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## **Ascending Growth and Development to Concept of Human Rights in Global Perspective: Some Contemporary Reflections**

By

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### **Abstract**

The subject of human rights can often appear to transcend politics embodied as it is in a universalistic standard-setting language that commands immense moral force. These rights cannot be enlisted. Most of them have been identified but some of the finer aspects of human rights, for a free and overall development, are yet to be identified and recognized. It has taken years to identify and recognize the rights which have and study them. UDHR covers the entire canvass of human rights, civil, political, economic, social and cultural and provides a common standard of achievements for all people of nation. To realize human rights much infrastructure has been erected, agents and institutions established mechanisms and instrumentalities evolved, nurtured & developed at national and international levels. The Paper wishes to depict through contemporary study as to the journey from the origin of the term 'human rights' to present scenario. The aim of this paper is to trace the origin and draw importance of the human rights in contemporary usage at national as well as International level.

**Key Words:** Human Rights, Civil Liberties, Socio-economic Rights, Constitution, UNO, UDHR and International Covenants etc.

### **General**

Human rights and civil liberties are two faces of the same coin. The underlying assumption of the concept of human rights and civil liberties is the need to preserve liberty and human dignity as the precious heritage of mankind. Liberty is a word of passion. There are few causes which have moved men to greater deeds of valour and heroism, of suffering and sacrifice, than that of liberty. The struggle for liberty has furnished the noblest, the most thrilling and the most inspiring saga in human history.<sup>1</sup> If there is one cause for which men would fight and die willingly it is that of liberty, for they look upon it as the very quintessence of the civilized and decent existence, something benefit

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<sup>1</sup> *P.E.Arifa v State of Kerala*, AIR 2006 NOC 238 (Kerala).



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of which life would be without honour and dignity. Lincoln was not wrong when he said: Both sides pray to it and each invokes its aid against the other." This results as it inevitably must, in bewilderment. Liberty, if postulates the creation of a climate wherein there is no suppression of the human spirit, wherein there is no denial of the opportunity for the full growth of human mind or enslavement of the human body. Liberty visualizes the freedom of thought, unhindered by the cramps of the past or the restraints of the present. Human Rights are indivisible, and therefore precisely there cannot be different kinds of human rights. All human rights are equal in importance and inherent in all human beings.<sup>2</sup> Thus, human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.<sup>3</sup> Human Rights being essential for all-round development of the personality of individuals in society, be necessarily protected and be made available to all the individuals. Human rights are Natural Rights, Basic Rights, Universal Rights and Legal Rights, which are universally applicable to all without any discrimination based on Sex, Race, Religion and Region. The term Human Rights has been identified as fundamental, inalienable, natural rights, but it can be said that these rights are essential and basic rights to a human being. In exchange, as legal phenomenon, human rights have been originated by the natural law doctrine, starting from the idea that humans, by their own nature, anywhere and anytime have rights that are previous and primary to the ones assigned by the society and admitted by the natural law.<sup>4</sup> Thus, Rights are legal, social or ethical principles of freedom or entitlement i.e. rights are the fundamental 'normative' rules about what is allowed of people or owed to people, according to some legal system, social convention, or ethical theory. Rights are of essential importance in such disciplines as 'law and ethics', especially theories of 'justice and deontology'.<sup>5</sup>

Therefore, they need International and National legal support to protect their human rights. By now, these values are invoked in the Constitutions of almost all the Nations and informing Courts in their judicial dicta. Nation after Nation rejected the old order ushering in an era of freedom, equality and democracy.

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<sup>2</sup> H O Agrawal, *International Law and Human Rights* 756 (Central Law Publication, Allahbad, 20<sup>th</sup> Edn, 2015).

<sup>3</sup> Available at: <http://www.ohchr.org/EN/Issues/Pages/WhatAreHumanRights.aspx>, (last visited on April 02, 2018).

