly adopted a resolution in 1950 stating that economic, social, and cultural rights, as well as the enjoyment of civil and political freedoms, are intertwined and rely upon one another. The General Assembly proposed that the Commission create two covenants on human rights, one defining civil and political rights and the other enshrining economic, social, and cultural rights, after a protracted discussion. The General Assembly resolved to make the draft covenants as widely known as possible before finalizing them so that governments could examine them thoroughly and the general public could express themselves freely. The International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights, both of which were finished in 1966, essentially transformed the tenets of the Universal Declaration into international law. The two Covenants are together referred to as the "International Bill of Human Rights" along with the Universal Declaration of Human Rights.

### **The Human Rights Declaration of 1948**

The Preamble and 30 articles that make up the Universal Declaration of Human Rights outline the basic freedoms and human rights that all men and women are guaranteed without exception. The intrinsic worth of every member of the human family is acknowledged in the

Universal Declaration as the cornerstone of global freedom, justice, and peace. It recognizes fundamental rights, which are the inalienable rights of every human being. These rights include, among others, the right to life, liberty, and security of person; the right to a living wage; the right to apply for and be granted asylum from persecution in other countries; the right to freedom of expression; the right to an education; the right to be free from torture and other cruel or inhumane treatment; and the right to an adequate standard of living. All men, women, and children should be able to exercise these inalienable rights, as well as all social classes and groupings. Many people now believe that the Universal Declaration of Human Rights is a component of accepted world law.

As the world celebrated the 50th anniversary of the Universal Declaration of Human Rights, 1998 demonstrated the shared dedication to these essential and unalienable human rights. One of the United Nations' first significant accomplishments was the Universal Declaration, which, even after 50 years, continues to have a significant impact on people's lives all around the globe. One of the most well-known and often mentioned human rights declarations in the world, the Universal Declaration of Human Rights was first published in 1948 and has since been translated into more than 250 languages. The 50th anniversary celebration offered the chance to consider the accomplishments of the previous 50 years and set goals for the next century. The 50th anniversary emphasized the indivisible, universalism, and interconnectedness of all human rights under the banner of All Human Rights for All. It reaffirmed the notion that all human rights—civil, cultural, economic, political, and social—should be respected as a whole.

The ICESCR was approved by the General Assembly in 1966 and came into effect in January 1976 after 20 years of drafting discussions. In many ways, social, economic, and cultural rights have received less international attention than civil and political rights. This has led to the false assumption that violations of economic, social, and cultural rights are not subject to the same level of legal scrutiny and means of redress. This viewpoint disregarded the fundamental ideas of human rights, namely that they are interconnected and indivisible, and that violating one right might very possibly result in the violation of another.

In accordance with international law and the international community, economic, social, and cultural rights are receiving increasing attention. Based on the assumption that individuals may simultaneously enjoy their rights, freedoms, and social justice, these rights are intended to secure their preservation [9], [10]. The Covenant embodies some of the most important international legal principles establishing economic, social, and cultural rights, such as the right to work in fair and favourable conditions, the right to social protection, the right to an adequate standard of living, including clothing, food, and housing, the right to the best possible physical and mental health, the right to education, and the right to take advantage of advances in science and culture.

Article 2 is significant because it specifies the legal responsibilities that States parties have under the Covenant. In order to ensure the progressive fulfillment of the rights recognized in the Covenant, States are expected to take effective measures to implement these rights to the fullest extent of their resources, including via the enactment of domestic legislation. The Economic and Social Council had the duty of ensuring that the Covenant was being implemented by States parties, and it outsourced this duty to a group of impartial specialists called the Committee on Economic, Social, and Cultural Rights.

### 3. CONCLUSION

The development of human rights ideas has been influenced by historical changes, intellectual developments, and social movements. The idea of human rights has grown to

include a wide range of civil, political, economic, social, and cultural rights as nations have realized the need of defending people against tyranny and exploitation. These rights, which were long thought of as frills, are now seen to be necessary for human flourishing and wellbeing. The creation of international organizations and frameworks for human rights, including the Universal Declaration of Human Rights, demonstrates the world's commitment to a universal morality that cuts beyond national boundaries. These frameworks provide the groundwork for international collaboration and reinforce the notion that safeguarding human rights is a global activity rather than only a local one. There are always new problems to solve in the contemporary world, such as privacy issues, environmental disasters, and technology breakthroughs. These difficulties must be taken into account as human rights develop, with its guiding principles modified to protect people's wellbeing in a world that is changing quickly.

## REFERENCES

- [1] J. S. Jaquette, "Women/Gender and Development: the Growing Gap Between Theory and Practice," *Stud. Comp. Int. Dev.*, 2017.
- [2] M. A. Sigg *et al.*, "Evolutionary Proteomics Uncovers Ancient Associations of Cilia with Signaling Pathways," *Dev. Cell*, 2017.
- [3] L. Y. Saltzman, L. Solomyak, and R. Pat-Horenczyk, "Addressing the Needs of Children and Youth in the Context of War and Terrorism: the Technological Frontier," *Current Psychiatry Reports*. 2017.
- [4] C. A. Buani and B. V. Magalhães, "WFP's role in building sustainable bridges between the right to adequate food and the freedom from hunger," *Brazilian J. Int. Law*, 2017.
- [5] J. B. de Mesquita, "Global health, human rights and the challenge of neoliberal policies," *J. Public Health (Bangkok)*., 2017.
- [6] P. J. Hotez, "The poverty-related neglected diseases: Why basic research matters," *PLoS Biol.*, 2017.
- [7] J. Zarestky and J. C. Collins, "Supporting the United Nations' 2030 sustainable development goals: A call for international HRD action," *Hum. Resour. Dev. Int.*, 2017.
- [8] D. Drewer and V. Miladinova, "The BIG DATA Challenge: Impact and opportunity of large quantities of information under the Europol Regulation," *Comput. Law Secur. Rev.*, 2017.
- [9] A. Martin-Matthews, "The caring motivation: An integrated theory," *Int. J. Care Caring*, 2017.
- [10] F. Emmert and C. P. Carney, "The European Union Charter of Fundamental Rights vs. The Council of Europe Convention on Human Rights and Fundamental Freedoms - A Comparison," *SSRN Electron. J.*, 2017.

## CHAPTER 9

### INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

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#### ABSTRACT:

The International Covenant on Civil and Political Rights (ICCPR) stands as a cornerstone of international human rights law, emphasizing the protection of fundamental freedoms and individual rights. This paper delves into the origins, key provisions, and significance of the ICCPR within the context of global human rights governance. By analyzing its historical development, core principles, and impact on national legal systems, this study aims to provide a comprehensive understanding of the ICCPR's role in promoting civil and political rights on a global scale. The analysis underscores the importance of international cooperation and the rule of law in upholding the principles enshrined in the ICCPR and ensuring the dignity and autonomy of every individual. The International Covenant on Civil and Political Rights (ICCPR) serves as a testament to the international community's commitment to safeguarding the rights and freedoms essential to human dignity. Emerging in the aftermath of World War II, the covenant reflects the collective determination to prevent the recurrence of atrocities by establishing a framework that protects individual liberties and curtails unchecked power.

#### KEYWORDS:

Covenant, Freedom, Human rights, International, Liberty, Protection.

#### 1. INTRODUCTION

The International Covenant on Civil and Political Rights covers the State's customary obligations to uphold the rule of law and administer justice. The Covenant contains several sections that deal with the interaction between the person and the State. States must make sure that human rights are upheld while carrying out these duties, including those of the accused as well as those of the victim. The Covenant defines several civil and political rights, including the right to self-determination, the right to life, liberty, and security, the freedom of movement, including the right to leave the country, the freedom of thought, conscience, religion, peaceful assembly, and association, the freedom from torture and other cruel or degrading treatment or punishment, the freedom from slavery, forced labor, and arbitrary detention or arrest, among others. Members of linguistic, religious, or ethnic minorities are additionally protected by other laws. All States Parties are required by Article 2 to uphold and ensure the rights outlined in the Covenant without regard to any type of distinction, including race, color, sex, language, religion, political opinion, national or social origin, property, birth, or other status.

There are two Optional Protocols to the Covenant. The first sets the procedure for handling messages from anyone who allege they have experienced breaches of any of the Covenant's rights. The second calls for the death penalty to be abolished. The Covenant on Civil and Political Rights, in contrast to the Universal Declaration and the Covenant on Economic, Social, and Cultural Rights, gives a state permission to derogate from, or in other words, restrict, the enjoyment of certain rights during times of a declared public emergency that endangers the survival of a country. Such restrictions are only allowed to the degree that is absolutely necessary in the circumstances and must be disclosed to the UN. However, certain



rights, including the right to life and the prohibitions against torture and slavery, may never be suspended[1], [2].The Covenant calls for the creation of a Human Rights Committee to oversee how States Parties are carrying out its requirements. As of March 2000, 39 States had ratified the Second Optional Protocol, 95 States had ratified the Optional Protocol, and 144 States had ratified the Covenant.

### **Global Agreement to Abolish All Forms of Racial Discrimination**

Racial discrimination has received a lot of attention from the United Nations since it was one of the issues that motivated its founding. The General Assembly approved the International Convention for the Elimination of All Forms of Racial Discrimination in 1965, and it went into effect in 1969.

The definition of "racial discrimination" in Article 1 of the Convention is "any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin with the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights in any field of public life, including political, economic, social or cultural life."

It is not true that this definition solely includes the kind of discrimination that is typically referred to as "race" as the basis. It is also notable that the term "purpose or effect" is included in the definition. As a result, the concept includes not just discrimination that is done on purpose but also behaviors, regulations, and customs that may seem neutral on the surface but have a discriminatory effect.The Convention's signatories pledge to end racial discrimination in the exercise of one's civil, political, economic, social, or cultural rights and to provide appropriate redress for any instances of it via national courts and state institutions. States parties agree not to sponsor, defend, or support racial discrimination by individuals or organizations; to review national, local, and government policies; to amend or repeal laws and regulations that create or perpetuate racial discrimination; to prohibit and put an end to racially discriminatory acts and practices; and to ensure that public authorities and institutions do the same. The Convention created the Committee on the Elimination of Racial Discrimination to oversee States parties' compliance with their responsibilities. 155 States were party to the Convention as of March 2000.

### **Agreement to Abolish All Forms of Discrimination Against Women**

The General Assembly approved the Convention on the Elimination of All Forms of Discrimination Against Women in 1979, and it went into effect in 1981. Despite the fact that there are international agreements affirming women's rights within the context of all human rights, it was decided that a separate treaty was required to address the ongoing, blatant discrimination against women across the globe. In addition to addressing the broad concerns, the Convention also lists a number of particular instances when discrimination against women has been overt. These instances include marriage, family life, and sexual exploitation.

The Convention's goal is to improve the position of women by using a twofold strategy. It mandates that States Parties provide freedoms and rights to women on the same basis as men, removing the historically oppressive roles from their lives. It exhorts States parties to change social and cultural norms that support gender-role stereotyping in families, schools, and workplaces, particularly via education. It is predicated on the idea that in order to guarantee the full enjoyment of human rights, States must actively work to progress women. In order to improve the position of women and their capacity to participate in decision-making in all areas of national life—economic, social, cultural, civic, and politicalit urges States parties to utilize effective measures, including preferential treatment[3], [4].



The States Parties to the Convention Agree, Among Other Things, to: Adopt Legislative and Other Measures, Including Sanctions Where Appropriate, Prohibiting Discrimination Against Women; Ensure Effective Protection of Women Against Discrimination Through National Tribunals and Other Public Institutions; and Refrain from Engaging in Any Discriminatory Act or Practice Against Women in the Public Sector. The Committee on the Elimination of Discrimination Against Women is set up under Article 17 of the Convention to monitor the application of its provisions. The Committee will have more authority after the 1999 Optional Protocol becomes effective. 165 States were party to the Convention as of March 2000.

## 2. DISCUSSION

### **Convention against Torture and other Cruel**

The United Nations has established internationally recognized standards against torture throughout the years, which have been codified in declarations and conventions. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was finally codified to prohibit the use of torture on December 10, 1984, by the General Assembly. The Convention became operative on June 26, 1987. Despite these precautions, there may still be instances when people are tortured or allege to have been tortured. Governments that are dedicated to ending torture must also be dedicated to giving alleged victims of torture an appropriate redress. This is seen in the way governments respond to reports of torture. When there are good reasons to suspect that an act of torture may have been committed, the Convention mandates that accusations of torture be quickly and impartially examined. Physical markings on the body, which may fade or disappear, sometimes in a matter of days, are frequently the most crucial proof in many situations. For those who have been subjected to torture, the establishment of an effective mechanism for the administration of justice is crucial. The Committee against Torture was created as a monitoring body for the Convention's implementation. 118 States were party to the Convention as of March 2000.

