

HUMAN RIGHTS – CONCEPTS AND ITS IMPLEMENTATION IN INDIA: AN ANALYSIS

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ABSTRACT

International human rights concepts norms and standards evolved from a European discourse that focused on individual civil liberties and civil and political rights. The Universal Declaration of Human Rights (UDHR) (1948) had a broad vision of equality. The focus was on civil liberties of the individual but there were references to economic social and cultural rights including the right to “just and favorable” conditions of work, an adequate standard of living, shelter, education and health. (Art 22-26).

We are aware that all rights may be self-evident and constitutionally secured; however, they do not automatically implement themselves. Government agencies play a major role for implementation of these laws.

Many individuals don't know even about the term human rights. 60% of India is in country territory where 80% individuals are oblivious about their own rights. Indian constitution has isolate revision on human rights. We have passed up a great opportunity in wrongdoing diminishment. Additionally, the greatest obstacle in execution of human rights is debasement. Also, we need to acknowledge the way that even following 64 years our legislature can't forestall violations against human rights. The role of the National Human Rights Commission is very important and publicized.

Key words: *Human Rights, Self-Evident, Indian Constitution*

INTRODUCTION

The degree of the substantive assurance and the components for controlling, the usage of the real human rights arrangements that exist at the general level is important. Given that the number of these arrangements has developed consistently in late decades, it might be conceivable, inside this restricted structure, to manage those traditions that are of general extension in that they perceive an extensive rundown of rights, and in addition a couple of traditions that have been embraced with the particular protest of concentrating on especially harmful practices, for example, genocide, torment, racial separation and victimization ladies. This decision has been made in light of the fact that these are the settlements that judges, prosecutors and honing legal advisors are destined to need to translate and apply over the span of the everyday exercise of their lawful duties.

HUMAN RIGHTS INDICATORS - NOTION AND RATIONALE

With regards to this work, a human rights marker is particular data on the state or state of a protest, occasion, action or result that can be identified with human rights standards and principles; that addresses and reflects human rights standards furthermore, concerns; and that can be utilized to evaluate and screen the advancement and usage of human rights. Characterized in this way, a few pointers could be extraordinary to human rights since they owe their reality to particular human rights standards or gauges and are for the most part not utilized as a part of other settings. This could be the situation, for example, with a pointer like the quantity of extrajudicial, synopsis or discretionary executions, or the revealed number of casualties of torment by the police and the paramilitary powers, or the quantity of youngsters who try not to approach essential instruction in light of the fact that of segregation by the specialists. In the meantime, there could be an expansive number of different markers, for example, ordinarily utilized financial insights (e.g., human improvement markers utilized as a part of the Human Development Reports of the United Nations Improvement Program (UNDP)), that could meet (at any rate certainly) all the definitional prerequisites of a human rights pointer as laid over here. In all these cases it is useful to think about them as human

rights pointers, to the degree that they identify with human rights norms and standards and could be utilized for human rights evaluations.

CIVIL AND POLITICAL RIGHTS AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS

In order effectively to respect and ensure civil and political rights, it may not be sufficient for States simply to do nothing. States may have to take strong positive action in order to comply with their legal obligations in this field.

The International Covenant on Civil and Political Rights and the Optional Protocol recognizing “the competence of the Committee to receive and consider communications from individuals” were both adopted by the General Assembly in 1966 and entered into force on 23 March 1976. The Covenant established an expert body, the Human Rights Committee, which has authority:

- (1) To review reports from the States parties;
- (2) To adopt General Comments on the meaning of the provisions of the Covenant;
- (3) Under certain conditions to deal with inter-State communications; and lastly
- (4) To receive individual communications under the Optional Protocol

The implementation mechanisms: The implementation of the Covenant is monitored by the Human Rights Committee, which consists of eighteen members serving in their individual capacity.

The reporting procedure: The reports "should show the components and troubles, if any, influencing the execution of the ... Pledge", and the Committee has created watchful rules pointed both at encouraging the undertaking of the States parties what's more, rendering the reports more proficient. In July 1999 the Committee embraced solidified rules for the accommodation of the reports of the States parties;

Inter-State communications: During the initial stage of the proceedings, the communication is only brought to the attention of one State party by another, and it is only if the matter is not

settled to the satisfaction of both States parties within a period of six months that either State party has the right to bring the matter before the Committee itself (art. 41(1)(a) and (b)).