<sup>4</sup> The Natural Law School propound this theory. Rousseau was the greatest master of this school. Some of the earliest exponents of this school were Socrates, Plato, Aristotle, Cicero, Thomas Aquinna, Hobbes, Locke, etc.

<sup>5</sup> Available at: <http://www.Wikipedia.com> (Last visited on April 02, 2022).



### **Origin and Evolution of Concept of Human Rights: Jural Postulates and Approaches**

There is a considerable disagreement about what is meant precisely by the term 'rights'. It has been used by different groups and thinkers for different purposes, with different and sometimes opposing definitions, and the precise definition of this principle, beyond having something to do with normative rules of some sort or another, is controversial.<sup>6</sup>

The term 'human' is in it, one of the most powerful identities existing on the earth and is contributing untiringly towards its evolution by more than one means. If we further peep into the vastness of this five letter word, we can find ourselves diving deep into the richness of its existence having innumerable cultures, traditions, ethnic groups, communities, societies and dwellings. Besides these, the ruining factor that gives shivers down the spine is that the weaker sections are being devoured by the stronger ones in terms of privileges or rights. The scenario gives birth to the most rejected and neglected yet a powerful term 'Right'. We all know if a person is happy, it's obvious that he is enjoying the bonanza that the society in which he resides offers & grants him. *Undoubtedly*, the transparency in terms of distribution of title under law is taken as a step of development but then the question arises, what happens if the major strata entitled to enjoyment or rights go and unattended.<sup>7</sup>

*However*, when we talk of human rights in fact we take into consideration those rights that can be derived from deprivation, privations, brutalities and atrocities. So even, rights can be put into two categories: as (1) Rights rooted in humanity and personal dignity (2) Rights derived from disability, disgust and distress of the human being. These two types can be further put into two concepts: (i) Humanism (ii) Humanitarianism. Humanitarianism is the quality or state of being human. It is a protection and preservation of the sustenance of life to live with equality and dignity. This is the second stage of rights which comes later on.<sup>8</sup> This concept has largely been drawn from old religious philosophies of world Budhasim, Hindisim, Catholism and some of the philosophers of eighteenth century (Locke, Hobbes) propagated for social and economic rights in a limited way. Rousseau also advocated for 'liberty', 'equality' and 'fraternity', People's freedom and pure democracy. This all largely influenced the French revolution and invigorated the people.<sup>9</sup> But main foundation of these

<sup>6</sup> Alok Pandey and Rajani Sharma, "Protection of Human Rights under International Agencies: A Critical Study", 43 (2) *Indian Bar Review* 35 (2016).

<sup>7</sup> Meenakshi Dutta, "Human Rights: Rays of hope!" 38 *JLS* 300 (2007-08).

<sup>8</sup> Madhu Sastri, "Realisation of Second Generation Human Rights- An Indian Scenario", 38 *JLS* 150 (2007-08).

<sup>9</sup> *Ibid.*



rights was laid by Karl Marx who attacked the notion of natural rights and pleaded that political and civil rights as human rights are meaningless unless economic rights are given to the mankind. Friedrich Engels *further* advocated this theory of economic freedom and propounded the thesis that for the first of all men must eat, drink and have shelter and clothing and therefore work'. He, like Karl Marx, called upon the people for their readiness to unite and fight for their social and economic rights- 'if Law is class-rule, it follows that human freedom become assured only when a Just World Economic Order is operational'. According to their philosophy, 'Law, as a reflection of economic conditions, is an integral part of the doctrine of dialectical materialism and so people will be free under political, social, religious and cultural order... as given by the existing system of production.' Later on, Hegel, Herbert Spencer also strengthened this theory.<sup>10</sup> Great Scientist Einstein also advocated for these right. He wrote that:<sup>11</sup>

I am convinced these in only one way to eliminate these grave evils, namely through the establishment of a socialist economy, accompanied by an education system which would be oriented towards social goals... A planned economy, which adjust production to the needs of the community, distribute the work to be done among all those able to work and would guarantee a livelihood to every man, woman and children.