### **The Child's Rights Convention**

Both the League of Nations and the United Nations had previously published statements on the rights of children, and a number of human rights and humanitarian treaties included particular provisions pertaining to children. Many people around the world have recently called on the United Nations to codify children's rights in a comprehensive and binding treaty in response to reports of the serious ills that children face, such as infant mortality, inadequate healthcare, and few opportunities for basic education, as well as alarming accounts of child exploitation, prostitution, child labor, and victims of armed conflict. The Convention was unanimously adopted by the General Assembly on September 2, 1990, and it went into effect on that day. International convention for the protection of all migrant workers' rights, including those of their families. People have crossed boundaries throughout history for a number of reasons, such as military warfare, persecution, or destitution. Regardless of their reasons, millions of individuals are outsiders living as migrant laborers in the countries which they call home. Due to their incapacity to assimilate into society and the potential for mistrust or hostility as immigrants, they often rank among the most disadvantaged populations in the host State. Uninformed and unprepared to handle life and work in a foreign nation, migrant laborers make up a sizable portion of the workforce.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted out of concern for the rights and welfare of migrant workers. The General Assembly accepted the Convention on December 18 of that year, and it won't go into effect until 20 States have ratified it or joined it. Only 12 States have ratified the

Convention as of March 2000[5], [6]. According to the Convention, those who fall within the definition of "migrant workers" are allowed to exercise their human rights at all stages of the migration process, including preparation for migration, transit, stay, and return to their State of origin or place of habitual residence. Migrant workers are entitled to working conditions that are on par with those offered to citizens of the host country, including the right to social security and health insurance as well as the ability to unionize. State parties are required to create migration rules, share information with employers, and aid migratory workers and their families. In a similar vein, the Convention mandates that migratory workers and their families must adhere to host State law. The Convention makes a distinction between authorized and unauthorized migrant labor. It does not demand that illegal employees get equal treatment; instead, it seeks to eliminate migrant workers' irregular employment and unauthorized or clandestine travels.

### **The Right to Development Declaration**

The General Assembly approved the Declaration on the Right to Development in 1986, recognizing that it is an extensive economic, social, cultural, and political process that aspires to constantly improve the wellbeing of the whole population as well as that of each person. Everyone has the right to take part in, contribute to, and benefit from economic, social, cultural, and political growth, according to the Declaration on the Right to growth, which asserts that this right is an intrinsic human right. Permanent control over natural resources, self-determination, involvement by the general public, equality of opportunity, and the promotion of suitable circumstances for the enjoyment of other civil, cultural, economic, political, and social rights are all elements of this right. The right to self-determination, sovereignty over natural resources, and public involvement are three human rights principles that are especially pertinent to the full enjoyment of the right to development.

### **Ownership of Natural Resources**

The ability of peoples to enjoy and utilize their resources and the impact of this ability on the well-being of the people of the State is given fuller expression in Geneva Declaration on the Right to Development Article 1 which makes clear that the full realization of the right to self-determination, which has been to be an integral part of development, includes the exercise of the inalienable right to full sovereignty over all their natural wealth and resources.

### **Widely Used Participation**

The development of human rights norms has relied heavily on the idea of public involvement. It aims to uphold the worth, dignity, and freedom of the human individual and is a fundamental component of societal development. Both International Covenants make mention of public engagement, and the Declaration on the Right to Development gives it a significant place. In A/37/55, the General Assembly emphasizes the importance of the adoption of measures to ensure the effective participation, as appropriate, of all elements of society in the preparation and implementation of national economic and social development policies and of the mobilization of public opinion and the dissemination of relevant information in support of the principles and objectives of social progress and development," emphasizing its significance.

### **Beneficiaries**

The human being is both the subject and the recipient of the right, as is the case with all human rights. Both a person and a collective may assert their claim to the right to growth. It's important to note that this right applies to both the international community and individual

States. During consultations in Geneva in the early 1990s, which reaffirmed that the freedom of individuals, groups, and peoples to make their own decisions, to select their own representative organizations, and to exercise democracy free from outside interference, international attention centered more intently on the right to development. The achievement of the right to development depended heavily on the idea of participation. The consultation also took into account the fact that there is no one development model that can be applied to all cultures and peoples and that development strategies that are exclusively focused on economic growth and financial concerns have mostly failed to achieve social justice. Since development is a personal affair, development plans should be chosen and tailored to the specific conditions and requirements of the peoples involved.

The United Nations established systems to ensure that all of its actions and programs are compliant with the Declaration on the Right to Development, taking the lead in its implementation. The 1993 Vienna Declaration and Programme of Action, which gave the Declaration on the Right to Development fresh life, emphasized the connection between human rights and development at the World Conference on Human Rights. The Vienna Declaration reaffirmed the interdependence and mutual support of democracy, progress, respect for human rights, and basic freedoms. It was recognised that the full enjoyment of human rights necessitates long-term economic and social growth, and that this is also true in reverse. In other words, neither full human rights realization nor respect for human rights are possible without the other [7], [8].

### **Distinguished human rights conferences**

International human rights standards have also been significantly influenced by declarations and proclamations made at human rights conferences across the globe. The instruments established by these conferences are written with the assistance of international organizations and non-governmental groups, represent a consensus among states, and are accepted by state consent. Particularly important for boosting human rights standards were the human rights conferences held in Vienna and Teheran. Both contributed to the passage of the Proclamation of Teheran and the Vienna Declaration and Programme of Action by drawing an unprecedented number of participants from States, agencies, and non-governmental organizations.

#### **a. 1968's Teheran Human Rights Conference**

The first international conference on human rights to assess the advancements achieved in the 20 years following the passage of the UDHR took place in Teheran, Iran, from April 22 to May 13, 1968. Significantly, the Conference called on members of the international community to "fulfill their solemn obligations to pro-mote and encourage respect" for the rights and basic freedoms entrenched in the UDHR. The Proclamation of Teheran opened the door for the development of other international human rights agreements by restating the tenets of the International Bill of Human Rights.

#### **b. 1993 Vienna International Conference on Human Rights**

For two weeks beginning on June 14, 1993, members of the world community met in Vienna in record numbers to debate human rights. The World Conference addressed strategies to further improve respect for human rights as well as the evolution of human rights norms and frameworks. The Vienna Declaration and Programme of Action were unanimously accepted by members from 171 States with the participation of over 7,000 delegates, including academics, treaty bodies, national institutions, and representatives of more than 800 non-governmental organizations. The Vienna Declaration and Programme of Action may be seen

as a potent unifying strategy for advancing human rights work throughout the globe given the Conference's overwhelming support and unanimity.

### **The Declaration's substance**

The conclusion of a protracted process of evaluation and discussion on the state of the global human rights system was the Vienna Declaration and Programme of Action. It also signaled the start of a fresh push to reinforce and advance the set of human rights laws that had carefully been built on the Universal Declaration of Human Rights' basis since 1948. Significantly, the Vienna Declaration and Programme of Action: reaffirmed the human rights principles that had developed over the preceding 45 years and called for the further strengthening of the foundation for ensuring continued progress in the area of human rights; reaffirmed the universality of human rights and the international commitment to their implementation; and declared that democracy, development, and respect for human rights and fundamental freedoms are interdependent.

The Conference's agenda also included a look at the relationship between development, democracy, and economic, social, cultural, civil, and political rights, as well as an assessment of how well the United Nations protects human rights and recommendations for actions that could be taken to ensure that the organization has enough funding and other resources to carry out its human rights initiatives. The General Assembly's forty-eighth session approved the final document that was reached in Vienna. 1998: Vienna Declaration and Programme of Action Five-Year Review. The Secretary-General was also invited to hear from regional organizations, national human rights groups, and non-governmental organizations on the VDPA's implementation five years later [9], [10].

The assessment process, which had started earlier in the year in the Economic and Social Council and Commission on Human Rights, was completed by the General Assembly in 1998. In the five years since the World Conference, a number of positive developments have been noted, including advancements in human rights on national and international agendas, changes to national laws that are focused on protecting human rights, and improvements to national human rights capacities, including the establishment or strengthening of national human rights institutions and special protection provided to women, children, and vulnerable groups, among others. The General Assembly reaffirmed its commitment to seeing that the VDPA is implemented, as well as its importance as a road map for national and international human rights initiatives and as a key piece of international human rights policy.

### **3. CONCLUSION**

The ICCPR's guiding principles, such as the right to life, freedom of speech, the right to a fair trial, and protection against torture, are echoes of the tenets of democratic nations. The ICCPR envisions a society where the rule of law triumphs over arbitrary authority and where governments are held responsible for safeguarding human rights by establishing legal standards that are applicable to all member countries. The Human Rights Committee and other covenant monitoring mechanisms emphasize the dedication to responsibility and advancement. Periodic assessments provide countries the chance to evaluate how well they are adhering to the covenant's rules and pinpoint any shortcomings. However, issues still exist, such as inconsistent degrees of implementation between nations and the need for increased public understanding of their rights. The ICCPR continues to be a ray of hope and a manual for good governance in a world that is changing quickly. Its guiding principles serve as a reminder that civil and political rights are inherent to all people, unalienable, and intertwined with other forms of human rights. In the face of technical breakthroughs and new types of dangers to individual liberty, the ICCPR's relevance is more important than ever.

## REFERENCES

- [1] Y. Jiao, "China's Criminal Law Reform from the Perspective of the International Covenant on Civil and Political Rights," *J. Hum. Rights*, 2017.
- [2] A. C. Haldız, "The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights," *Eur. J. Multidiscip. Stud.*, 2017.
- [3] W. Banks, "Cyber espionage and electronic surveillance: Beyond the media coverage," *Emory L.J.*, 2017.
- [4] S. Xu, "The Implementation of the International Covenant on Civil and Political Rights in China's Judicial System: Perspectives on Adoption of Exclusionary Rule in China," *Kathmandu Sch. Law Rev.*, 2017.
- [5] S. Strykowska, "Cultural Identity in the Case-Law of the Human Rights Committee," *Przegląd Praw. Uniw. im. Adama Mickiewicza*, 2017.
- [6] A. Begum, "Dowry Deaths in Bangladesh: A Study on Obligation under International Covenant on Civil and Political Rights," *Millenn. Univ. J.*, 2017.
- [7] M. Poddar and B. Nahar, "Continuing Mandamus-A Judicial Innovation to Bridge the Right-Remedy Gap," *NUJS L. Rev.*, 2017.
- [8] M. Ineli-Ciger, "Protecting Syrians in Turkey: A legal analysis," *Int. J. Refug. Law*, 2017.
- [9] E. Babatunde, "Torture by the Nigerian Police Force: International Obligations, National Responses and the Way Forward," *Strat. Law Rev.*, 2017.
- [10] C. Macchi, "Right to Water and the Threat of Business: Corporate Accountability and the State's Duty to Protect," *Nord. J. Hum. Rights*, 2017.

## CHAPTER 10

### OFFICE OF THE HIGH COMMISSIONER AND PROTECTION FOR HUMAN RIGHTS: AN OVERVIEW

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#### **ABSTRACT:**

The relationship between the Office of the High Commissioner for Human Rights (OHCHR) and the broader landscape of human rights protection and advocacy is a complex and vital one. This paper examines the evolution, functions, and significance of the OHCHR in the global context of human rights. By analyzing its roles in monitoring, reporting, and coordinating international efforts, this study aims to provide a comprehensive understanding of the OHCHR's impact on promoting and safeguarding human rights worldwide. The analysis underscores the importance of the OHCHR's independence, cooperation with states and civil society, and its contribution to fostering a culture of respect for human rights. The Office of the High Commissioner for Human Rights (OHCHR) stands as a pivotal institution in the realm of human rights protection, advancement, and advocacy. From its inception, the OHCHR has worked tirelessly to ensure that human rights remain at the forefront of global discourse and action. Its functions extend beyond mere administrative duties; it serves as a moral compass guiding the international community toward a more just and equitable world.

#### **KEYWORDS:**

Ratification, Sovereignty, Treaties, United Nations, Universal Declaration of Human Rights, Rights Implementation.

## 1. INTRODUCTION

The connection between the Office of the High Commissioner for Human Rights and other bodies in charge of human rights is described in this section. The architecture and responsibilities of these institutions may be known to many UN employees, but it is important to consider the UN system as a whole. Six major institutions were to be established in accordance with the United Nations Charter and given the responsibility of carrying out the organization's overall mission. These organizations are often referred to as Charter-based organs since the Charter was the source of their creation. The six primary organs are described, along with several significant entities that develop from them.

#### **General Assembly**

The United Nations' principal institution for deliberation, oversight, and evaluation is the General Assembly. Each delegate from a Member State has one vote in the body. Decisions are often made by simple majority. A two-thirds majority is required to decide on significant issues including fiscal issues, admission of new members, and maintaining the state of peace.

#### **Capabilities and duties**

The General Assembly's authority and duties are outlined in the United Nations Charter. The development and codification of international law, the realization of human rights and fundamental freedoms for all, and international cooperation in the fields of economics, social development, culture, education, and health are among the main responsibilities of the General Assembly with regard to the protection of human rights. The General Assembly created a number of committees, the General Assembly organized international conferences,



and the Secretariat of the United Nations all carry out this task. The "Third Committee" of the General Assembly receives the majority of human rights-related matters. With Article 10's permission to "discuss any questions or any matters within the scope of the present Charter" and to "make recommendations" to Member States on certain topics, the General Assembly has practically unrestricted authority to look into human rights-related issues. Resolutions are the decisions made by the UNGA that represent the preferences of the majority of Member States. Resolutions passed by the General Assembly greatly influence how the UN works[1], [2].

