



# Implementation of Human Rights: An Universal Challenge Towards Humanity

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## ABSTRACT

Mere enumeration of Human Rights in any Charter or other document without effective machinery for implementation of such rights or redressal in case of their violation would only be a content of a paper document. Human Rights as developed in due course from case to case includes the right to live with dignity and which further expanded to the right to self-development so as to acquire dignified existence as a human being with at least human facilities is basically ignited. May be it can be said that there being no provision or denial to have a provision to enforce Human Rights or to get redressal on violation thereof itself may amount to the denial of Human Rights. Although the Human Rights movement has been exercising profound influence amongst the world community, the fight for human dignity has to be Universal the inherent dignity of the human being exists regardless of his nationality or political status. There should be universality about human rights which can make them a common concern for all

*Isha vasyamadam Sarvam, Yatkincha jagatyam jagat;*

*Tena tyakten bhunjitha magrdhah Kasyasvidhanam. (Yajurved:40;1&Upnishad:version 1);*

It means that all this is for habitation by the Lord, whatsoever is individual. Universe of movement in the Universal motion. By that renounced thou shouldst enjoy; lust not after any man's possession. Meaning thereby whatever is there in the world that is imbibed with the grace of Almighty. That need be enjoyed with the sense of renunciation, i.e. equal rights to all mankind at large with morality as well as having force of law. Since social values are undergoing rapid change, the law should be adaptable to the changing needs of society.

**Keywords:** Human Rights, Humanity, Implementation, Heed & Semblance

## PROLEGOMENON

The conception of Human Rights is of Central importance in the development of the modern world as well as the modern society of different Nations of the World. The English bill of rights, the American declaration of Independence, the French declaration of the Rights of Man and Citizen, Fundamental Rights of Indian Constitution, developed from the concept of the Universal Human Rights. Hindu 'Dharm Shashtra' in their wider connotation enshrined Human Rights. The Dharma stands for a specific state of mind that is responsive for one's

sense of obligation & consciousness towards their needs especially for basic requirements to live, such as food, shelter, security etc.

*"Ahar nidra bhayam maithunam cha Samanyametet Pashubhinaranram dharmohit teshamadhiko Vishsha Dharmena hinaah Pashubhinaranram Samaanah"* (Subhashitan: Nitibachnam/HitoUpdesh).

Meaning thereby eating, sleeping, fear, compulsion; these habits are common between human beings & animals. It is Dharma i.e. Knowledge, which is additional quality of human beings, without which he is same as

an animal. In other words we can say that necessity of food, sleep, characters of fear and sex are alike in men & animals, but human being is endowed with special attributes of 'Dharma, this term not denoting to any religious denomination like Vedic, Islamic Christian, Buddha, Sikhism, Jainism, Zoroastrian etc. Here the word 'Dharma' stands for specific state of mind that is responsive and responsible to one's sense of Duty. Food is required for up keep the body & mind. 'Sound mind in a sound body' to enliven the physical existence that is Life ;proper sleep helps to remove one's fatigue and rejuvenated the body after hard work both are essential for the very ethnic bodily existence.

*"Bubhukshitah Kim na karoti paapam ksheena naraani SnKaruna bhavanti"*(*Subhashitan: Hito Updesh*); that a hungry person can commit any sin, and in such a situation even weak person becomes very cruel. It means that no chanting by hungry man, till hunger is subsided; these two fundamental necessities go to create defensible rights of not only procuring food but also clothes to cover up body & shelter overhead, etc. including all human conditions to live, not only to live but with human dignity. This right is inalienably originating from the womb, remaining with a corpse to the tomb.

Fear is the reaction, which we share with animals. It is crude and slapdash. Sometimes it serves the purpose of self-preservation but sometimes it does quite opposite. Fear makes a man unwise in three departments of human conduct-his dealings with nature, his dealings with another man, and his dealings with himself, these reactions being alienable and unavoidable, but associated integrally with our mental makeup & built-up. Fear like pernicious poison circulating quickly through the entire nervous system paralysis will produce a quick sensation in some parts or other of the human body. Great poet P. B. Shelly rightly explained in poetic form:-

'Nothing in this world is single, All things by Law Devine;

In one another being mingle, Why not I wish thine?.