Thus, Emphasized on socialist economy, right to education and right to livelihood. Thus, he, foremost scientist of the century, was also a exalted humist.

It is a sexist version since human is marked by the presence of man; so a person. Thus, Baxi prefers:<sup>12</sup> The word "huper" in place of "human". Therefore, human rights become "huper rights".

As per Basu:<sup>13</sup>

Human rights are those minimum rights which every individual must have against the State or other public authority by virtue of his being a member of the human family, irrespective of any other considerations.

In the words of Justice Krishana Iyer:<sup>14</sup>

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<sup>10</sup> *Id.* The French revolution was also a result of this philosophy. Similarly, Russian revolution was based on the philosophy Karl Marx and it is also to be noted that this philosophy found place in American Bill of Rights (1791), Rights of Man and Citizens (1789), Russian Constitution and Mexican Constitution (1917).

<sup>11</sup> Albert Einstein, *Ideas and Opinion* 130,157(Crown Publisher, New York, 1954).

<sup>12</sup> Upendra Baxi, *The Future of Human Rights* 1 (Oxford University Press, New Delhi, 2002).

<sup>13</sup> D.D. Basu, *Human Rights and Constitutional Law* 5 (Prentice Hall of India, New Delhi, 1994).

<sup>14</sup> Justice Krishana Iyer, *The Dialect and Dynamics of Human Rights in India, Yesterday, Today and Tomorrow* 6 (Eastern Law House, 1999).



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Human Rights for me springs from the spiritual minds nourished, with a sense of balance, by contentment which is sustained by provision for all of basic material needs and other conditions which make for joy in life. The difficulties involved in defining human rights.’

In his Tagore Law Lecture, Krishna Iyer, a former outstanding judge of the Supreme Court of India, has defined human rights as under:<sup>15</sup>

Human rights are writ on a large canvas, as large as the sky. The lawmakers, lawyers and particularly, the judges must make the printed text vibrant with human values, not be scared of consequences on the status quo order.

*Further*, Justice Krishna Iyer speaking about human rights has said that the concept of human rights emerged out of mankind reasoning capacity and sensitive conscience. In a rapid survey of human history in relation to human rights we may state that the ambit of human rights encompasses everything that makes man existence dignified and free. Human rights, freedoms, fundamental rights and such expressions are very much in vogue to-day through U.N. instruments, charters, declarations, conventions and other documents as well as in constitutions of nations. The profound and inalienable character of human rights ages of struggle marks them out as a special category beyond ordinary legal rights. Both men and women have these rights equally without exception. The dignity of the human person reigns supreme in the realm of human rights and so the core of all human rights is respect for the individual. The society and the national systems should signify that the human has the right to be respected is subject of the rights and is in possession of human rights. That would make it essential for everyone to treat each other with respect as an individual and as one having equal rights and without any discrimination.<sup>16</sup> *Thus*, Justice Krishna Iyer laid stress conclusively on humanism and the process of humanization which is the need of the hour. Law is to be humanized and where humanity is threatened there must be a deterrent law.

Section 2 (d) of the Protection of Human Rights Act, 1993, defined the expression of human rights by stating that human rights means the rights relating to life, liberty, equality and dignity of the individuals guaranteed by the Constitution or embodied in the International Covenants and enforced by courts in India.<sup>17</sup>

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<sup>15</sup> Quoted in *Ram Deo Chauhan v. Bani Kant Das*, (2010) 14 SCC 209.

<sup>16</sup> J Krishna Iyer, Review of a Book Human Rights by Professor Raja Muthirul and Soorya Padhippagam Trichi

<sup>17</sup> A NarayanaSwamy, “International Perspective to Protect the Human Rights of Religious Minorities-A Critical Study” 19 *IOSR-JHSS* 14 (2014).