Every year, on the third Tuesday of September, the General Assembly convenes in regular session in New York, where it lasts until mid-December. On the request of the Security Council or the majority of the UN's members, it may also convene in extraordinary or emergency sessions.

### **ESOC, the Economic and Social Council**

In order to coordinate the economic and social activities of the United Nations and the specialized agencies, the Economic and Social Council was formed under the United Nations Charter as the main institution. The General Assembly elects 54 members of the Council to three-year terms. Simple majority rules apply to voting, and each member has one vote.

### **Non-Governmental Organizations (NGOs) consultation**

Consultations with non-governmental groups on issues within the Council's jurisdiction are another duty of the Economic and Social Council. The Council is aware that these groups should be given the chance to voice their opinions and that they often offer unique experiences or technological know-how that is beneficial to the Council and its work. NGOs with consultative status are permitted to send observers to open sessions and make written submissions that are pertinent to the Council's activities.

With the Council, more than 1,500 non-governmental groups enjoy consultative status. They fall into one of the following three groups: Large, worldwide NGOs with general consultative status are allowed to work on the majority of the subjects on the Council's agenda. For NGOs that have unique expertise in a certain area of the Council's operations, special consultative status is granted.

A place on the Roster is reserved for non-governmental organizations (NGOs) whose expertise allows them to occasionally and helpfully contribute to the work of the UN and who are accessible for consultation upon request. Organizations with consultative status with a specialized agency or another United Nations entity may also be included as NGOs on the Roster. The Economic and Social Council typically has one organizational session in New York and one substantive session that lasts five to six weeks and alternates between New York and Geneva. Ministers and other key officials gather for a high-level special meeting during the substantive session to address crucial economic and social concerns. The subsidiary entities of the Council, such as commissions and committees, which meet often and provide updates to the Council, carry out the year-round activity of the Council.

### **The Economic and Social Council Commissions**

The Council made a number of significant institutional decisions pertaining to human rights between 1946 and 1948. It created the Commission on Human Rights and the Commission on the Status of Women in 1946 in accordance with Article 68 of the Charter[3], [4].

## Human Rights Commission

The primary duty of the Commission when it initially convened was to supervise the creation of the Universal Declaration of Human Rights. The General Assembly approved the Declaration on December 10, 1948, marking the completion of that endeavor. Today, the United Nations' primary subsidiary body for handling issues relating to human rights is the Commission on Human Rights.

### Powers and capabilities

In regards to international declarations or conventions, the protection of minorities, the abolition of discrimination based on race, sex, language, or religion, as well as any other issue pertaining to human rights, the Commission submits proposals, recommendations, and reports to the Economic and Social Council. The Commission takes into account issues pertaining to the infringement of basic freedoms and human rights in different nations and territories, as well as other human rights circumstances. If a situation is found to be severe enough, the Commission may opt to approve an independent expert's inquiry or it may designate experts to determine, in cooperation with the relevant Government, what support is required to help restore enjoyment of human rights. The Commission helps the Council coordinate human rights-related initiatives within the framework of the United Nations. In the 1990s, the Commission's focus shifted more and more to the necessity for States to receive technical help and advisory services in order to remove barriers to the exercise of their human rights. The promotion of economic, social, and cultural rights, particularly the right to development and the right to a living standard that is appropriate, has also received increased attention. The defense of the rights of socially vulnerable groups, such as indigenous people and minorities, is also receiving more focus. This includes the elimination of violence against women and the achievement of equal rights for women, as well as the protection of children's rights and women's rights.

## 2. DISCUSSION

Every year in the months of March and April, the Commission on Human Rights convenes in Geneva for a six-week session. If a majority of the members of the States agree, it may also assemble on an emergency basis in between its normal sessions. There have been four extraordinary sessions so far. The Sub-Commission on Human Rights Promotion and Protection The Commission on Human Rights' primary auxiliary entity is the Sub-Commission. At its first meeting in 1947, the Commission under the direction of the Economic and Social Council formed it. The Sub-Commission is made up of professionals operating in their individual capacities who were chosen by the Commission while taking into account equal regional representation.

The Sub-Commission's primary responsibilities include conducting studies, particularly in light of the Universal Declaration of Human Rights; recommending actions to the Commission on Human Rights regarding the protection of racial, national, religious, and linguistic minorities; and carrying out any other duties that may be assigned to it by the Economic and Social Council or other bodies. Members of the Sub-Commission have conducted studies on issues such as discrimination against HIV/AIDS patients, harmful practices affecting the health of women and children, freedom of speech, the right to a fair trial, the rights of juveniles who are being held in detention, the environment, the rights of minorities and indigenous peoples, the issue of impunity for human rights violations, and the right to adequate housing.

### **Commission on women's issues**

The main UN technical organization for formulating important policy recommendations for the progress of women is the Commission on the Status of Women. Currently, the Commission is made up of 45 government professionals who were chosen by the Economic and Social Council to serve terms of four years.

Members, who are appointed by governments, are chosen based on the following criteria for geographic representation: eight from Western European and Other States, nine from Latin American and Caribbean States, eleven from Asian States, thirteen from African States, and four from Eastern European States.

The Commission's duties include developing reports and recommendations for the Economic and Social Council on how to advance women's rights in the fields of politics, economics, social welfare, and education, as well as developing suggestions for the Council on "urgent" issues.

The Commission should provide strategies for putting such suggestions into practice, according to the Council, which has indicated that urgent areas of women's rights should strive to achieve de facto adherence of the principle of equality between men and women. The Commission on the Status of Women was given a mandate by the General Assembly to play a catalyst role in the aftermath of the 1995 Fourth World Conference on Women by routinely evaluating the key areas of concern in the Platform for Action put out by the Conference. The Commission's meetings, which lasted three weeks each, were conducted in New York or Geneva every two years between 1971 and 1989. However, since 1989, the Commission has conducted yearly meetings in New York. Members, alternative members, observers from other UN member states, representatives from UN bodies, and representatives from intergovernmental and non-governmental organizations attend sessions.

### **Security Council**

One of the main bodies of the UN is the Security Council, which was formed by the UN Charter. It is made up of 10 non-permanent members who were chosen by the UN General Assembly to serve terms of two years and five permanent members.

Each member has one vote, and permanent members have the authority to prevent any resolution from being adopted. Decisions must get the support of all five permanent members and a margin of nine votes.

According to the United Nations Charter, the Security Council is in charge of maintaining peace and international security as well as investigating any disputes or situations that may cause international strife or a dispute in order to determine whether their persistence is likely to jeopardize the maintenance of peace and security on a global scale. All Member States formally commit to accepting and implementing Security Council decisions by joining the UN[5], [6].

### **Rights Of People**

The Security Council has the power to appoint international criminal tribunals, consider egregious human rights violations that pose threats to peace and security under article 39 of the Charter, and mandate separate human rights operations or add human rights mandates to peacekeeping missions.

### **Tribunal Criminal International for the Former Yugoslavia**

The Security Council initially adopted a series of resolutions requesting that all parties involved in the conflict adhere to the obligations under international law, more specifically under the Geneva Conventions, in response to a situation in the former Yugoslavia marked by widespread violations of international humanitarian and human rights law, including the existence of concentration camps and the continued practice of "ethnic cleansing". The notion of an individual's criminal liability for grave violations of the Geneva Conventions or other violations of international humanitarian law was reaffirmed by the Security Council.

Due to a lack of adherence to its earlier resolutions, the Security Council ultimately decided that an international court would be established to try those accountable for grave breaches of international humanitarian law that occurred on the territory of the former Yugoslavia since 1991. The Security Council also asked the Secretary-General to prepare a report on this issue. The Security Council, acting in accordance with Chapter VII of the United Nations Charter, adopted the report of the Secretary-General incorporating the International Tribunal Statute in its resolution 827 of May 25, 1993, creating an international court for the former Yugoslavia in The Hague. According to the legislation, the Tribunal has the power to bring charges for four groups of crimes: serious violations of the 1949 Geneva Conventions, contraventions of the rules or customs of war, genocide, and crimes against humanity.

### **International Court of Justice**

The International Court of Justice in The Hague only deals with matters between States, not people, therefore an international criminal court is seen as the missing piece in the global legal system. Acts of genocide and serious human rights crimes often go unpunished since there is no international criminal court to deal with individual accountability as an enforcement tool. Many crimes against humanity and war crimes have occurred during the last 50 years, yet no one has ever been held accountable.

The "Rome Statute of the International Criminal Court" was finally accepted by the UN in 1998 after protracted and contentious talks. The Court will be formed as a permanent institution with the authority to exercise its jurisdiction against individuals for the most serious crimes of international significance upon the entrance into effect of the Statute. The purpose of the Court is to supplement national criminal jurisdictions. The Statute shall "enter into force on the first day of the month following the 60th day following the date of the deposit of the 60th instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations," as stated in article 126 of its concluding clauses. Seven States have approved the Statute as of March 2000

### **Intergovernmental Court of Justice**

The United Nations Charter created the International Court of Justice as the organization's judicial body. It is made up of 15 impartial judges who are chosen by the Security Council on the General Assembly's proposal. Only States may be brought before the Court under the terms of article 36 of the Statute of the Court attached to the Charter. In legal proceedings before the Court, individuals, entities with legal personality, and foreign or non-governmental organizations are not permitted to participate as parties.

The Court's judgment is not expressly provided for under international human rights agreements. However, the Court has sometimes made decisions in an adjudicatory or consultative capacity addressing issues involving the existence or defense of human rights. The Court's considerations on these matters are of great relevance since its rulings have

greatly influenced the development of international human rights law. The judgements made by the Permanent Court of International Justice, the ICJ's predecessor, are compatible with this in terms of its judicial practice[7], [8].

### **The United Nations Secretariat**

The Secretary-General serves as the Organization's highest administrative official and is part of the Secretariat, which was established under the terms of the United Nations Charter. The Secretariat personnel is made up of more than 25,000 men and women from almost 160 different nations. They and the Secretary-General take an oath not to ask for or accept orders from any governments or other external authorities since they are international civil employees who only report to the United Nations for their work. The Secretariat maintains significant duty stations in Addis Abeba, Bangkok, Beirut, Geneva, Nairobi, Santo Domingo, and Vienna in addition to its headquarters at the United Nations in New York.

### **Organization**

The activity of the Organization is divided into four main areas as a result of the Secretary-General's reform package, which was published in document A/51/950: peace and security, development cooperation, international economic and social affairs, and humanitarian affairs. In all four areas, human rights is listed as a cross-cutting concern. An Executive Committee oversees common, cross-cutting, and overlapping policy problems and coordinates each topic. A cabinet-style Senior Management Group, made up of the heads of departments and presided over by the Secretary-General, has been formed in order to unify the work of the Executive Committees and handle issues that impact the Organization as a whole. It has weekly meetings with participation from members in Geneva, Vienna, Nairobi, and Rome by teleconference. In order for the Group to evaluate each item on its agenda within wider and longer-term frames of reference, a Strategic Planning Unit has also been formed. The general promotion and defense of human rights are the responsibility of the Office of the High Commissioner for Human Rights, which is a division of the Secretariat. The High Commissioner, who has been given primary responsibility for UN human rights initiatives by General Assembly resolution 48/141 of December 20, 1993, works under the direction and authority of the Secretary-General and within the parameters of the General Assembly's, the Economic and Social Council's, and the Commission on Human Rights' overall competence, authority, and decisions. The High Commissioner is a member of all four Executive Committees and is appointed by the Secretary-General with the agreement of the General Assembly.

### **powers and activities**

The Secretary-General is required by the United Nations Charter to: attend all meetings; carry out all duties assigned to him by the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council; submit an annual report to the General Assembly on the work of the Organization; and bring to the Security Council's attention any issue that, in his judgment, poses a threat to international peace and security. Thus, the Secretary-General serves as the servant of Member States as well as the conscience of the global community.

As diverse as the issues the UN addresses are, so too are the tasks performed by the Secretariat. These include anything from international dispute resolution to the production of stamps. The Secretariat's duties include, among other things: assisting the Secretary-General in carrying out the duties assigned to him or her by the Charter; advancing the Charter's principles and increasing public awareness of and support for the UN's goals; advancing



economic and social development, development cooperation, human rights, and international law; conducting studies, advancing standards, and disseminating information in various fields; and responding to requests for information[9], [10].

As part of the broader endeavor to advance the state of international affairs, the Secretary-General's duties include frequent daily discussions with global leaders and other persons, participation at sessions of different United Nations organizations, and foreign travel. The Secretary-General publishes an annual report in which he evaluates the Organization's efforts and offers his opinions on potential future goals. The public may know the Secretary-General most for engaging and intervening in international issues while maintaining his objectivity. This is referred to as his "good offices" and represents the actions done by the Secretary-General or his senior staff, both publicly and privately, to stop the emergence, escalation, or spread of international conflicts. The Secretary-General may approach governments on delicate human rights issues by using his good offices. He may decide to intervene on his own or at the request of Member States.