The requisite need of food, limited necessary of sleep or rest, restricted emergence of fear & restrained use of having bodily needs, have empowered all creatures to sustain their lives, but man possesses a super controlling power (Mind) that makes to realize one's duty (Dharma) which distinguishes him from beasts & other social animals. Excess of every instinct may prove to be dangerous such as excessive intake of food may give rise to pestilence, sleep or laziness brings misfortune, excess lust or greed leads to doom & fear invites death. No doubt all beings are evolved from food need requisite rest, peace

& nourish fear by nature but excess luxurious greedy feeling makes sometimes insensible. The man is a rare species, whose survival is precarious. The upright posture freed his hands, his intelligence enables him to transmit his experiences, gradually these two advantages give him superiority over other social animals. Cordetan Smith has indicated three kinds of men; man, woman, and tenors. Etymologically 'Man' is derivative of 'Manus'; one who bears 'Mind', denoting a male human being of any age; the term 'Women is rather a combination of Wo+Man; 'Wo' stands for 'stops means which stops a man from desperation as one's mother, sister, wife, daughter etc. or by virtue of a relationship created by law or assigned or attained otherwise. The gender distinction has been done away by use of the pronoun 'he' for criminal law at least & in the administration of justice;

*"Anuvandham Parijanya Deshkale Tatvatah;*

*Kalakau Dandam Dandyet Patyet"*

(*Manusmriti: chap; viii*)

Meaning thereby after considering consequents, antecedents, age, character, the time & circumstances; when the offence is alleged to have been committed, one should award punishment. U/s 45 of Indian Penal Code; denotes a 'Life' of human being unless contrary appears from the context. Socrates (Philosopher) described 'dignity by enlarging it meaning "life means not only to live but to live well". Although the long infancy of a child prolongs his dependence on parents unlike the animal world, but man as a rational being endowed with a strong sense of responsibility and responsibility does not remain satisfied with his material existence; he wants to know & to realize through its working; the real meaning of 'life' is a perennial urge in men inspires him to indulge in great creative activities with civilization & realize the value & meaning through them.

## PERSONAL LIBERTY AND HUMAN RIGHTS

Personal liberty is corollary of right to life ;lies in the hearts of man & woman & their offsprings; it is congenital to them not created by any law or by any social institutions for example:-right to communication & its privacy is an integral part of right to life; one has got the right to transmit messages or hold telephone conversation in privacy, which forms the part of right to life as enshrined under article 21 of the Constitution as well as in Article 17 of International Covenants on civil and political rights 1966; Universal Declaration on human rights 1948 (12), Section 5 & 7 of Telegraph Act 1885, which provides-"no person shall be deprived of life and personal liberty except according to the procedure is established by law".

When the liberty, within the hearts of human being dies, there is no constitution, no law, no legal sanctions, even no court can be of any use or help to restore it. The personal liberty is not absolute, but is conditional by the personal liberties of others. One may at liberty to stretch one's hand to any extent provided they do not reach the nose of the bystander, who has got the right to keep the man stretching his hands within his own bounds so that his own liberty is not infringed personal liberties of certain persons are subject to restrictions under article 19 of the constitution imposed in larger interest of public. A person undergoing rigorous imprisonment in jail may not be fettered to move within jail boundaries but if he being a professional, he cannot be allowed to continue his practice, while in jail. He is at liberty either to acquire or dispose off his property while serving incarceration. Article 22 of the Constitution not only recognizes the evil of preventive detention necessary but also provides for ascertain safeguards & minimum procedure to be followed therefore the detenu whose rights are infringed is entitled to know the grounds of his detention at the earliest possible time & to make representation against it. The subjective satisfaction of the authority must be based on material grounds National Security Act is the law claiming highest scores of detainees under it. The subjective satisfaction may not be malafied & without application of mind. The detention measures may not be used to but subvert supplant or substitute the punitive law of penal code.