Human rights, as such, are those rights which an individual, being an individual, is entitled to and which in a civilized society are recognized and enforced. The core element of such rights is universal and consists of freedom, equality and liberty. In international law, this core content is evidenced in the Charter of the UN. The "peoples of the UN" have reaffirmed faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.<sup>18</sup> The meaning of human rights given by the Office of the High Commissioner for Human Rights of the UN represents the proper scope of international human rights. These rights are "inherent to all human beings, whatever one's language or any other status", "all are equally entitled to" these "human rights without discrimination. These rights are all inter-related, interdependent and indivisible."<sup>19</sup> As, origin and evolution of the Human Rights concepts as social phenomenon, human rights have their origin in antiquity.

### **Growth and Development to the Concept of Human Rights: An International Perspective**

The concept of human rights is not a new phenomenon but it remained a domestic matter falling within the jurisdiction of States until the adoption of the UN Charter by the States at San Francisco in 1945. The concept of human rights, based on the notions of the dignity of the human being and the limitation of the power of the State, is a phenomenon that has, although in many different manifestations, been present practically throughout the whole of history.<sup>20</sup>

Keeping in view their historical journey, these rights have been categorized as 'first generation rights', 'second generation rights' and 'third generation rights'. The fact is that human rights have emerged through some of the most defining phases of global politics. Its history is embodied in the ideological struggle in the cold war era and, following that, the rise of the US's hegemony after the fall of the Berlin wall. The rights recognized under the *Magna Carta* of 1215 and Bill of Rights of 1791 and the Rights of Man and Citizen, 1789 primarily affirmed the political and civil rights. So, these 'first generation rights' were a result of long struggle. Some traces of such struggle for the abolition of slavery can be found during Roman Empire. So, these rights were to achieve equality, freedom, and freedom from unlawful arrest and right to participate in the administration (adult franchise). Thus, these rights were based on a priori assumption that exists and always existed certain inherent, inalienable, and immutable, and inviolate freedoms which even the king could not

<sup>18</sup> The Preamble, The Charter of United Nations, Adopted and Entry into force, 24<sup>th</sup> October, 1945.

<sup>19</sup> Available at: <http://www.ohchr.org/EN/issues/Pages/WhatAreHumanRights.aspx> (Last visited on May 07, 2022).

<sup>20</sup> Vienna Declaration and Program of Action, World Conference on Human Rights, from 14<sup>th</sup> to 25<sup>th</sup> June 1993.



take away as God himself endured man these rights.<sup>21</sup>

Although they were defined first by the Scottish philosopher John Locke (1632-1704) as absolute moral claims or entitlements to life, liberty, and property, the best-known expression of human rights in the Virginia Declaration of Rights in 1776 which proclaims that “All men are by nature equally free and independent and have certain inherent rights, of which, when they enter a state of society, they cannot, by any compact, deprive or divest their posterity’ Called also fundamental rights.<sup>22</sup> Then, the American Declaration of independence, and the first 10 Amendments of the US Constitution were made in 1792, which made provisions for rights of man. In 1789, the National Assembly of France adopted the declaration of the Rights of man and citizen. This Declaration was truly International in its appeal and inspired revolutionary and democratic movements in almost every part of the world. World War I gave an impetus to the claim for international recognition and protection of fundamental human rights. In 1929, the Institute of International Law adopted a Declaration of the International Rights of man.<sup>23</sup>

During the age of laissez Faire, tremendous progress was made in the industry and commerce. Capitalism was at its zenith which in turn also showed its ugly face. The society was divided between haves and have-nots, capitalists and working class. In the words of U.S. President Roosevelt:<sup>24</sup>

‘One third of our population, the overwhelming of which is in industry and agriculture, is ill-clad, ill-nourished, and ill-housed.’

Consequently, Large number of unemployed persons and economic depression in the society led to exploitation of masses (have-nots) down-trodden and unemployed persons. It also resulted into physical deprivations and suffering, mental agony and spiritual disintegration. This all led to new thinking. So, the human rights adopted new meaning and new human rights were detected and recognized. These new rights were termed as social and economic rights or Second Generation Human Rights. It was French jurist Karel Vasak who coined this term.<sup>25</sup>

The International Labour Organisation (ILO) which was established in 1919 has also contributed in giving practical expression to many human rights. H. Lauterpacht was also a crusader who stressed

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<sup>21</sup> *Ibid.*

<sup>22</sup> *Id* at 36.