Indicators and benchmarks: Benchmarks are foreordained esteems for pointers that can be founded on regularizing or observational contemplations. For example, a marker for measuring nourishment ampleness can be normatively in view of sociocultural variables like tastes and religious confinements, or then again exactly evaluated considering individuals' work profile, and the vitality and supplement prerequisites of the body. Frequently, regulating contemplations depend on worldwide or national models (e.g., treatment of detainees of war) or on individuals' political and social goals. The exact contemplations are essentially identified with issues of achievability and assets. Consider, for instance, the pointer "extent of one-year-olds inoculated against antibody preventable illnesses". Utilizing a benchmark may require setting a particular incentive for the marker, say, raising it to 90 for each penny, or moving forward the current scope by 10 rate focuses, so the endeavors of the executing office can be centered around accomplishing that incentive in the reference period. In the principal case, a 90 for every penny benchmark for measles immunization could be founded on a regularizing thought or on an exact perception that, at a 90 for each penny inoculation rate, the likelihood of a scourge drops essentially. Correspondingly, a 10 rate point increment in scope could be founded on contemplations of asset accessibility furthermore, neighborhood limit. With regards to evaluating the consistence of State parties, the utilization of a benchmark for a pointer fortifies their responsibility by making them focus on a specific execution standard on the issue under evaluation. The Committee on Economic, Social and Cultural Rights, specifically, has required the setting of benchmarks to quicken human rights implementation.²¹ However, the first advance in touching base at an important benchmark is to have a general accord on the decision of a pointer to be utilized for human rights evaluation. As it were at that point can the undertaking of setting execution benchmarks for the chose pointers be productive

Individual communications: Under article 1 of the Optional Protocol, a State Party thereto "recognizes the competence of the Committee to receive and consider communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant". However, according to article 2 of the Optional Protocol, individuals claiming violations of their rights must first exhaust all remedies available to them at the domestic level; further, the Committee shall consider inadmissible any

communication which is anonymous, or which it considers to amount to an abuse of the right of submission of communications or to be incompatible with the provisions of the Covenant (art. 3).

The rights recognized: The following rights are recognized in the International Covenant on Economic, Social and Cultural Rights.

- The right to work, including the right to gain one's living by work freely chosen or accepted – article 6
- The right to enjoy just and favorable conditions of work, including fair remuneration for work of equal value without distinction of any kind – article 7
- the right to form trade unions and join the trade union of one's choice – article 8
- the right to social security, including social insurance – article 9
- Protection and assistance to the family; marriage to be freely entered into; maternity protection and assistance to children and young person's – article 10
- Right to an adequate standard of living, including adequate food, clothing and housing to the continuous improvement of living conditions – article 11
- The right to the highest attainable standard of physical and mental health Article 12;
- The right to education – article 13
- The undertaking to develop detailed plans of action where compulsory primary education is not yet secured – article. 14
- The right to take part in cultural life, to enjoy the benefits of scientific progress and to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which one is the author – article 15

CONCLUSION

As can be seen from the basic information contained in this chapter, international human rights treaties and numerous resolutions adopted by the various organs of the United Nations contain detailed standards for the protection of the human person, including a variety of monitoring mechanisms to improve the efficiency of the actual implementation of these standards at the domestic level. The examples to be given in subsequent chapters will show that these legal

instruments have in fact contributed to important legal developments for the purposes of enhancing the protection of individuals. Naturally, the universal human rights standards presented in this chapter, as interpreted by the competent monitoring organs, also provide indispensable guidance to the domestic legal professions in their own work to protect individuals at all times against various encroachments upon their rights. Moreover, these universal standards are complemented by regional standards adopted in Africa, the Americas and Europe. These various universal and regional legal standards often coexist at the domestic level, and, depending on the issues involved, domestic judges may have to consider both sets of rules and principles. Finally, it is important to bear in mind that neither the universal nor the regional law for the protection of the human person is static, but that they evolve in step with the new human needs that continue to emerge in society. Since this adaptation is often effected by means of interpretation, it is indispensable for judges, prosecutors and lawyers to keep themselves continuously informed about these legal developments so as to be able to contribute to maximizing the protection of the individual at the domestic level.

“We should never forget that behind every piece of statistical and Implementation data are human beings who were born free and equal in dignity and rights. We must strive to make their human rights stories, especially those of the powerless, visible through robust indicators and to use them in constantly improving our human rights policies and implementation systems to bring positive change to people’s lives.”

REFERENCES

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