## INTERNATIONAL PERSPECTIVES REGARDING HUMAN RIGHTS

On International level, perhaps for the first time, the general assembly of United Nations made Universal Declaration of Human Rights in 1948, Preamble of which begins with saying-

“Whereas recognition of the inherent dignity and of equal in alienable rights of all members of the human family is the foundation of Freedom, Justice and Peace in the World.....” & the first Article saying “All human beings are born free & equal in dignity & rights. They are endowed with reason and conscience & should act towards one another in a spirit of brotherhood”, & also adopted two International Covenants with effect from 10 December 1948:

- i) Civil, political and religious liberties to human beings.
- ii) Economic, social and cultural rights to all.

Covenants have laid stress on dignity and birth of human person. “No discrimination on the basis of caste, race, sex, language, religion, political or other opinion; national or social origin, property, birth or status is

permissible degrading punishment, arbitrary interference with home, family or correspondence, prosecution etc., have been discarded. Each person should be considered on his own merits and all deserves a chance to live a full & happy life. Merit is not what is reckoned by one's birth but ought to be based on one's dignity. Professor Laski has rightly observed that “the merit of a child can be judged from the environment in which he is brought up”.

United States of America can be designated as the precursor of Human Rights in the present era. The very term of human rights was introduced in the United States declaration of independence in 1776 and the U.S.A. Constitution embodies a ‘Bill of Rights’.

The U.N. Charter in its Preamble declared “We the people of the United Nations determines....to reaffirm faith in the Fundamental Human Rights itself i.e. the dignity & equal rights of human beings”, whether their country is large or small. Some of the key International Conventions relating to Human Rights under the aegis of the United Nations are :-

- Genocide Convention 1948.
- Four Geneva Conventions on Humanitarian Laws of war (*viz.*, treatment of prisoners, protection of civilians in times of war 1949).
- Convention on Status of Refugees 1951.
- Convention on the Political Rights of Women 1953.
- Convention relating to Stateless Persons 1954.
- Convention on the Elimination of All Forms of Racial Discrimination 1965.
- Convention on the Crime of Apartheid 1973.
- Convention on the Elimination of All Forms of Discrimination against Women 1979, etc.

There has been challenging effluence in violation of human rights all over the world; in spite of severe laws on this point in some countries, none of them finds in a position to cope with situation or to check this. What to talk of world we boast to honour women folk have been shown down by the disclosures made by Amnesty International on women's day (few years ago) that “more than 50% of married woman in India are tortured by their husbands for silly reasons. It is global problem; more than 40% women are reported being stopped, killed or sexually abused for such reasons as their husbands dissatisfied with their cooking, cleaning households or other motives”.

In some countries ‘mercy killings’ or ‘honour Killing’ on the name of family honour is permissible; World Banks figures escaped such countries with such pseudo beliefs like neighbouring Pakistan, Iraq, Iran, Jordan & Turkey

are the topmost list of honour killings. Females are killed for fake shame on their families by their talking to males or having sexual relations with other male outside marital ties.

## INDIAN PERSPECTIVES REGARDING HUMAN RIGHTS

In India 'the birth place of family concept '*Vasudhaiv Kutumbkam*' showing the highest degree of renunciation.

*"Ishvashya Midam Sarvam, Yatkincha Jagatyam Jagat; Tena Tyakten Bhunjitha Magrdhah kashyasvidhanam"* (*Yajurved: 40;1 & Upnishad: Chap.1.*); meaning thereby 'All this is for habitation by the Lord, whatsoever is individual. Universe of movement in the Universal motion. By that renounced thou shouldn't enjoy; lust not after any man's possession' & also recognized human rights with certain reservations, but its own social structure is based on chaturvarnas, which is still deep rooted in the social structure of the country. This vast country of Manu-the very first Law giver, qualified 'human rights 'with caste & birth which dictated life & its activities for centuries of first Dian sole at least. According to Justice Chaudhary (Rtd Judge of A.P.High Court)"We have inherited a stagnant Hindu Society, where upward mobility has been denied & forbidden for ages & where inequality has been enshrined & enforced as a rule of life. ....Roman Emperor could have been a serf, a Pope could have been former slave but in India is born into a caste & dies with his caste, all his aspirations & abilities are buried with him'.