### 3. CONCLUSION

One of the keys to the OHCHR's success is its independence. It can handle problems relating to human rights thanks to its independence from political interference or prejudice. The OHCHR's function in overseeing, summarizing, and coordinating global initiatives serves as a catalyst for accountability and communication, encouraging positive interaction between nations and stakeholders. The OHCHR's partnerships with governments, civil society groups, and other international organizations serve as a reminder of the value of teamwork in the fight for human rights.

Through advocacy, it raises the voices of the oppressed and exposes unfair behaviors. Furthermore, the OHCHR helps nations construct effective human rights institutions and frameworks via its technical assistance programs. The OHCHR's services are still vital in a world where human rights breaches are still prevalent. Its initiatives to expose wrongdoing, resolve disputes via mediation, and advance the rule of law help to create a more equitable world. But obstacles including a lack of funding and political opposition continue to undermine the OHCHR's effectiveness.

### REFERENCES

- [1] T. Degener, "10 years of convention on the rights of persons with disabilities," *Netherlands Q. Hum. Rights*, 2017.
- [2] L. M. Grummer-Strawn *et al.*, "New World Health Organization guidance helps protect breastfeeding as a human right," *Matern. Child Nutr.*, 2017.
- [3] P. Hunt, "Configuring the UN human rights system in the 'Era of implementation': Mainland and archipelago," *Hum. Rights Q.*, 2017.
- [4] S. Baez, E. Herrera, A. M. García, F. Manes, L. Young, and A. Ibáñez, "Outcome-oriented moral evaluation in terrorists," *Nat. Hum. Behav.*, 2017.
- [5] A. Ray and A. Kaushik, "State transgression on electronic expression: Is it for real?," *Inf. Comput. Secur.*, 2017.
- [6] Human Rights Council, "Analytical study on the relationship between climate change and the full and effective enjoyment of the rights of the child," 2017.



- [7] UN News, “UN human rights chief points to ‘textbook example of ethnic cleansing’ in Myanmar,” 2017.
- [8] S. Nebehay, “Brutal Myanmar army operation aimed at preventing Rohingya return: U.N.,” *Reuters*, 2017. .
- [9] M. Finnemore *et al.*, “Can Shaming Promote Human Rights? Publicity in Human Rights Foreign Policy A Review and Discussion Paper,” *Migr. Policy Inst.*, 2017.
- [10] A. Johnston, “A litany of privacy disasters: how to ruin public faith in just 12 months,” *The Mandarin*, 2017.

## CHAPTER 11

### A BRIEF DISCUSSION ON HUMAN RIGHTS ENFORCEMENT MECHANISMS

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#### **ABSTRACT:**

Human rights mechanisms constitute an intricate network of international and regional instruments, institutions, and processes designed to monitor, protect, and promote human rights globally. This paper explores the diverse array of human rights mechanisms, their functions, and their significance in advancing the principles of justice, equality, and dignity for all. By analyzing key mechanisms such as treaty bodies, special rapporteurs, and courts, this study aims to provide a comprehensive understanding of how these mechanisms operate to hold states accountable, amplify marginalized voices, and foster a culture of respect for human rights. The analysis underscores the importance of collaboration, transparency, and the active engagement of civil society in maximizing the impact of these mechanisms. Human rights mechanisms stand as a collective endeavor to ensure that the lofty ideals enshrined in international human rights documents translate into tangible protections for individuals worldwide. These mechanisms are not mere bureaucratic structures; they serve as vehicles for change, challenging violations, and addressing systemic injustices.

#### **KEYWORDS:**

Dignity, Equality, Ethics, Freedom, Human rights, Justice.

### 1. INTRODUCTION

There are several conventional and unconventional systems in place to handle complaints of human rights abuses as well as to monitor the application of international human rights standards. The term "conventional mechanisms" refers to panels of impartial experts set up to oversee how States parties execute international human rights accords. States parties voluntarily submit their domestic legal system, administrative processes, and other national practices to the committees for periodic evaluation when they ratify a treaty. The term "treaty-monitoring bodies" is often used to describe these groups. Contrarily, "extra-conventional mechanisms" relate to those formed by directives originating from appropriate United Nations legislative bodies, such as the Commission on Human Rights or the General Assembly, and not from treaties. Expert organizations like the Sub-Commission on the Promotion and Protection of Human Rights may also develop non-traditional processes. They are sometimes referred to as "special procedures" and typically take the form of an independent expert or working group.

1. Customary techniques
2. Monitors of treaties
3. Overview of the standard mechanisms

The main international human rights accords are monitored via conventional means. Despite being chosen by representatives of States parties, the various committees constituted are made up of independent specialists operating in their private capacities rather than as representatives of their governments. With the exception of the body Against Torture, Committee on the Rights of the Child, and Committee against the Elimination of All Forms

of Discrimination Against Women, each body has 18 members. Members are chosen in accordance with the idea of equal geographic representation, guaranteeing a well-rounded viewpoint and knowledge of the main legal systems. Examining reports provided by State Parties and taking into account allegations of abuses of human rights are the primary duties of the treaty authorities. State-level reporting In order to exercise their rights under the relevant international treaty, all States parties are expected to provide reports outlining their progress and any issues they have run across. Individual grievances: Individuals may presently file complaints about suspected rights abuses under three international treaties[1], [2].

### **State-to-State complaints**

The same three treaties along with the Convention on the Elimination of All Forms of Discrimination Against Women allow States parties to file complaints about alleged violations of another State party's human rights. There has never been a need for this operation.

Treaty bodies serve as the most reliable source of interpretation of the human rights treaties that they oversee by virtue of their duties. Their "views" on complaints and the "concluding observations" or "concluding comments" they adopt on State reports both interpret certain treaty clauses. The creation and approval of "general comments" or "general recommendations" is another way that treaty organizations communicate their knowledge of and experience with many elements of treaty implementation. As another important resource for treaty interpretation, there is now a sizable collection of general remarks and suggestions.

Technically speaking, "communications" relate to reports of human rights breaches.

### **The reporting process**

Every treaty calls on States parties to report on the development of the rights outlined in the agreement. The standard practice is as follows: Each State Party is expected to provide the Committee with periodic reports, which the Committee reviews in light of data it has obtained from a number of sources, including non-governmental organizations, UN agencies, and experts. NGOs and United Nations organizations are particularly invited to provide material by several treaty bodies;

The treaty body makes concluding observations/comments after taking the data into account, which comprise suggestions for the State party to take to improve the execution of the relevant treaty. The treaty body examines the subsequent report submitted and keeps track of the State party's response to the concluding comments/observations. Treaty-body proposals included in the closing comments/observations have often served as the foundation for fresh technical cooperation initiatives.

### **Procedure for individual complaints in communications**

The following is a requirement for the communications process outlined in Articles 22 and 14 of the Optional Protocol to the ICCPR: the person must first exhaust all available local remedies. In other words, unless there is no legal procedure in that nation to defend the rights allegedly violated, access to remedies through the local courts has been denied or prevented, there has been an unreasonable delay locally in hearing the complaint, or there is a pattern of egregious violations of human rights that renders any prospect of remedy impossible, the individual must have investigated available legal remedies in the State concerned. The communication must allege violations of the rights outlined in the treaty that the committee is responsible for, it cannot be anonymous or abusive, it must originate from a person who is subject to the jurisdiction of a State that is a party to the specific treaty, it cannot be currently or previously under investigation in another international procedure, and it must be supported

by evidence. The Office of the High Commissioner for Human Rights supports these five committees:

### **The Human Rights Committee**

The Committee against Torture, the Committee on the Elimination of All Forms of Racial Discrimination, the Committee on the Rights of the Child, and the Committee on Economic, Social, and Cultural Rights.

1. You may address communications, contributions, or letters to these treaty organizations at:
2. The Division for the Advancement of Women provides support to the Committee for the Elimination of All Forms of Discrimination Against Women. You may send submissions or correspondence to

### **Economic, Social, and Cultural Rights Committee**

In order to help the Council fulfill its obligations under the International Covenant on Economic, Social, and Cultural Rights, the Economic and Social Council created the Committee on Economic, Social, and Cultural Rights. It consists of 18 impartial specialists. After joining the Covenant, States Parties have two years to submit their first report. Reports must be produced in the future at least every five years or whenever the Committee demands them.

### **Days of general discussion**

In order to gain a deeper understanding of an issue, such as human rights education, the rights of the elderly, the right to health, and the right to housing, the Committee typically dedicates one day of its regular sessions to a general discussion on a specific right or specific article of the Covenant. The conversation, which includes participants from NGOs and international organizations, is often advertised beforehand. The Committee's yearly report contains the pertinent decision. NGOs and any other interested parties are encouraged to submit written comments[3], [4].

### **Sessions**

Twice a year, in May and November, the Committee meets in Geneva for a three-week session. For one week immediately after each Committee session, a pre-session working group with five members meets to prepare for the next session.

## **2. DISCUSSION**

### **Human Rights Committee**

In accordance with article 28 of the International Covenant on Civil and Political Rights, the Human Rights Committee was founded. It is made up of 18 members who serve in their individual capacities and are chosen for a period of four years by States parties to the Covenant. Its duties include receiving individual communications about suspected Covenant breaches by States parties to the Optional Protocol to the Covenant and monitoring the Covenant by looking at reports filed by States parties. A quasi-judicial analysis of communications results in the development of "views" that resemble the rulings of international courts and tribunals. A Special Rapporteur who also undertakes field trips oversees the Committee's decision's implementation. States parties are required under the Covenant to provide first reports to the Committee within a year of the State in question's

entrance into force, and then as needed going forward. Periodic reports are filed every five years in addition to initial reports.

A pre-session working group of four Committee members was constituted by the Committee on a regular basis to help with the formulation of problems to be taken into consideration in connection with States reports. Over the course of two or three open sessions, reports are considered. The State representative has the chance to reply to any written or verbal queries posed by Committee members once the report is presented to the Committee. NGOs are allowed to submit materials to the Committee. After deliberation, the Committee adopts its "comments" to the State party in a private meeting, providing recommendations and proposals. At the conclusion of each Committee session, comments are published as public papers and form a part of the General Assembly's yearly report.

### **Individuals' grievances**

A person who believes that their rights as outlined in the Covenant have been infringed may submit a communication under the terms of the Optional Protocol to the Covenant. The Committee evaluates communications in light of the written data that has been provided to it by the person and the State party in question, and it then expresses its "views" in that context. The Committee may take into consideration a message from someone speaking on behalf of the claimed victim if it seems that they are unable to submit it themselves. A third person with no obvious connection to the putative victim who is unconnected may not submit correspondence. A follow-up method is used to keep track of how the Committee's "views" are being put into practice. The Committee meets three times a year for three-week sessions, usually in March at UN headquarters in New York and in July and October/November at UN Office in Geneva. A one-week working group session precedes each session. Annually, it submits a report to the General Assembly.

### **The Committee to Abolish All Forms of Racial Discrimination**

Under the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee on the Elimination of Racial Discrimination was created. It is made up of 18 specialists who serve in their individual capacities and are nominated and chosen for a four-year term by States parties to the Convention. The Committee reviews the reports that States parties are required to submit every two years in order to monitor the Convention's implementation. Additionally, it looks at specific messages from States parties that have consented to the Convention's optional complaints process. This is done in accordance with article 14. The Committee may additionally investigate circumstances in accordance with its protocol for prompt action and prevention[5], [6].

### **Submitting Reports**

A member who has been assigned the role of Country Rapporteur pays close attention to each State report. He or she leads the conversation with the State party representatives and conducts a thorough examination of the report for the Committee's consideration. The Committee has also created an urgent response and prevention framework that allows for the investigation of particularly troubling circumstances. If a report is more than five years late, the Committee may assess the country's position even if there isn't a report in order to avoid further lengthy delays.

### **Procedure for individual communications**

In 1982, the process for dealing with submissions from parties asserting they have experienced breaches of the Convention became operational. If the State in question is a party

to the Convention and has declared in accordance with article 14 that it accepts the competence of CERD to receive such complaints, then such communications may only be taken into consideration. When a State Party accepts the Committee's competence, such communications are brought to that State Party's notice in a secret manner without disclosing the author's name. The Convention against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment created the Committee against Torture. It is made up of 10 specialists who serve in their individual capacities and are nominated and chosen for a four-year term by States parties to the Convention. The Committee's main duties include receiving individual communications about alleged violations of the Convention by States parties that have accepted the optional procedure under article 22 of the Convention, reviewing reports submitted by States parties regarding the implementation of the Convention, and conducting investigations into claims of systematic use of torture in States that have accepted the article 20 procedure.

### **Submitting Reports**

Each State Party is required under the Convention to report to the Committee on the steps it has taken to carry out its obligations under the Convention. Within a year after the Convention's entrance into force for the State in question, the first report must be filed. After then, updates on following developments must be sent every four years. The Committee appoints a country rapporteur to provide a thorough examination of the report for the Committee's consideration. The Committee has the authority to ask for further reports and data.