<sup>23</sup> Oppenheim’s International Law, 985 (Oxford University Press, Longman Vol 1, 1992).

<sup>24</sup> Franklin Delano Roosevelt, *The Public Papers and Address of Franklin D. Roosevelt* 223 (New York, 1930).

<sup>25</sup> Madhu Sastri, “Realisation of Second Generation Human Rights- An Indian Scenario” 150 *JLS* 38 (2007-08).



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the need for an International Bill of Rights of Man.<sup>26</sup> Not only on internal level but also on international level we try to find some answers to the many and complex problems related to human existence and human rights, but also in the field of direct state political action, in international organizations and reunions and in information media.<sup>27</sup>

The dominant conception of human rights today reflects the central principles upon which the current global order is built, including ideas of economic growth and development, individualism, and free market economics.<sup>28</sup> Thus, the human rights narrative has been questioned from different angles.

Human Rights in contemporary usage, refers to the human rights recognized by international community in the years since the end of the Second World War through international texts which have found their way into national laws. These rights have grown into a copious collection of civil, cultural, economic, political and social rights which are deemed inherent in all human beings regardless of any differences.<sup>29</sup> For the first time, human rights were recognized by the Charter of the UN. The UN Charter by the States at San Francisco in 1945 of which the Preamble,<sup>30</sup> the member States, "reaffirmed faith in fundamental human right, in the dignity and worth of human person, in the equal rights of men and women of the nations large and small." Article 1 of the Charter has enjoined the United Nations with the responsibility of promotion and encouragement of respect for human rights and fundamental freedoms for all without any distinction. Besides, the United Nations, its member states have pledged to promote 'universal respect for and observance of human rights and fundamental freedoms without distinctions as race, sex, language or religion.'<sup>31</sup> While in the early years of the United Nations there was considerable dispute about the nature and scope of the obligation and the meaning of human rights and fundamental freedoms. These issues are now by and large settled of the fundamental instruments on Human Rights. The Universal Declaration of Human Rights<sup>32</sup> and the International Covenant on Civil and Political Rights<sup>33</sup> have not only created binding legal obligations for member states in the field of human rights protection but have

<sup>26</sup> K.C.Joshi, *International Law & Human Rights* 431 (Eastern Book Company, Lucknow, 4th Edn, 2019).

<sup>27</sup> *Ibid.*

<sup>28</sup> Tony Evans, *The Politics of Human Rights: A Global Perspective* 10 (Pluto Press, London, 2005)

<sup>29</sup> Pupul Dutta Prasad, "Concern for Human Rights in the Fight against Terrorism: Challenges and Options before India" 58 *JILI* 466 (2016).

<sup>30</sup> *Supra* n. 18.

<sup>31</sup> *Id.* Article 55 (c).

<sup>32</sup> Universal Declaration of Human Rights adopted and Proclaimed by General Assembly Resolution of 10<sup>th</sup> December, 1948.

<sup>33</sup> International Covenant on Civil and Political Rights Adopted by General Assembly Resolution of 16<sup>th</sup> December, 1948.





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also provided minimum definitional guidance as what the international community understands by human rights and fundamental freedoms.