The short look at the above is that -Human Rights represents claims, which individuals or groups make on the society, they include the right to freedom from torture, the right to life, inhuman treatment, freedom from slavery & forced labour, the right of liberty & security, freedom of movement with choice of residence, right to fair trial, right to privacy, freedom of thought, conscience & religion, freedom of opinion and expression, the right to marry & form a family, the right to participate in one's government either directly or indirectly through freely elected representatives, the right to nationality and equality before law-these rights cannot be compromised universally.

The concept of Human Rights Falls within the framework of Constitutional law and international law, for this purpose it has been identified to "defend by institutionalized means the rights of human beings against abuses of power committed by the organs of the State and at the same time to promote the establishment of human living conditions and the multi-dimensional development of human personality".

**A. LEGISLATIONS RELATING TO HUMAN RIGHTS:** Being a member of many International

Conventions, Indian Parliament has enacted several legislations, to give effect to its commitment towards Conventional scenario, are as follows:-

- i) Protection of Civil Rights Act 1955.
- ii) Bonded Labour (system) Abolition Act 1976.
- iii) Indecent Representation of Women (prohibition) Act 1986.
- iv) National Commission for Women act 1990.
- v) National Commission for Minorities act 1992.
- vi) Transplantation of Human Organs act 1994.
- vii) Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994.
- viii) Person with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act 1995, etc (4)

Several other legislations relating to workers, women & environment were also made by Parliament on the footsteps of International Conventions. Parliament also amended, in order to confer Indian citizenship (Indian mother) to a child born outside India; this effort was done to grant women equal right with men regarding the nationality of their children. The apex court also observed that "the courts must forever remain alive to the international instruments/ conventions & apply the same to a given case when there is no inconsistency between the international norms and the domestic law occupying the field."

**B. INDIAN CONSTITUTION REGARDING PROTECTION OF HUMAN RIGHTS:** Some of the human rights which have been proclaimed in the Universal Declaration, International Covenants and have been specifically enumerated in Indian Constitution are; Right to life and liberty, Right to Equality, Freedom of expression, movement, association, Right to equal pay for equal work, Right to livelihood, Rights of workers etc. While some of the human rights which have not been specifically enumerated but they have been recognized & declared by superior judiciary (Indian)-authentic part of existing fundamental rights viz; Right to go abroad, Right to legal Aid, Right to speedy trial, Right to privacy, Right to business to be treated with humanity, Right to know, Right to shelter, Right to compensation for violation of human rights etc.

**C. THE NATIONAL HUMAN RIGHTS COMMISSION (NHRC):** The NHRC which was established on 12 Oct, 1993. Its Statute is contained in the Protection of Human Rights Act, 1993. The Commission is an embodiment of India's concern for the promotion and protection of Human Rights. The commission has a wide mandate including Civil and Political Rights,

Economic, Social and Cultural Rights and Group Rights. The function of the Commission includes inquiring on petitions, presented to it by the victims, or any person on their behalf, into complaints of violation of human rights, or negligence in the prevention of such violation, by a public servant; intervening in any proceeding involving any allegation of violation of human rights pending before a Court with the approval of such 'Courts' undertaking & promoting research in the field of 'Human Rights' is spreading 'Human Rights Literacy' amongst various sections of society and promoting awareness of the safeguards available for the protection of these rights through publications, media advertisements, seminars and other available means.

#### ASSESSMENT OF THE WORKING OF NHRC:

The main lacuna of the commission is that it does not enjoy any power beyond making reports after investigating the case situations & cannot take action directly. It can only recommend and the Government 'may' or 'may not' accept its recommendations; simply it means that the NHRC has only the visible teeth for Human Rights violators because its recommendations are not binding on the Government, so the making of rules for protection of human rights, according to the need of human beings is still a day dreaming.