### **Investigation Process**

The Committee is authorized to conduct a private investigation if it receives credible evidence that it believes to be based on well-founded suspicions that "torture is being systematically practiced" in a State. The Committee may select one or more of its members to "make a confidential inquiry and to report to the Committee urgently" if it determines that the evidence acquired "warrants" further investigation. The Committee then extends an invitation to the concerned State Party to join the investigation. In light of this, the Committee may ask the State Party to assign a representative to meet with its members and submit the required material. With the State's approval, a visit to the claimed location may also be part of the investigation. After reviewing the investigation's findings, the Committee sends them together with its observations and recommendations to the State party, requesting it to share its intended course of action. Finally, the Committee may choose to publish a summary of the proceedings individually or in its annual report after consulting with the State Party [7], [8].

### **Procedure for individual communication**

People who allege they have been tortured by a State that has acknowledged the Committee's jurisdiction may submit a message either personally or, in certain circumstances, via representation. The Committee's duties include gathering pertinent data, evaluating the legitimacy and merits of complaints, and expressing its views. A family or representative may send the communication on behalf of the claimed victim if that person is unable to do so themselves.

### **The Committee to End Discrimination Against Women**

In line with the International Convention on the Elimination of All Forms of Discrimination Against Women, the Committee on the Elimination of Discrimination Against Women was founded. The 23 specialists that make up the Committee are selected and elected by the States



parties to the Convention for a period of four years in their individual capacities. The Committee's primary responsibility is to oversee the Convention's implementation based on reports from States parties. The new Optional Protocol establishes two procedures: one for individual communications, which will allow communications to be submitted by or on behalf of individuals or groups of individuals claiming to have been victims of a violation of any of the rights outlined in the Convention; and the other for the Committee to conduct investigations into serious or persistent violations of those rights by a State party. A State that accepts the Protocol may "opt-out" of the inquiry mechanism, but no reservations are permitted.

### **Submitting Reports**

After ratifying or joining the Convention, a state party has one year to make its first report. Subsequent reports must be filed at least every four years or more often as required by the Committee. The Committee created a pre-sessional working group with the task of reviewing periodic reports in order to appropriately assess States parties' reports. Five members of the Committee make up the pre-sessional working groups, which create lists of concerns and inquiries to be sent in advance to the reporting State. This facilitates the preparation of responses for presentation during the session and helps the second and subsequent reports be considered more quickly.

Two permanent working groups have been established by the Committee, and they meet during the regular session to discuss ways to enhance the Committee's operations and carry out article 21 of the Convention, which grants the Committee the authority to make suggestions and recommendations regarding the implementation of the Convention. The acceptance of the closing remarks, which are meant to direct the State Party in the drafting of its next report, is conducted after the Committee has considered the reports in public session. Following an oral introduction by state representatives, members are given the chance to ask questions on certain Convention topics. In an attempt to comprehend the full scope of the discrimination issue, they center their attention on the actual status of women in society. As a result, the Committee will ask several sources for particular information on the status of women. The Committee proceeds to develop and approve its "Comments" in a series of private meetings after considering the report in open session. Once accepted, the Comments become part of the public domain. They are promptly sent to the State party and included into the General Assembly's yearly report. The Commission on the Status of Women is also given a copy of the report.

### **Committee on Children's Rights**

In accordance with the Convention on the Rights of the Child, the Committee on the Rights of the Child was founded. It is made up of 10 independent individuals that were chosen for a four-year tenure. In close collaboration with the United Nations Children's Fund, specialized agencies, and other relevant entities, the Committee's primary responsibility is to monitor the application of the Convention on the Rights of the Child based on an evaluation of State reports.

### **Submitting Reports**

States parties are expected to make reports to the Committee on measures taken to give effect to the rights in the Convention and on the advancement of children's rights two years after becoming party to the Convention and then every five years after that. At the conclusion of each session, all members of the Committee gather in secret session to discuss reports scheduled for the next session. Its job is to find the parts of the reports that need to be

clarified or that cause worry, then compile a list of problems to send to the States parties. States provide written responses that will be taken into account together with the report[9], [10].

### **General conversation**

The Committee dedicates one or more meetings of its regular sessions to a general discussion of one or more articles of the Convention or on particular subjects, such as the plight of the female child, child labor, and media representations of children. Participants from international organizations and non-governmental organizations (NGOs) take part in Committee discussions, which are often advertised in the report of the session before the one in which the discussion occurs. NGOs and any other interested parties are encouraged to submit written comments.

### **Individual grievances**

The Convention does not provide a process for dealing with specific complaints from minors or anyone acting on their behalf. However, the Committee has the right to ask for "more information relevant to the implementation of the Convention." If there are signs of major issues, governments may be asked for this extra information.

### **Special Techniques and Mandates by topic and nation**

Over time, the Economic and Social Council and the Commission on Human Rights have developed a number of additional extra-conventional processes or unique procedures, which means they were not established by either the United Nations Charter or an international treaty. Extra-conventional techniques also keep an eye on how human rights laws are being followed and upheld. These procedures have been given to working teams of experts functioning independently or to those appointed as Special Rapporteurs, Special Representatives, or independent experts. The Commission on Human Rights or the Economic and Social Council's decision will determine the working group's mandate and duration, as well as that of independent experts and the Secretary-General's special representatives. Their general missions are to assess, monitor, and report publicly on either the state of human rights in a particular nation or region (known as country mandates) or on human rights transgressions throughout the globe (known as thematic mechanisms or mandates). Annexes V and VI include a list of the geographical and topical mandates.

The use of special process procedures to address many of the most severe human rights abuses worldwide is of utmost relevance for monitoring universal human rights norms. A system of human rights protection is made up of the expansion and development of policies and practices in this field. The main goal of all special processes is to increase the effectiveness of international human rights. However, each special process has a unique mandate that, in certain situations, has developed to meet particular demands and circumstances. The intricacies and unique characteristics of each specific mandate have sometimes called for customized solutions, despite the fact that all special processes share certain fundamental concepts and requirements.

### **Conversations with governments**

Each independent expert starts a positive conversation with the representatives of the States in an effort to get their help in resolving human rights breaches. They conduct their exams and investigations with objectivity in order to suggest to States ways to ensure that human rights are respected.

## Avenues For Individual Complaints

Although they base their operations on data gathered from a variety of sources alleging human rights abuses, these mechanisms lack official complaint processes. This kind of information may be provided in a variety of ways and may include specifics about particular incidents as well as allegations of human rights breaches in general.

Several conditions must be met in order to proceed with a complaint:

- 1.The suspected victims identify;
- 2.Identity of the government personnel in charge of the offense;
- 3.Identity of the sender (person, company, etc.) of the communication;
4. A thorough account of the facts surrounding the occurrence that gave rise to the claimed violation.
- 5.A communication must meet the following requirements in order to be deemed admissible:
- 6.not be a pseudonym;
- 7.Not use obscene words;
- 8.Not express blatantly political intent;
- 9.Give a clear and succinct description of the incident's facts as well as the pertinent elements mentioned above.

## Quick action

When information indicates that a serious human rights violation is imminent, the Special Rapporteur, Representative, Expert, or Working Group may send a telefax or telegram to the authorities of the State in question, requesting details about the situation and pleading with the Government to take the necessary steps to protect the rights of the alleged victim. These appeals are preventative in nature and do not have a definitive resolution in mind. The Special Rapporteur, Representative, Expert, or Working Group responds to an urgent action by: appealing to the Governments concerned to ensure effective protection of the alleged victims; urging the competent authorities to conduct a full investigation that is independent and impartial and to take all necessary precautions to stop any further violations; and requesting updates on every action that is taken in this case. Cases that are not resolved are made public via the Special Procedures' report to the Commission on Human Rights or other relevant UN authorities.

The United Nations receives hundreds of messages each year claiming egregious and persistent abuses of fundamental freedoms and human rights. As a result, the Economic and Social Council established a process for handling such communications. Due to the passing of Resolution 1503 on May 27, 1970, this process is referred to as the 1503 procedure. It deals with events that impact a lot of individuals over a long period of time rather than individual occurrences. A list of complaints and a synopsis of the evidence are sent to the Sub-Commission on the Promotion and Protection of Human Rights' five-member Working Group each month. Every year, just before the Sub-Commission's annual session, the five-member Working Group meets for two weeks to discuss all messages and responses from Governments. When the Working Group discovers plausible proof of a pattern of severe abuses of human rights, the Sub-Commission is tasked with looking into the situation. To recommend a message to the Sub-Commission, the Working Group's members must vote by a

majority. Following that, the Sub-Commission considers whether or not to recommend the circumstances to the Commission on Human Rights via the Commission's Working Group on Situations. The Commission then acquires responsibility for deciding on each unique situation that is brought to its notice.

### 3. CONCLUSION

The success of human rights procedures depends on a number of important variables. Transparency and accountability are essential, requiring nations to keep their word and participate in fruitful discussion. Collaboration between international organizations, civil society groups, and governments makes it easier to disseminate excellent practices and identify problems that call for coordinated action.

It is impossible to overestimate the importance of civil society in engaging with these systems. Activist groups and grassroots organizations are essential for promoting awareness, identifying infractions, and promoting responsibility. They fill the gap between global laws and regional realities, ensuring that human rights institutions continue to be receptive to the demands of impacted groups. Although they have made progress, human rights mechanisms nevertheless confront obstacles. The struggle for complete human rights fulfillment is still continuing, as shown by scarce resources, political manipulation, and the recurrence of violations. Additionally, the processes must change to reflect shifting technical environments and new human rights concerns, such those pertaining to digital rights and environmental protection.

### REFERENCES

- [1] J. Thomson, "Thinking globally, acting locally? The women's sector, international human rights mechanisms and politics in Northern Ireland," *Politics*, 2017.
- [2] A. Davis-Roberts and D. J. Carroll, "International election observer recommendations and un human rights mechanisms: Toward a more robust system of global accountability on democracy and human rights," *Nord. J. Hum. Rights*, 2017.
- [3] M. Roesdahl, "Universal Periodic Review and its Limited Change Potential: Tracking the Complexity of Multiple Actors and Approaches to Human Rights Change through the Lens of the UPR Process of Nepal," *J. Hum. Rights Pract.*, 2017.
- [4] W. Obergassel, L. Peterson, F. Mersmann, J. Schade, J. A. Hofbauer, and M. Mayrhofer, "Human rights and the clean development mechanism: Lessons learned from three case studies," *J. Hum. Rights Environ.*, 2017.
- [5] C. Nyst and T. Falchetta, "The right to privacy in the digital age," *Journal of Human Rights Practice*. 2017.
- [6] P. Leach, "The Continuing Utility of International Human Rights Mechanisms□?," *EJIL Talk!*, 2017.
- [7] M. Bejzyk, "Criminalization on the basis of sexual orientation and gender identity: Reframing the dominant human rights discourse to include freedom from torture and inhuman and degrading treatment," *Canadian Journal of Women and the Law*. 2017.
- [8] D. Baumann-Pauly, J. Nolan, A. van Heerden, and M. Samway, "Industry-Specific Multi-Stakeholder Initiatives That Govern Corporate Human Rights Standards: Legitimacy assessments of the Fair Labor Association and the Global Network Initiative," *J. Bus. Ethics*, 2017.

- [9] Chung Young Sun and Naser Emran, “A Comparative Analysis for the Institutional Development of ASEAN Human Rights Mechanism,” *Seoul Law Rev.*, 2017.
- [10] B. Thompson, “Determining Criteria to Evaluate Outcomes of Businesses’ Provision of Remedy: Applying a Human Rights-Based Approach,” *Bus. Hum. Rights J.*, 2017.

## CHAPTER 12

### UNITED NATIONS STRATEGIES AND ACTION TO PROMOTE HUMAN RIGHTS

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#### **ABSTRACT:**

The United Nations (UN) has been at the forefront of promoting and safeguarding human rights through a range of strategies and actions aimed at fostering a just and equitable world. This paper delves into the multifaceted approaches employed by the UN to advance human rights, including legal frameworks, advocacy, capacity-building, and monitoring mechanisms. By analyzing key initiatives such as the Universal Declaration of Human Rights, specialized agencies, and international treaties, this study aims to provide a comprehensive understanding of how the UN's strategies and actions contribute to upholding human rights principles on a global scale. The analysis underscores the importance of international cooperation, diplomatic efforts, and a commitment to the fundamental values of dignity, equality, and justice. The United Nations' strategies and actions to promote human rights exemplify the organization's central role in shaping a more just and harmonious world. From its inception, the UN recognized that the protection of human rights is integral to achieving sustainable peace and development.

#### **KEYWORDS:**

Advocacy, Human rights, Implementation, Initiatives, International, Organizations.