Provisions on human rights education have been incorporated in many international instruments, which provide elements of human rights education and guidelines for plan of action, as Universal Declaration of Human Rights,<sup>34</sup> International Covenant on Economic, Social and Cultural Rights,<sup>35</sup> Convention on the Rights of the Child,<sup>36</sup> Convention on the Elimination of All Forms of Discrimination against Women.<sup>37</sup> And International Convention on the Elimination of All Forms of Racial Discrimination adopted by the World Conference on Human Rights in Vienna, Austria, on 25 June 1993.<sup>38</sup> Plan of Action for the United Nations Decade for Human Rights Education is there (paragraph 2). Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001<sup>39</sup> and Revised draft plan of action for the first phase (2005-2007) of the World Programme for Human Rights. *However*, the UDHR (Universal Declaration of Human Rights) have surfaced and systematized these rights and have given them a shape, as also the concert specific identification. UDHR is one of the most important documents of 20<sup>th</sup> century, indeed of human history, for it represents the first time when men and women sought the articulate the core aspirations of all the people of the world. UDHR covers the entire canvass of human rights-civil, political, economical, social, and cultural and thus, provides a common standard of achievements for all people of the nation. These rights are interdependent, inalienable and universal.<sup>40</sup> *Therefore*, United Declarations of Human Rights 1948 is one of the most important documents of 20<sup>th</sup> century, but indeed of human history, for it represents the first time when men and women sought the articulate the core aspirations of all the people of the world. UDHR covers the entire canvass of human rights-civil, political, economical, social, and cultural and *thus*, provides a common standard of achievements for all people of the Nation.<sup>41</sup>

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<sup>34</sup> Article 26.

<sup>35</sup> Article 13.

<sup>36</sup> Article 29.

<sup>37</sup> Article 10.

<sup>38</sup> 6<sup>th</sup> Vienna Declaration and Programme of Action (Part I, paragraphs 33-34 and Part II, paragraphs 78-82),

<sup>39</sup> *Id.*, paragraphs 95-97 and Programme of Action, (paragraphs 125-139)

<sup>40</sup> N H Gupta, "Human Rights Education –Some Reflections and Future Perspectives" 38 *JLS* 84 (2007-08).

<sup>41</sup> *Ibid.*



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Some of the International instruments on human rights like the International Covenant on Civil and Political Rights, Covenant against torture, and the convention on the Rights of the child are multilateral treaties which impose specific human rights obligations on the states adhering to them. The international norms and standards laid down in these instruments are concerned with the promotion of the dignity of all human beings and protection of the rights set out in these instruments. The norms and standards laid down in these instruments are of universal character and touch upon nearly all the important aspects of human life including criminal justice, viz. pre-trial detention, administrative detention, post-trial conviction and imprisonment.<sup>43</sup>

Apart from these the High Commissioner<sup>44</sup> in conformity with the General Assembly Resolution 48/141 of 20 December 1993, disseminates information on human rights and promotes human rights education worldwide. Mr Koichiro Matsuura, Director-General of UNESCO, and Ms Louise Arbour, United Nations High Commissioner for Human Rights, launched a joint OHCHR/UNESCO Press Release dedicating Human Rights Day 2004 to human rights education. UNESCO has developed active cooperation with OHCHR in the preparation of the Plan of Action for the first phase (2005-2007) of the World Programme for Human Rights Education (2005-onwards). The first phase of the World Programme is focused on the integration and implementation of human rights education within national school systems at the primary and secondary levels.<sup>45</sup>

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<sup>42</sup> *Id.*

<sup>43</sup> Rattan Singh, "Pre-Trial Detainees and Violation of their Human Rights" 38 *JLS* 105(2007-08).

<sup>44</sup> He is the coordinator of United Nations education and public information programs in the field of human rights.

<sup>45</sup> *Supra* n. 40.



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The International Conference of Human Rights Movement in the Arab World on Human Rights Education and Dissemination: A 21st Century Agenda was held in Cairo from the 13th to the 16th of October, 2000. The Conference having considered the international human rights instruments, as well as documents, declarations and reports adopted by relevant regional and international conferences, especially the UNESCO's International Congress on the Teaching of Human Rights Vienna, 1978, International Congress on Human Rights Teaching. Information and Documentation Malta, 1987, the International Congress on Education for Human Rights and Democracy Montreal, 1993, the UNESCO Regional Conference on Human Rights Education in Africa Dakar, 1998, the UNESCO Regional Conference on Human Rights Education in Asia 1999, the UNESCO Regional Conference on Human Rights Education in the Arab States Rabat, 1999, and the First International Conference of the Arab Human Rights Movement Casablanca, 1999; having reviewed the United Nations Plan of Action for the Decade for Human Rights Education (1995-2004), and the progress achieved halfway through the Decade, having held extensive deliberations throughout its sessions, taking into consideration the close link between the lack of respect for human rights and the prevalence of poverty and corruption as evidenced by the World Human Development Report and the Report on Corruption in the World.<sup>46</sup>