According to the NHRC's reports, the commission received approximately 17 lakh complaints almost 70000 or 50000 are filed every year, more than half are dismissed by the Commission & over approximately 40% of all cases pertain to complaints against police, followed by human rights violations in jail, Thana etc. The Commission has also in certain matters, especially in respect of action taken by armed forces against terrorists, seems to be taking one-sided view. Its report always highlights the excess committed by armed forces as well as police administration & never emphasizes the excesses committed by the terrorists, criminals or law breakers.

Although the NHRC has rendered a signal service for the cause of protection, promotion & observance of human rights, especially in the field of civil liberties such as in the field of prevention of custodial death, rape & torture. The NHRC has also proposed certain amendments to Improve its functioning:-

- Encompass all paramilitary forces under the preview of of NHRC.
- NHRC Chairperson to be a part of the Committee to select its members.
- The Commission to be empowered to recruit its own investigating staff.
- All States to appoint State Human Rights

Commission. Defaulters like UP and Bihar are today the major contributors of complaints.

- NHRC's annual report to be tabled in Parliament within three months of its submission. If the Government fails to do so, the Commission should be allowed to go public with the report.
- To confer greater financial autonomy on the NHRC.

#### D. JUDICIAL APPROACH FOR PROTECTION OF HUMAN RIGHTS:

The fundamental rights inscribed in part III echo the values of Covenant on Civil and Political Rights, while the provisions of part IV (Directive Principles of State policies) read in the light of the Preamble are, succulent with the economic and social concerns of the ECOSOC Covenant. Part IV-A (Fundamental Duties) goes further into ecological & environmental justice, gender justice and jurisprudence of compassion and common brotherhood. Comment of Hon'ble Justice V.R. Krishna Iyer on above context is highly appreciable "*Textually, we have a constitution which is fragrant with humanism, socialism, democracy, people-oriented mandates with a benign slant towards the suppressed human sector & the development paradigm committed to abolition of poverty and promotion of have-nots to a status of equality, for variety of reasons the Indian State has committed itself to the essentials of the International Bill of Human Rights*".

The resolution of the judges of Common Wealth Countries also affirmed the importance of importing, by interpretation, the values enwombed the U.N. instruments on human rights into domestic laws or can say- an obligation on member countries, to bring the 'Corpus juris' of the country into row with the norms/ideas laid down in Bangalore Principles (1988), as far as possible. Judicial Activism by India's Superior Court i.e. Supreme Court, on this count is remarkable some land mark judgments are as follows:-

- The International instruments came for examination by the Courts in India in its earlier decisions (ADM Jabalpur vs Shukla, (a) the higher Judiciary opined that the remedy for breaches of International law in general is not to be found in the law courts of the State because International law '*per se*' or '*proprio vigore*' has not the force or authority of civil law, till under its inspirational impact and actual legislation is undertaken.
- In Jolly Verghese case (b), the issue was whether a judgement-debtor could be arrested and detained in prison in execution of a money decree, or for failing to fulfil contractual obligations, while Article 11 of the Covenant on Civil and Political

Rights prohibits so, section 51 of the Indian Civil Procedure Code authorizes so. The Supreme Court observed “India is a signatory to this Covenant & Article 51(c) of the constitution obligates the State to foster respect for International law and treaty obligations in the dealings of organised peoples with one another. Even so, until the Municipal Law is changed to accommodate the Covenant what binds the court is a former or not the latter”.

- In *Francis Coralie vs Admn, UT of Dehli (c)*, the Supreme Court read Article 7 of the Covenant on Civil & Political Rights & held that “the right to live with basic human dignity was implicit in the right to life guaranteed under Article 21 of the Constitution & it includes the right not to be subjected to torture or to Cruel, Inhuman or Degrading punishment or treatment”.
- The Supreme Court in a number of decisions has ruled that—even in the absence of Parliament legislations under Article 253 implementing International Covenants to which India is party, the provisions of such covenants, as are “not inconsistent with the Fundamental Rights & the harmony with its spirit, must be read into those provisions to enlarge the meaning & content...” and that “the executive power of the Union under Article 73 is also available till the Parliament enact legislation...”