### **1. INTRODUCTION**

One of the most difficult tasks at hand is promoting and defending human rights in order to avoid human rights breaches. Evidence of egregious human rights breaches now serves as a sobering reminder of the work yet to be done. To create innovative plans to stop all kinds of human rights breaches, whether intentional and unintentional, the broadest and most representative group of individuals must pool their efforts. The United Nations has used a number of methods throughout time to safeguard and advance human rights. Since it is primarily the duty of States to safeguard individuals inside their borders, several strategies such as technical cooperation initiatives have been developed to improve States' capacity to do so. Other approaches, including things like education and the creation of publications, have been developed to foster a knowledge of human rights. In general, the key tactics may be summarized as follows: incorporating human rights into development, peacekeeping, humanitarian aid, and early warning systems

1. Technical collaboration initiatives
2. Human rights initiatives and education
3. Monitoring of human rights
4. Participating in civic society
5. Information publication.

Including human rights considerations in all of the UN's activity. There have been ongoing attempts to promote and safeguard human rights by integrating them into all of the United



Nations' operations and programs since the Secretary-General announced the Programme of Reform in July 1997. This approach to human rights is all-encompassing. It acknowledges that the work of all United Nations agencies and bodies, including those involved in housing, food, education, health, trade, development, security, labor, women, children, indigenous people, refugees, migration, the environment, science, and humanitarian aid, is inextricably linked to the protection of human rights. The process of integrating human rights aims to increase collaboration and cooperation across the entire UN system for human rights programs, ensure that human rights issues are incorporated into underutilized areas of UN work, and ensure that UN activities make respect for human rights a regular, rather than a separate, component of UN activities and programs[1], [2].

As a result, the Secretary-General identified the human rights problem as touching on all four major areas of the Secretariat's work agenda. Adopting a "human rights-based approach" to activities carried out in accordance with the respective mandates of United Nations system components; developing programs or projects addressing specific human rights issues; reorienting existing programs to give human rights issues adequate attention; and including human rights components in field operations of the UN. The integration of human rights throughout the whole UN system is spearheaded by the Office of the High Commissioner for Human Rights.

### **Prevention and early detection**

Humanitarian crises, mass migrations, and refugee movements are often brought on by violations of human rights. Therefore, it is crucial to prevent the parties to a conflict from violating human rights from the earliest indications of a conflict in order to diffuse circumstances that might result in humanitarian catastrophes. To identify impending conflicts, the United Nations has already created early warning systems. Humanitarian and human rights catastrophes may be avoided, and comprehensive solutions can be sought by incorporating human rights into this system by addressing the core causes of possible conflict.

Working groups of the Commission on Human Rights and its Sub-Commission, special rapporteurs, special representatives, treaty-based bodies, United Nations human rights field officers, and other procedures and mechanisms all contribute significantly to the early warning systems for approaching humanitarian and human rights crises. When information is shared with other UN departments, like the Office of the Coordinator for Humanitarian Affairs, the Executive Committee on Peace and Security and Humanitarian Affairs, the Department of Political Affairs, and the Department of Peace-keeping Operations, conflict assessments are improved. Measures to prevent the emergence of crises are taken into consideration based on the findings from scenario analysis. Plans for prevention that are better suited to the requirements of impending catastrophes benefit from a human rights analysis. By incorporating human rights concerns before crises develop, the integration of human rights into preventative action and early warning systems is intended to improve the accuracy of the early warning capabilities of the United Nations in the humanitarian arena. By doing this, the groundwork is laid for productive collaboration before, during, and after crises.

### **Humanitarian efforts and respect for human rights**

The introduction covered the connection between human rights law and humanitarian law. There is growing agreement that humanitarian efforts in times of crisis must take human rights into account. Humanitarian operations are set up in war or complicated emergency circumstances when the provision of humanitarian aid has historically been prioritized above

other demands. It is increasingly recognized that needs-based operations should also include a human rights-based strategy that addresses both short-term security demands and long-term needs. Identification of human rights abuses and measures to defend such rights are crucial in times of war and complicated emergencies, especially when States may be unable or unwilling to do so. Humanitarian efforts include human rights problems in a variety of ways. By bringing together pertinent UN ministries, the Executive Committee on Humanitarian Affairs ensures a coordinated and comprehensive response to humanitarian challenges. The involvement of the Office of the High Commissioner for Human Rights in the Committee's work guarantees that a human rights perspective is included into the work and the creation of policies in this area. Human rights monitoring in humanitarian operations is encouraged, and measures are being taken to ensure that humanitarian field staff is trained in human rights intervention, standards, and procedures, to secure close field cooperation between human rights and humanitarian bodies, to ensure that a human rights dimension is included when developing strategies for major humanitarian efforts, and more.

### **Human rights and maintaining the peace**

One of the key duties of the United Nations Organization is the preservation of global peace and security. Human rights are becoming more important for effective conflict prevention and resolution. Large-scale human rights violations are a hallmark of armed civil wars, and these violations are often caused by systemic injustices and the ensuing disparities in who has access to resources and power. It is clear that attempts at maintaining peace are required to solve concerns with human rights. The inclusion of human rights concerns in all peacekeeping operations at the planning and preparation stage of needs assessments is a need for ensuring a complete approach to United Nations initiatives for peace and security. Several peacekeeping missions have included human rights mandates in their tasks as of late, and it is expected that DPA, DPKO, and OHCHR will cooperate more in the years to come. Human rights education for peacekeeping forces, including the military, civilian police, and civilian affairs officials, has mostly been the form that cooperation has taken. By creating a human rights presence after the peacekeepers' mission is complete, OHCHR has sometimes been asked to secure the continuance of peacekeeping operations. The introduction of combined DPKO/OHCHR human rights components in peacekeeping operations has become possible as a result of recent advancements. The OHCHR provides practical human rights advice to the peacekeeping operation under the direction of the Representative/Special Representative of the Secretary-General in command of the operation[3], [4].

### **Human Rights Are Included into Development**

A balanced and integrated economic and social development program would contribute to the promotion and maintenance of peace and security, social progress, higher standards of living, and the observance and respect for human rights and fundamental freedoms, according to a 1957 General Assembly resolution. This strategy, which holds that genuine and sustainable development necessitates the protection and promotion of human rights, was given more prominence by the Teheran World Conference on Human Rights and later acknowledged as a paramount concern by the second World Conference on Human Rights held in Vienna in June 1993.

Development is a right; it is not limited to addressing fundamental human needs. Effective development activity advances beyond the discretionary domain of charity into the necessary realm of law with recognizable rights, duties, claim-holders, and duty-holders using a rights-based approach. When development is thought of as a right, it implies that someone has both a responsibility or legal obligation and a claim, or legal entitlement. The responsibility that

falls on governments may be either beneficial or detrimental depending on the situation. In addition, embracing the rights framework allows for the use of a growing body of knowledge, analysis, and jurisprudence on the requirements of adequate housing, health, food, childhood development, the rule of law, and essentially all other aspects of sustainable human development that has been developed in recent years by treaty bodies and other human rights specialists.

The obligation to uphold individuals' inalienable human rights empowers the populace to demand justice as a right and provides the community with a solid moral foundation on which to demand international assistance and a global economic order that upholds human rights. By using a rights-based perspective, United Nations organizations may create policies and programs that adhere to widely accepted criteria for human rights. The Secretary-General's Programme of Reform included the establishment of the United Nations Development Assistance Framework. A unified program and resource framework known as the UNDAF is used by all United Nations Development Group members and, to the extent practicable, by the whole United Nations organization. The program's goal is to increase collaboration in response to national development priorities, ensure coherence and mutual reinforcement among individual assistance programs, and maximize the collective and individual development impact of participating entities and assistance programs. The UNDG Executive Committee's Ad Hoc Working Group is tasked with creating a unified strategy for increasing the human rights component of development initiatives.

## **2. DISCUSSION**

### **Human Rights Technical Cooperation Programme**

#### **Technical cooperation in the field of human rights**

The United Nations technical cooperation program on human rights supports nations in developing and bolstering national infrastructure and capabilities that directly affect the overall promotion and protection of human rights, democracy, and the rule of law. This is accomplished through providing technical support and advice to governments and the general public. Through the integration of international human rights standards into local law, policies, and practices, the goal is to support the promotion and protection of all human rights at the national and regional level. Additionally, it facilitates the development of a long-lasting national infrastructure for putting these principles into practice and guaranteeing human rights compliance.

Although the United Nations Organization as a whole engages in these efforts, OHCHR serves as the focal point for the program of technical cooperation in the area of human rights. The monitoring and investigative tasks carried out by the UN human rights program may be completed through technical cooperation activities, but they never serve as a replacement for them.

#### **The best way to get help**

A Government must make a request for assistance to the Secretariat in order to take advantage of the United Nations Programme of Technical Cooperation in the area of human rights. The Secretariat will then assess that nation's specific human rights requirements, taking into account, among other things, the following: specific recommendations made by the United Nations human rights treaty bodies; recommendations by the Commission on Human Rights and its mechanisms, including the Secretary-General's representatives, the

Special Rapporteurs on thematic or country situations, and the various working groups; and the racial and ethnic diversity of that nation.

An international delegation travels to the concerned State to undertake the evaluation. An assistance program is created to fulfill the requirements indicated in a thorough and coordinated way based on that evaluation. In order to gauge the impact of the assistance given and create follow-up strategies, periodic assessments of the nation program during implementation are often followed by a post-implementation review. The Technical Cooperation Programme's main focus is on nations or areas that are going through a democratic transition. Technical cooperation initiatives that address the requirements of less developed nations are also given priority. The program provides a variety of programs to support human rights, some of which are outlined below. However, it must be emphasized that the sorts of treatments listed are only illustrative and not all-inclusive. The sort of technical cooperation project to be carried out is decided upon by the findings of needs assessments.

### **Institutions for national human rights**

Consolidating and strengthening the role that national human rights institutions may play in the promotion and protection of human rights is a key goal of the Technical Cooperation Programme. The phrase "national human rights institutions" in this sense refers to organizations, such as national human rights commissioners and ombudsman offices, whose roles are clearly specified in terms of the promotion and protection of human rights. Governments planning or already creating a national institution for human rights are eligible for OHCHR's assistance.

The program's efforts pertaining to national human rights institutions are intended to further the idea of these organizations and support their growth. For people concerned in the establishment and management of national institutions, informational materials and a practical handbook have been created. Additionally, a number of seminars and workshops have been held to educate government officials, lawmakers, non-governmental organizations (NGOs), and others on the composition and operation of these organizations. These occasions have moreover acted as beneficial platforms for the sharing of knowledge and expertise regarding the creation and administration of national human rights institutions. The Technical Cooperation Programme offers training sessions for law enforcement personnel as well as judges, attorneys, prosecutors, and prison institutions regarding human rights in the administration of justice. These programs aim to familiarize students with international standards for the protection of human rights in the administration of justice, to facilitate discussion of humane and efficient methods for carrying out criminal and judicial duties in a democratic society, and to instruct trainer students how to incorporate this knowledge into their own training initiatives[5], [6].

In a similar vein, law enforcement officials receive training on a wide range of subjects, including: international sources, systems, and standards for human rights in the administration of criminal justice; the obligations and guiding principles of ethical police conduct in democracies; the use of force and firearms in law enforcement; the crime of torture; efficient techniques for legal and ethical interviewing; and human rights during arrest and pre-trial detention. There is a manual on human rights and law enforcement. Prison health concerns, such as AIDS and the HIV virus, as well as unique groups of convicts and detainees, such as minors and women, are among the subjects covered in courses for prison employees. There is a handbook available on human rights and pretrial detention. OHCHR tests this method of professional training for human rights in the administration of justice on

the ground via its technical cooperation operations in a number of countries, and on the basis of that experience, it has undergone a number of adjustments. Developing policies, processes, and laws that are compliant with international standards is another way to help in the administration of justice.

### **Assistance with Formulating Laws**

To help Governments in the revision of domestic law that directly affects the state of human rights and basic freedoms, the UN offers the assistance of international experts and specialized professionals. The objective is to bring such legislation into compliance with global norms outlined in regional and global human rights agreements. In response to a government's request for assistance, drafts are examined, and suggestions are then offered. Assistance with penal codes, criminal procedure codes, prison rules, laws protecting minorities, laws affecting freedom of expression, association, and assembly, laws governing immigration and nationality, laws governing the judiciary and legal system, laws governing security, and, generally, any law that may have an effect directly or indirectly on the realization of internationally protected human rights, is also covered by this program component.

### **Constitutional support**

The OHCHR offers help for the insertion of international human rights standards into national constitutions as part of this program component. In this respect, the Office may encourage national agreement on those components to be integrated into the process of constitutional revision with the help of legal professionals. In order to guarantee the involvement of all facets of society, OHCHR aid may also include the distribution of human rights information and documentation or support for public awareness initiatives. They must draft laws and bills of rights, provide legal remedies that can be litigated, consider options for the division and allocation of governmental powers, ensure the independence of the judiciary, and consider the judiciary's role in monitoring the criminal justice and prison systems.

### **National Legislatures**

National parliaments may receive direct training and other forms of assistance under the Technical Cooperation Programme to help them carry out their human rights duties. The information provided on national human rights laws, parliamentary human rights committees, ratifications of and accession to international human rights instruments, and, generally, the function of parliament in advancing and defending human rights are all addressed in this program component.