By now, these values are invoked in the Constitutions of almost all the Nations and informing Courts in their judicial dicta. Nation after Nation rejected the old order ushering in an era of freedom, equality and democracy. To realize human rights much infrastructure has been erected, agents and institutions established mechanisms and instrumentalities evolved, nurtured & developed at national and international levels.<sup>47</sup>

### **Form and Ascending Status of Human Rights in India**

*Rigveda*, *Manusmiriti* and *Ramayan* is replete of instances which manifest these rights and have supported the concept of equality, non-discrimination, better living conditions and dignity of human being. The Kautilya Arthashastra declares- The King shall provide the orphan, the dying, the infirm, the affected and helpless with maintenance, he shall also provide subsistence to helpless, expectant or others and also to children they gave birth to." Similarly, social reformers like Raja Ram Mohan

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<sup>46</sup> *Id.* at 97.

<sup>47</sup> *Id.* at 84.



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Roy, Vivekanand, Dayanand Saraswati, M.N. Roy also advocated for these rights. Swami Vivekanand emphasized for the material needs as integral to human rights in these word I do not believe in God, who cannot give me breath... India is to be raised, the poor are to be fed, education is to be spread in more bread, more opportunity for everybody."<sup>48</sup> Mahatma Gandhi was of the view that fullest opportunities for the advancement in social and economic sphere. All Parties Conference (1928) and Declaration of Fundamental Rights adopted by the Indian National Congress in 1931 also specifically declared that political freedom must include real economic freedom of starving millions and that the organisation of economic life must conform to the principles of justice 'Gandhian Philosophy of the reconstruction of rural India also led to the incorporation these 'Directives in the Constitution'.<sup>49</sup> It is to be noted that these 'Directive Principle' have been adopted from Spain and Ireland as the constitution of Spain adopted 'Directive' in 1931 and Ireland in 1937. The Sapru Committee Report of 1944- 45 also envisaged the idea of justicial and non-justicial rights, as the social and economic rights were placed under second category. And, lastly, the Universal Declaration of Human Rights in 1948 also influenced the incorporation of these as 'Directive' in the Indian Constitution. It is to be noted under Article 51 it has been made clear that the state shall endeavour to (c) foster respect for international law and treaty obligation in the dealing of organized peoples with one another. Similarly Article 253 the Indian Constitution empowers the Parliament to implement any treaty, agreement or convention... made at any international conference, association or other body'. *Therefore*, to implement the provision of the Universal Declaration of Human Rights 1948 and Covenant on Economic, Social and Cultural Rights 1966, various laws have been passed and schemes have been initiated. Many rights enshrined in the Directive Principles of State Policy having corresponding rights in the Covenant of Economic, Social and Cultural (1966). Some of the these rights have been provided in Chapter III entitled 'Fundamental Rights Under the Constitution of India' - For example Cultural Rights provided under Article 15 of the Covenant has been, to some extent, provided under Article 30 of the Indian Constitution. *Similarly*, Right to non-discrimination has been provided under Articles 15 and 16 and Right to education under Article 21-A. Besides the Constitution of India, other statutes also have such benevolent provision As the Factories Act, 1948 has provided many provision to ensure the adequate measure for the promotion of health and well-

<sup>48</sup> Swami Vivekanand, *The Complete works of Swami Vivekanand* 309 (Belur Math, Kolkatta, Vol. IV, 2012).