The Supreme Court of India has cleared on above cases that if there is conflict between the provisions of an International Conventions & Indian Constitutional laws, undoubtedly the latter will prevail. If there is no conflict & the relevant provisions relating to fundamental rights are of wide amplitude to encompass the provisions of International Conventions, their help can be taken for interpreting Constitutional provisions. Supreme Court, again clearly mentioned in *A.K. Chopra (d)* case that “The courts must forever remain alive to the international instruments/conventions & apply the same to a given case when there is no inconsistency between the international norms and the domestic law occupying the field”.

- *Vishaka vs State of Rajasthan (e)*, landmark mark decision/strict directions to union government on women harassment at workplace, the apex Court also observed that “Gender equality includes protection from sexual harassment & right to work with dignity, which is a universally accepted

basic human rights. In the absence suitable domestic legislation in this sphere, International Conventions / Norms, so far as they are consistent with the Constitutional spirit, can be relied on, viz. Convention on the Elimination of all forms of Discrimination against Women, Article 11, 22-24”.

- The concepts ‘the right of life’ ‘personal liberty’ and ‘procedure established by law’ contained in article 21 of the Constitution after a long period added new meaning i.e. “Right to life with human dignity “through constitutional interpretation culminating in the landmark decision in *Menka Gandhi VS Union of India(f)*, where the supreme court held that the right to life and personal liberty guaranteed under article 21 can be infringed only by a ‘just, fair and reasonable’ procedure. Minor Interpretation of legal and constitutional provisions slowly gave way to a more liberal interpretation that kept in view the purpose of constitutional guarantees. Holding initially as generating procedural justice, the highest court of the country later widened the scope, tailoring more substantive rights to life into Article 21. Thus the right to life is not confined to mere social animal existence, but extends to the right to live with basic human dignity vis a vis right to health & other hygienic conditions.
- In *Chhetriya Pardushan Mukti Sangarsh vs State of Uttar Pradesh (g)* Justice Sabyasachi Mukerjee observed-” Every citizen has a fundamental right to have the enjoyment of quality of life and living as contemplated in Article 21 of the Constitution of India”.
- Right to life was also extended in *Consumer Education & Research Centre vs Union of India(h)*, to social security, human conditions of work & leisure of workmen, by the prior decisions on wider meaning to right to life & on the relationship between Fundamental Rights & Directive Principles were quoted to emphasise the duties of the State or an Industry, private or public, to promote health of workmen as the basic essential to live with ‘health & happiness’, for achieving these, the Court also issued appropriate directions to concerned Authorities.
- Justice K.N. Singh observed the concept in a more vivid manner in *Subhas vs State of Bihar case(i)* that ‘Right to live.... includes the right to enjoyment of pollution free water & air for full enjoyment of life’. The ‘full enjoyment of

life' can be possible only when every citizen is secured & satisfied with their basic requirements as well as with their social security in the form of Fundamental Rights which is given to them by Supreme Law of the land i.e. Indian Constitution .

## PROTECTION OF HUMAN RIGHTS IN INDIA

'In 1992, U.N. Commission on Human Rights adopted the consensus resolution known as 'Paris Principles', articulates the status & responsibilities of national institutions for the protection & promotion of human rights. These principles explained following necessary measurements for the independence & effectiveness of National Human Rights Institutions:

- i) Independence through legal & operational autonomy.
- ii) Independence through financial autonomy.
- iii) Independence through appointment & dismissal procedures.
- iv) Independence through pluralism of composition.

In India, while following the above principles; as an autonomous national institution for the protection of human rights-The NHRC has an important role to play in preserving the Government ratify and enforce human rights tools. The Human Rights Act also provides for the establishment of 'State Human Rights Commission', which 'maybe constituted by State Government, only 12 States has established such Commission! Above Act also provides establishment of Human Rights Court at District level, whose establishment process is still unsatisfactory according to the prevalent need of Indian society.