### **Military Force**

The armed forces must be subject to the Constitution and other laws of the nation, report to a democratic government, and be instructed in and dedicated to the concepts of human rights and humanitarian law for the rule of law to work effectively. For military forces, the UN has conducted a variety of training exercises.

### **Voting aid**

For more than five years, the Technical Cooperation Program has offered electoral support. The development of guidelines for the analysis of electoral laws and procedures, the publication of a handbook on human rights and elections, the creation of draft guidelines for the human rights assessment of requests for electoral assistance, and various public



information campaigns about human rights and elections are some of the specific actions the OHCHR has taken in this regard.

### **Reporting on treaties and educating government authorities**

To help government personnel produce reports in accordance with the standards defining the different international human rights treaties to which their State is a party, the OHCHR regularly provides training sessions. Both national and regional levels of education may be offered in reporting duties. As an alternative, training sessions may be planned via the human rights fellowship program. In these sessions, participants work in workshops with staff members from the Office and specialists from the different treaty-monitoring bodies. They get a copy of the OHCHR's Manual on Human Rights Reporting and, if feasible, have the chance to attend treaty body sessions as observers[7], [8].

### **Governmental and non-governmental groups**

The role of civil society in the global community is becoming more and more significant. In recent years, the United Nations has discovered that a significant portion of its work, especially at the national level, necessitates the participation of numerous non-governmental organizations and groups, whether in the areas of public health, humanitarian affairs, economic and social development, or the advancement of human rights. Key participants in the Technical Cooperation Programme are national and international non-governmental organizations that work in the field of human rights, both as providers of help and as receivers of it. Governments and other parties are increasingly asking the UN to help national NGOs in the context of its country activities by seeking their input, utilizing their services in seminars and training courses, and supporting pertinent projects that have been developed. This is in relation to the program's goals of strengthening civil society.

### **Projects for Information and Documentation**

The Technical Cooperation Programme also offers information and documentation on human rights, and it helps develop skills for managing and using this data effectively. The direct distribution of documents, where required translated into local languages, training in human rights information, and aid with computerization of national and regional human rights offices are all activities in this field. Additionally, funding may be supplied to develop and run national or regional human rights documentation centers. National libraries are also given assistance in obtaining human rights literature and data.

To assist training and other technical cooperation efforts, several manuals, handbooks, and modules are being published. Specific audiences are targeted by current or upcoming content, including law enforcement, judicial and legal professionals, prison staff, national human rights action plans, the military forces, educators, and human rights monitors participating in United Nations field operations. The material is carefully tailored to the receiving nation to make it easier to integrate human rights into already-existing training programs and curriculum.

### **Keeping the peace and preparing international civil servants**

The Technical Cooperation Programme has recently broadened the scope of its work to include human rights assistance inside the United Nations system in line with the Vienna Declaration and Programme of Action, which was approved by the World Conference on Human Rights in June 1993. The program has given important United Nations operations in places including Cambodia, Eritrea, Mozambique, Haiti, South Africa, the former Yugoslavia, and Angola different kinds of support in the domain of peacekeeping, for instance. The



supply of human rights information, legislation analysis, training, and advisory services have all been examples of this help.

### **Fellowships in human rights**

In accordance with General Assembly Resolution 926 on December 14, 1955, which formally created the advisory services program, the human rights fellowships program was started. Only applicants selected by their governments are eligible for fellowships under the program, which are funded under the usual budget line item for advising services. The Secretary-General requests nominations for fellowships from Member States each year. Governments are urged to propose individuals who work directly on tasks that have an impact on human rights, especially those related to the administration of justice. The Secretary-General urges the nomination of female candidates and calls their attention to the concerns about women's rights that the General Assembly has raised in several of its resolutions. Priority is given to applicants from States that have never benefited from the fellowship program or haven't in recent years, taking into mind the concept of equal geographic distribution[9], [10].

on-depth training on a range of human rights problems is provided to participants. They are asked to assess the fellowship program, deliver individual oral reports, and create suggestions for their superiors based on the information they have gained during the program. They are also invited to share their experiences with one another. Each participant is obliged to give a thorough final report to OHCHR on topics directly connected to their area of work in line with the policy and process governing the administration of United Nations fellowships.

### **3. CONCLUSION**

The essential liberties and privileges to which every person is entitled in this founding text. These values have guided societies toward fairness and respect for human dignity by acting as a moral compass.

The comprehensive approach the UN takes in tackling a broad variety of human rights concerns, from child protection to gender equality to refugee rights, is shown by the UN's specialized organizations like UNICEF, UNHCR, and UN Women.

These organizations operate locally to provide crucial services, promote legislative amendments, and increase public knowledge of issues relating to human rights. In order to guarantee adherence to global human rights norms, the UN developed monitoring mechanisms, such as treaty bodies and rapporteurs. By providing a forum for discussion, evaluation, and suggestions, these mechanisms help keep nations responsible for their obligations. The conflict between national sovereignty and global duty, the impact of geopolitics on decision-making, and the uneven allocation of resources are still problems. But in a complicated world, the UN's unshakable dedication to human rights remains a ray of hope.

### **REFERENCES**

- [1] L. Ortega, "SLA in uncertain times: Disciplinary constraints, transdisciplinary hopes," *Work. Pap. Educ. Linguist.*, 2017.
- [2] L. Ferguson, D. Tarantola, M. Hoffmann, and S. Gruskin, "Non-communicable diseases and human rights: Global synergies, gaps and opportunities," *Glob. Public Health*, 2017.
- [3] J. Merrick MD, MMedSc, DMSc, "Global health: Global strategy for women's, children's, and adolescents' health 2016-2030," *Int. J. Child Adolesc. health*, 2017.

- [4] R. Kuczera, "U.S refugee policy in the era of homeland security: a comparative government analysis," *J. Ethn. Migr. Stud.*, 2017.
- [5] K. Grip, "International marine environmental governance: A review," *Ambio*. 2017.
- [6] V. Marchezini, R. Trajber, D. Olivato, V. A. Muñoz, F. de Oliveira Pereira, and A. E. Oliveira Luz, "Participatory Early Warning Systems: Youth, Citizen Science, and Intergenerational Dialogues on Disaster Risk Reduction in Brazil," *Int. J. Disaster Risk Sci.*, 2017.
- [7] B. G. Ridoutt, G. A. Hendrie, and M. Noakes, "Dietary strategies to reduce environmental impact: A critical review of the evidence," *Advances in Nutrition*. 2017.
- [8] F. Annan-Diab and C. Molinari, "Interdisciplinarity: Practical approach to advancing education for sustainability and for the Sustainable Development Goals," *Int. J. Manag. Educ.*, 2017.
- [9] J. T. Okano, B. J. Coburn, and S. Blower, "Response to comment on 'Using geospatial mapping to design HIV elimination strategies for sub-Saharan Africa,'" *Science Translational Medicine*. 2017.
- [10] G. G. Kayal, A. C. Simintiras, and N. P. Rana, "Investigating gender differences in consumers' experience of guilt: A comparative study," *J. Retail. Consum. Serv.*, 2017.

## CHAPTER 13

### HUMAN RIGHTS EDUCATION AND CAMPAIGNS: A REVIEW STUDY

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#### **ABSTRACT:**

Human rights education and campaigns play a critical role in fostering awareness, understanding, and action towards the protection and promotion of fundamental rights. This paper explores the significance of human rights education and campaigns in shaping attitudes, behaviors, and policies. By analyzing the methods, impact, and challenges of these initiatives, this study aims to provide a comprehensive understanding of how education and campaigns contribute to a culture of respect for human rights. The analysis underscores the importance of empowering individuals, influencing social norms, and mobilizing collective efforts to create a more just and equitable world. Human rights education and campaigns represent powerful tools for effecting positive change in societies. They empower individuals with knowledge about their rights and encourage critical thinking about societal norms and structures. By shedding light on human rights violations and fostering empathy for those affected, these initiatives catalyze a shift in attitudes and behaviors.

#### **KEYWORDS:**

Discrimination, Equality, Fairness, Justice, Non-discrimination, Opportunity.

### **1. INTRODUCTION**

The main goal of human rights education is to raise people's understanding of the need of protecting both their own and other people's rights. Understanding human rights is a powerful way to achieve empowerment. In order to convert the language of human rights into knowledge, skills, and behavior, learners and educators must collaborate. The nature of global citizenship and global responsibility is that each individual come to appreciate their role in ensuring that those rights are realized at the local, national, and international levels.

#### **Human rights education**

According to the relevant sections of international agreements, human rights education is defined as efforts in training, informational dissemination, and attitude-molding that are intended to create a global culture of respect for human rights. This calls for promoting understanding, toleration, gender equality, and friendship among all nations, indigenous peoples, racial, national, ethnic, religious, and linguistic groups; enabling all people to participate fully in a free society; strengthening respect for human rights and fundamental freedoms; the full development of the human personality and a sense of its dignity; advancing the activities of the United Nations for t

#### **Fights for Human Rights Education**

In order to raise awareness of certain human rights concerns, the United Nations has created and promoted human rights awareness campaigns. With the assistance of United Nations agencies, States, other international, regional, and local organizations, and civil society, these campaigns also included the creation of publications, research, and programs. The initiatives are meant to draw attention to certain human rights concerns. It is commonly accepted that

knowledge and education are essential for upholding human rights and preventing their infringement[1], [2].

#### **a. World Human Rights Public Information Campaign**

The first worldwide concentrated attempt to advance human rights was only launched in 1988. The World Public Information Campaign on Human Rights, which was launched by the General Assembly in December 1988, was the first serious attempt at a coordinated effort to raise awareness of international norms, although efforts to do so had been made as early as the mid-1950s. It was introduced on the 40th anniversary of the UDHR and is an open-ended initiative that, once introduced, became a component of the UN human rights agenda. The activities of the Campaign include briefings, memorial events, exhibitions, publishing and disseminating human rights information and reference materials, organizing a fellowship and internship program, and fostering external contacts. Since 1988, the program has grown tremendously. Utilizing the OHCHR website is a significant innovation. It serves as a repository for information on international treaties, databases maintained by treaty bodies, programs and activities, United Nations reports and resolutions, and human rights concerns. The material is available in English, French, and Spanish.

#### **b. Human Rights Education Decade**

According to the 1993 Vienna Declaration and Programme of Action, promoting and achieving positive and harmonious relationships among communities as well as cultivating tolerance, understanding, and peace depend on human rights education, training, and public awareness. The Conference suggested that States work to abolish illiteracy and focus education on fostering respect for basic freedoms and human rights as well as the complete development of the human personality. It demanded that human rights, humanitarian law, democracy, and the rule of law be taught as topics in the curriculum of all educational institutions, whether official and informal. The United Nations Decade for Human Rights Education was declared by the UNGA in response to a request made by the World Conference. The UNGA also commended the Secretary-General's Plan of Action for the Decade, which is detailed in the report. The plan's execution was to be coordinated by the High Commissioner for Human Rights.

#### **Scheme of Action**

The Plan of Action contains the following five goals.

1. Establishing and strengthening programs and capacities for human rights education at the international, regional, national, and local levels.
3. Coordinated development of effective human rights education materials.
4. Strengthening the role and capacity of the mass media in the furtherance of human rights education.
5. Global dissemination of the UN Declaration on the Education for Human Rights.

The Plan reflects the notion of a collaboration between governments, international organizations, non-governmental organizations, professional associations, diverse sectors of civil society, and people. Its main objective is to stimulate and support local and national initiatives.

The Plan calls for the creation of comprehensive, successful, and long-lasting national plans of action for human rights education, with the assistance of international organizations. These Plans need to be an essential component of the national development plan and should complement other relevant, previously established national plans of action. The General Assembly has approved specific criteria that OHCHR created for the creation of national plans of action for human rights education[3], [4].

### **The Third Decade to Combat Racial Discrimination**

The Third Decade to Combat Racism and Racial Discrimination, which began in 1993, was officially declared by the General Assembly in resolution 48/91 on December 20, 1993, and the proposed Programme of Action for the Decade was approved. The Decade's ultimate objectives are to advance human rights and fundamental freedoms for all, without distinction of any kind based on race, color, descent, or national or ethnic origin, with a focus on eliminating racial prejudice, racism, and discrimination; to stop the spread of racist policies, end their persistence, and combat the emergence of alliances based on the mutual endorsement of racism and racial animus. Numerous initiatives are being taken to accomplish these goals, including programs and seminars to ensure adherence to the instruments and standards currently in place to combat racism and xenophobia, education campaigns to combat these issues, and a review of the political, historical, social, and economic factors that contribute to these issues. A World Conference against racism, racial discrimination, xenophobia, and associated intolerance will be conducted, as approved by the General Assembly, no later than 2001. The Conference will be action-oriented and concentrate on realistic ways to end racism, including prevention, protection, and educational initiatives as well as the provision of efficient remedies. One of its goals will be to improve the UN programs' efficacy in combating current forms of racism and racial discrimination.

