

The Role of Women in the Development of India after Independence

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Human Rights

Author: Dr. Umesh Chandra & Kumar Mitashkar Published in: 1999

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The aim of the book is to explain the efforts made at national, regional and international level for the protection and enforcement of human rights. The object of the Universal Declaration of Human Rights is "as a common standard of achievement for all peoples and all nations". The book is focused not only the traditional civil liberties but also social, economical and cultural rights. The subject of the book is mainly based on two principal international human rights, namely the International Covenant on Civil and Political Rights, 1966, and the International Covenant on Economic, Social and Cultural Rights, 1966, which enlighten the concept of human rights and fundamental freedoms. The book also focused various other protective instruments of human rights such as, the International Convention on the Elimination of All forms of Racial Discrimination, the Convention Against Torture and other cruel, inhuman or Degrading Treatment or punishment; the Convention of the Elimination of All forms of Discrimination Against women; the Declaration on the Right to Development' the Convention of the Rights of Child.

In the book an attempt was made to understand how the international human rights protection conventions lead to develop the relationship between the states and their own citizens. States had granted many human rights which is the result of international covenant and conventions on human rights.

Authors very carefully attempted how the rights contained in the Universal Declaration of Human Rights, the two International Covenants and other convention, have been translated into real rights of individuals, can be answered through individual legal system of respective states.

The book also include two optional protocols, convention on the Rights of the Child on the involvement of children in armed conflicts and the optional protocol to the convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

The book has been divided into eight chapters. Chapters I enlighten on origin and development of human rights. To understand origin and development of human rights author's attempted to focus light on the human rights in middle age, the social contract theory and American Revolution, The French Revolution, universalization of human rights and The Atlantic character. To understand meaning and concept of human rights, efforts were made to touch the philosophical approach which includes the natural right theory, the legal right theory, the historical theory of right, the social welfare theory of right and idealistic theory of right. Another way of looking at the meaning and nature of human rights is pragmatism or utilitarian approach. These approach focus for development of institutional structure for protection of human rights. Classification of human rights was also made on the basis Louis B. Shon suggestions.

Chapter II deals with the United Nations Organs, specialized agencies and other bodies concerned for protection of human rights. The book enlightens the role of United Nations and its agencies in promotion and protection of human rights. Detailed discussion was made on the functions and powers of General Assembly. To fulfill the objecting of General Assembly, International Law Commission, Special Committee against Apartheid, United Nations Council for Namibia & Committee on the Exercise of the Inalienable Rights of the Palestinian people etc. established to strengthen human rights. Apart from this Security Council, Trusteeship Council, International Court & Justice and The Secretariat also explained by the author for understanding their contribution for protection of human rights.

Chapter III concerns with civil and political rights. Civil and political rights of Indian people are explained in part III of the Constitution. Attempt was also made to explain the international covenant on civil political rights. This covenant concern different

traditional human rights and fundamental freedoms. Authors discussed on different rights such as the right to life and liberty, freedom from torture, cruel, inhuman or degrading treatment or punishment, freedom from slavery and slave-trade and compulsory labour, right to liberty and security of person and freedom from arbitrary arrest and detention, right to treated with humanity and with respect, freedom from imprisonment merely on the ground of inability to fulfill a contractual obligation, right to equality before law, right to speedy trial, right against hand cuffing, right to be informed of the ground of arrest etc. Author's also discussed the different provisions of International Labour Organization instruments for protection of human rights.

Chapter IV deals with economic, social and cultural rights. In the book a detailed discussion was made on International Covenant on Economic, Social and Cultural Rights which was adopted by the General Assembly on 16th December, 1966. Author argued with the help of United Nations Charter to maintain and insure higher standard of life, employment generation, and health related problems, international culture and educational co-operation for promotion of economic, social and cultural rights. They are also focus on the functions of UNESCO, FAO WHO and ILO engaged in promotion of realization of economic, social and cultural rights.

Chapter V relates to the human rights of vulnerable group of persons, such as women, children, disabled, tribal's, aged and minorities. In this chapter national and international legal development concerned to vulnerable groups are discussed. Rights of women are explained with the help of international instruments such as the Convention of Elimination of all forms of Discrimination against Women, the convention on Political Rights of Women, nationality of married women, minimum age for marriage etc. Conventions strengthen the rights of women. In the book the rights of children are fully explained. Different kinds of rights of child was discussed in the book like civil rights and liberties of the child, right to family environment, right to health, education social protection, rights against exploitation, protection against drug abuse etc. Apart from this rights

of disabled persons also attempted to explain. The rights of tribal's or indigenous people, right of the ageing and minorities also enlightened.

Chapter VI deals with the international, regional and national mechanism for the enforcement of human rights. At international level, different bodies functioning for enforcement of human rights. Author's attempted to explain the role of Human Rights Committee, the Group of Threes, the committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against women, Committee against Torture etc. In the book the efforts also made to understand the regional system established in Africa, East European, America and Asia.

Chapter VII describes the international humanitarian law. Attempt was made to understand the origin and development of international humanitarian law, Protection of defenseless in war limitations on means and methods of use of force, law of international armed conflict and contemporary issues and challenges with special reference to implementation of human law was discussed. Author's also focused on different provisions for the protection of prisoners of war under captivity. They also had given weight to general protection of population against certain consequences of war.

Chapter VIII concerned with refugee law, "Refugees are often destitute, they live in a different material and psychological conditions, they are open to that suspicion which is often the fate of the poor, the unprotected, the homeless, the man without paper" (Page 416). In the book attempt was made to understand the origin and development of refugee. Rights, responsibilities and protection of refugees also discussed. Protection to internally displaced person also explained. Authors explained the role of international institutions such as United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Office of the United Nations High Commissioner for Refugees (UNHCR) and the Executive Committee of Programme of the United Nations High Commissioner for Refugees.