## HEED

Mere enumeration of Human Rights in any Charter or other document without effective machinery for implementation of such rights or redressal in case of their violation would only be a content of a paper document. Human Rights as developed in due course from case to case includes right to live with dignity and which further expanded to right to self development so as to acquire dignified existence as a human being with at least human facilities is basically ignored. May be it can be said that there being no provision or denial to have a provision to enforce Human Rights or to get redressal on violation thereof itself may amount to denial of Human Rights.

Although the Human Rights movement has been exercising profound influence amongst the world community, the fight for human dignity has to be Universal, the inherent dignity of the human being exists regardless of his nationality or political status. There should be

universality about human rights which can make them a common concern for all mankind, keeping in mind that what ever is there in the world that is imbued with grace of Almighty. That need be enjoyed with the sense of renunciation, i.e. equal rights to all mankind at large with morality as well as having force of law. Since social values are undergoing rapid change, law should be adaptable to the changing needs of the society.

Justice is the main part of socio-economic development of the society & is also the global challenge to judiciary for dispensation of human related issues in present scenario. V.Thant, then Secretary General of United Nations in Stockholm appealed -"Like or not we are travelling together on a common planet and we have no National alternative but to work together, to make an environment in which we can live a full & peaceful life". Only the Judicial system of all Nations have the capability to provoke Executive & Legislative authorities for implementation. The order passed by superior courts has made tremendous progress in its elaboration and exploring humanitarian rights because law not only derives its force from its formation but from its interpretation, implementation & applications throughout societal changes and variations. Although that pro-human & collective welfare approach has not been visible for past decades yet whatever different implementing authorities/agencies has done so far should be considered as a boon for Common man and hence it is recommended that implementing authorities must make arrangements, according to their liabilities/responsibilities for ensuring the Human Rights to everyone in India as well as in different countries of the world.

## SEMBLANCE & EPILOQUE

Human Rights are recognised by International law sanctified, protected and guaranteed by Constitutional law and enforce processed by the procedural law of the land. National Human Rights Commission through the executive machinery of the state explores the complaints preferred against infringement of such rights and Supreme Court of India under article 32 of the Constitution various High Court under Article 226 by the extraordinary writ jurisdictions afford protection to those rights and reject the subordinate judiciary in appropriate cases to adhere to the established norms and statutory procedure to ensure the fair and impartial trial to violators of human rights and allow humane treatment to the victims.

The United Nations have the impressive record in setting the norms of human rights & for setting up the International & Regional machinery for their observance/enforcement, their violation are rampant. This requires some political will & concerted efforts at the Regional,

National and International level by the concerned Country with perennial vigilance. Though the concept of 'domestic jurisdiction' has not remained absolute in the matter of human rights violations, the national sovereignty is still a formidable obstacle in the enforcement of human rights. Furthermore, the protection of human rights is closely dependent upon many other factors too because the International Court of Justice is not a human rights court in the contemporary sense of that term, therefore the World Court's Statute should also be suitably amended to cognize human rights questions by modifying its Article 34 which says that "only States may party before the Court". Ian Martin, the then General Secretary at Amnesty International, 1986-1992, rightly remarked on this context that-

"The human rights movement should itself give equal priority to economic, social and cultural rights together with civil and political rights. It should search for ways to play a prominent role in the future in the monitoring and implementation of economic, social and cultural rights as it has in the past in the monitoring and implementation of civil and political rights". It is time to wakeup & realise that we all are the part of problem not part of solution. It is we, our societies, our political systems, laws & values that are turning the civilized humans into criminals, anti-social elements & terrorist. I would conclude with reference to what a Philippine Jurist of eminence, Jose W. Dioko, once observed;

"No cause is more worthy than the cause of human rights. Human Rights are more than legal concepts: they are the essence of man. They are what make man human. That is why they are called human rights; deny them and you deny man's humanity".

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