## **2. DISCUSSION**

### **Human rights monitoring**

The active gathering, verification, and prompt use of information to solve issues with human rights falls under the wide definition of monitoring. Information about occurrences, observation of events, visits to locations like detention facilities and refugee camps, conversations with government officials to get information and seek solutions, and other quick follow-up are all included in human rights monitoring. The phrase covers fieldwork such as fact-finding missions and other work in the field, as well as assessment initiatives by the United Nations. Monitoring also has the disadvantage of often taking place over a long period of time. Monitoring by the UN focuses primarily on conducting inquiries and then criticizing human rights infractions as a method of combating impunity. To equate human rights monitoring with police activities, however, would be misleading as well as oversimplified. The most reliable way to evaluate a country's status, stop its breaches of human rights, and afterwards provide the groundwork for institution-building must be human rights monitoring. An continuous needs assessment and analysis mission could be used to characterize a human rights presence in a particular nation. But sometimes monitoring human rights is also possible, as is the case with so-called fact-finding missions.

Because they lack a long-term view of good governance and see any effort at collaboration as excessive involvement in their internal affairs, certain Governments, especially totalitarian regimes, are hesitant to have an international human rights monitoring presence in their country. In certain situations, monitoring may be carried out remotely, often via the offices of a special rapporteur, although this requires more work acquiring information and vetting the validity of the sources that are accessible.

### **Participating in civic society**

The actualization of human rights requires the active participation of individuals, non-governmental organizations, and other components of civil society. The realization of such rights was entrusted to "every individual and every organ of society" in the Universal Declaration. In fact, the history of the defense of human rights is a reflection of the group

efforts of people and organizations. The progress of human rights depends on the involvement and contribution of all facets of civil society[5], [6].

#### **a. ECOSOC and NGOs**

Consultations between the Economic and Social Council and non-governmental organizations are allowed under Article 71 of the UN Charter. Under this Article, more than a thousand international non-governmental organizations have been granted consultative status, which entitles them to observe public meetings of the Council, the Commission on Human Rights, and the Sub-Commission on the Promotion and Protection of Human Rights and, in accordance with the guidelines established by the Council, to present written and oral statements. NGOs participate in these entities' open working group meetings as observers.

In their remarks at these meetings, non-governmental organizations emphasize the human rights issues that require the United Nations to take action. They also recommend studies that should be conducted and instruments that should be drafted, and they help with the actual drafting of declarations and treaties. Under the "1503" method, non-governmental groups may also submit allegations claiming infringement of human rights for the Sub-Commission, treaty bodies, and the Commission to examine in private. When appropriate and in accordance with decisions made by the General Assembly, the Economic and Social Council, the Commission on Human Rights, and its Sub-Commission on the Promotion and Protection of Human Rights, non-governmental organizations' opinions are also sought on a wide range of topics. The official reports reflect the opinions and data they provide. Through education and public awareness campaigns, non-governmental organizations also play a significant part in advancing respect for human rights and educating the general public about United Nations actions in the area of human rights.

#### **b. Aboriginal Peoples**

Three main goals were established for the promotion of the human rights of indigenous peoples at the World Conference on Human Rights and the International Decade for the World's Indigenous People, which the General Assembly declared a year later. Adopting a declaration on indigenous peoples' rights is the first step. Establishing a permanent forum for indigenous peoples is the second step in creating an institutional mechanism for indigenous peoples' participation in UN activities. The third step is to strengthen international cooperation for the resolution of issues facing indigenous people in areas like human rights, the environment, development, education, and health. Current activities related to the International Decade are as follows:

A working group of the Commission on Human Rights is now deliberating the draft declaration on the rights of indigenous peoples. Representatives from various governments and indigenous groups number in the hundreds. Another working group of the Commission on Human Rights is debating the proposed permanent forum for indigenous peoples inside the UN. The High Commissioner for Human Rights is responsible for coordinating the International Decade of the World's Indigenous People. "Indigenous people: partnership in action" is the topic. Creating programs to enhance the living circumstances of indigenous peoples across the globe is a problem for governments, the United Nations organization, and non-governmental entities. Most UN organizations have established focus areas or groups that carry out initiatives to help indigenous peoples.

The OHCHR is concentrating on enhancing the human rights capacity of indigenous organizations, increasing the involvement of indigenous peoples in UN activities, and enhancing the information flow to indigenous communities. Native American delegates may



get six months of human rights training at OHCHR via the indigenous fellowship program. Two nonprofit organizations provide travel funding and project support to indigenous people so they may take part in human rights conferences. The indigenous media network serves as a conduit between UN initiatives and indigenous people via a series of seminars and exchanges, according to OHCHR. With almost 1,000 participants, the Working Group on Indigenous Populations continues to be the major worldwide gathering place for all indigenous peoples.

### **c. Minorities**

As ethnic, racial, and religious conflicts increased and threatened the political, social, and economic foundation of States as well as their territorial integrity, there has been a rise in interest among members of the international community in problems affecting minorities. The focus of the UN strategy is the need of advancing and defending minority' rights as well as fostering peaceful coexistence between them and the majority population[7], [8].

Aside from the anti-discrimination clauses included in international human rights documents, unique rights are developed for minorities and policies are implemented to better protect those who identify as minorities from prejudice and to advance their identity. The special rights of minorities are covered in a separate text, the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. The Working Group on Minorities was established in 1995 with the goal of promoting the rights outlined in the Declaration. More specifically, it was created to review how well the Declaration has been promoted and put into practice, to look at potential solutions to issues involving minorities, and to suggest additional steps for the promotion and protection of minorities' rights. The working group, which is available to governments, UN bodies, non-governmental organizations, representatives of minorities, and members of the academic community, is evolving into a venue for discussion of problems affecting minorities. The worldwide community has been made aware of specific challenges relevant to the protection of minorities as a result of a series of seminars on specialized topics. Seminars on intercultural and multicultural education as well as the media's role in defending minorities have been organized. The sharing of information on minority-related activities and the emphasis on certain activities and programs that may be developed and executed jointly as a way of combining financial, material, and human resources have resulted from inter-agency cooperation on minority protection. Representatives of non-governmental organizations dealing with issues of contemporary forms of slavery who are so considered by the Board of Trustees; who, in the Board's opinion, would not be able to attend the sessions of the Working Group without the assistance provided by the Fund; and who would be able to contribute to those sessions under the criteria established by the General Assembly in its resolution 46/122 are the only beneficiaries of the Fund's assistance.

### **Commercial sector**

Business businesses are now receiving more attention as significant players in the field of human rights as a result of the acceleration of the private sector's expansion, the changing nature of the role of the government, and economic globalization. The dignity and rights of people and communities may be dramatically impacted by corporate actions in a variety of ways. The business community is becoming more and more interested in creating standards, promoting best practices, and adopting codes of conduct. Governments continue to be in charge of protecting human rights, so expecting business to take on that duty is counterproductive. Instead, urge business to support human rights in its own area of expertise. Companies accountable for violating human rights must likewise be held

accountable. The relationship between the UN and business community has been strengthening in a number of crucial areas, and the Secretary-General has urged the business community to adopt, support, and put into practice a set of core values in the areas of human rights, labor standards, and environmental practices. This is done individually through firms and collectively through business associations. In order to support the private sector in adopting those values and principles into mission statements and business practice, the Secretary-General has requested the relevant United Nations agencies to be prepared. Examining the many strategies to address business concerns for human rights is a crucial duty for each agency.

### **United Nations publications on human rights**

Publications on human rights are crucial for advancing such rights strategically. A list of available human rights publications published by OHCHR is available. Publications are intended to: raise awareness about human rights and fundamental freedoms; raise awareness about the existing means at the international level for promoting and protecting human rights and fundamental freedoms; encourage debate on human rights issues currently being discussed in the various United Nations organs and bodies; and serve as a permanent human rights resource for readers. Publications, including Basic Information Kits on the 50th Anniversary of the Universal Declaration of Human Rights and certain ad hoc publications, are free and may be obtained at the address. It is encouraged to reproduce them in languages other than the ones designated as the official UN working languages, provided that no modifications are made to the content and that the OHCHR is informed and acknowledged as the source of the information.

The Professional Training Series, the Study Series, as well as other reference and ad hoc publications, are available for purchase through the United Nations Bookshops mentioned, which have locations in Geneva and New York. Publications sold by the United Nations are copyrighted. It is important to remember that the United Nations bookstore sells a wide variety of other UN publications. See appendix VI of each United Nations body's website or get in touch with the UN booksellers for a list of further works on human rights.

### **Human Rights Fact Sheets from OHCHR**

The Human Rights Fact Sheets cover a few human rights issues that are either of special interest or are being actively discussed. The purpose of human rights fact sheets is to help a growing audience better understand fundamental human rights, the UN's agenda for promoting and safeguarding those rights, and the international mechanisms at their disposal to help those rights be realized.

The Fact Sheets are made available anywhere at no cost. The reproduction of these documents in languages other than those recognized by the UN is welcomed, provided that no modifications are made to the content and that the OHCHR is informed and given credit as the original author[9], [10].

### **Series of Professional Training**

A particular target audience chosen for its capacity to have an impact on the state of human rights at the national level is the focus of the Professional Training series, which comprises of handbooks and manuals designed to raise understanding of international standards.

These publications might be useful resources for organizations engaged in human rights education to professional groups, notwithstanding their primary purpose of supporting the training operations of the Technical Cooperation Programme of the OHCHR. In terms of

culture, education, and history, the training manuals in the Professional Training Series are tailored to the unique requirements and experiences of a variety of prospective audiences within the target group.

To help trainers utilize the manuals as efficiently as possible, information on good pedagogical strategies is supplied when applicable. Each manual or handbook is created with the help of authorities in the related subjects, and it undergoes a thorough external review and evaluation. Manuals or handbooks are tested throughout training sessions as necessary before being finalized.

### **Series of studies on human rights**

In line with their mandates, experts from the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights conducted studies and reports on significant human rights problems that are reproduced in the Human Rights Study Series.

### **Ad-hoc publications from OHCHR**

The reports and proceedings from conferences, seminars, and other exceptionally significant or ground-breaking activities organized under the auspices of OHCHR make up the majority of the ad hoc publications. These publications are available for free distribution. Results of a Seminar on the Impact of Racism and Racial Discrimination on the Social and Economic Relations between Indigenous Peoples and States

### **Publications marking the U.S. Declaration of Human Rights' 50th anniversary**

### **Packages with basic information**

The basic information kit series is meant to serve as a practical tool for organizations, initiatives, non-governmental organizations, national institutions, and people to support the celebration of the Universal Declaration of Human Rights' 50th anniversary. Basic information kits are freely given out all across the globe and are published in French, English, and Spanish.

### **Source material**

Reference materials from the OHCHR are often collections or compilations of international instruments that are aimed at a more specialist readership. They are published as sales materials by the United Nations.

## **3. CONCLUSION**

An investment in education ensures a brighter future. Societies may raise a generation of knowledgeable and accountable citizens by incorporating human rights ideas into all levels of curriculum. People who have received an education are more equipped to participate in meaningful conversation, confront inequality, and support the growth of inclusive communities.

Local or international campaigns elevate the voices of the oppressed and promote legislative reforms. Campaigns utilize innovative tactics to raise awareness, stimulate debate, and put pressure on the government to solve violations of human rights. They promote unity among many cultures while highlighting how intertwined the fights for human rights are. Challenges still exist, such as pushback from those who stand to gain from the existing quo, the possibility of feigned interest, and the need for ongoing work beyond campaigns. These difficulties do not, however, lessen the power of campaigns and education to change lives.

**REFERENCES**

- [1] R. A. DeLuca-Acconi, “Empowering Social Workers to Transform the Dominant Narrative: Advocating for Human Rights over Corporate Profit,” *J. Hum. Rights Soc. Work*, 2017.
- [2] J. K. Kamara, M. Galukande, F. Maeda, S. Luboga, and A. M. N. Renzaho, “Understanding the challenges of improving sanitation and hygiene outcomes in a community based intervention: A cross-sectional study in rural Tanzania,” *Int. J. Environ. Res. Public Health*, 2017.
- [3] D. Matasci, “Assessing needs, fostering development: UNESCO, illiteracy and the global politics of education (1945–1960),” *Comp. Educ.*, 2017.
- [4] F. Waziri and – Azi, “An Evaluation of the Nigerian National Anti Corruption Strategy,” *Eur. J. Res. Soc. Sci.*, 2017.
- [5] S. Turay, “Women’s Access to Resources in Cameroon,” *SSRN Electron. J.*, 2017.
- [6] F. W. – Azi, “an Evaluation of the Nigerian National Anti,” *Eur. J. Res. Soc. Sci.*, 2017.
- [7] N. Belkayali, “Effective use of water in the landscape architecture curriculum,” *New Trends Issues Proc. Humanit. Soc. Sci.*, 2017.
- [8] N. K. Denzin and M. D. Giardina, “Introduction: Qualitative Inquiry and Social Justice: Toward a Politics of Hope<sup>1</sup>,” *Qualitative Inquiry and Social Justice: Toward a Politics of Hope*. 2017.
- [9] R. Traister, “Warning: Abortion’s Deadly DIY Past Could Soon Become Its Future,” *The Cut*, 2017.
- [10] A. B., “The role of patient advocacy groups,” *J. Thorac. Oncol.*, 2017.