<sup>49</sup> B.N. Rao's address to the Indian Council of World Affairs on August 10, 1949 in Shiva Rao, *Framing of the Indian Constituion*, 320 (Indian Institute of Public Administration, 1958).



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being of the workers, facilities to workers outside the workplace, The Minimum Wages Act, 1948 also ensures minimum rates of wages certain kind of employment, The Child Labour (Prohibition and Regulation) Act, 1986 prohibits the employment of children (below 14 years of age) in dangerous occupations, Another Act which need mention is the Bonded Labour System (Abolition) Act, 1976, which put an end to age old practice of bonded labour in India. The some of other laws which have guaranteed economic, social and cultural are the Maternity Benefit Act, 1961, Equal Remuneration Act, 1976, Mines Act, 1952, Employees Provident Fund Act, 1952, Contract Labour (Regulation and Abolition) Act, 1970, Beedi and Cigar (Conditions of Employment) Act, 1966, Apprentices Act, 1961, and others. Then, passed the Rural Employment Guarantee Act, 2005 is also a laudable Act which guarantees the employment of atleast 100 days to the unemployed youth of rural India. This all goes to show that Indian Government is taking all possible steps to protect and implement the economic, social and cultural rights of the people in India. The Protection of Human Right Act, 1993 while defining the Human Rights under Section 2(d), provides that it "means the rights relating to life, liberty, equality and dignity of the individuals guaranteed by the constitution or embodied in the International Covenants and enforceable by courts in India". Thus, this Act has also recognizes the rights provided under the Covenant of Economic, Social and Cultural Rights of 1966. The National Commission and State Commissions under the Act are duty bound to protect and implement these rights

The judiciary has always played a pivotal role in detecting, implementing and truly interpreting the second generation human rights. In the words of Justice Untwalia 'judiciary is a watching tower above all the big structure of other limbs of the State, from which it keeps a watch like a sentinel on the function of the other limbs of the State and whether they are working in accordance of the law and the constitution of India. By giving liberal and inclusive definition, many rights were recognized.

### **Conclusion**

The Rights, which are declared in Universal Declaration of Human Rights and other International Declarations and Covenants like Civil and Political Rights and Economic Social and Cultural Rights, enumerated the basic postulates and principles of human rights in the most comprehensive manners. Notwithstanding the UDHR, international conventions, the role and action plan of international agencies, the national mechanism & network of institutions of various levels, the





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human rights could not enter the consciousness of people at large. With the result the installation of liberty, equality and human dignity in its appropriate measure is yet to be achieved. Children, women and weaker section of the society are the victims of the violation of human rights even today. Even in this era of information revolution the people are locked in and the ideas are locked out. Threats to freedom persist and the human rights are still at a risk. The basic question before us is whether 21st century would ensure common man a life of dignity, free from fear and want. We need to think now that the foundation of global unity is strengthened by the united efforts of one & all around the world. Now is the time to intelligently answer the shrilling questioned pertaining to the accessibility of human rights? There are endless names of organizations working whole-heartedly for protection of human rights worldwide. The list is unending and the efforts are untiring. Our Constitution, many committees and countless Non-Governmental Organizations are helping create ways for making the rights audible to the suppressed strata. The selfless efforts in this direction to meet the needs of people and protect their individuality are required at this juncture.

It is hoped that carrying out research on the above identified areas will add light to the crystallization of human rights cones and will strengthen their enforcement in all its ramifications. In fact in a World of profound transformations-Political, economic, cultural and social where new obstacles and challenges to human rights continue to emerge, human rights research acquires additional importance. The results of research should serve to sensitize public opinion and to stimulate national, regional and international action in human rights, contributing *thus* to their advancement, in accordance with the principles of universality, indivisibility, interdependence and interrelation of all human rights.

“You must not lose faith in Humanity. Humanity is an Ocean,  
if a few drops of the Ocean are dirty, the Ocean does not become dirty.”  
----- Mahatma Gandhi.