

Chapter I

Historical Perspective of Human Right

Introduction

Human Right In Ancient Period

Status of the human right history reveals that since from ancient time. The sanctity of human life has the precedent in many religion of the world. The basic idea of the human rights the main purpose and notion is these rights are as set of in voidable rights. In era renaissance humanism early modern period prior to habeas corpus it means to have the body had been enshrined in Magna Carta of 1215 AD. In 17th Century the European war of religion and civil war of England gave rise to philosophy and the concept of Liberalism which means freedom to these human being and belief in human right.

This idea which also emerge from the American and French revolutions which popularly known as democratic revolutions is ninetieth century through the advent of Universal suffrage. In the twentieth Century after world war the concept of Universal Declaration of Human right emerge. After post war which reflects on the human right emerge. After post war which reflects on the human right movement on special interest groups such as feminism and civil rights of African-Americans And which also expanded beyond its original ant totalitarianism which include humanitarianism and social and economic development in developing world.

Some philosopher who define and suggest, sometimes notion of these righteousness present in ancient law and retrospective effect of religion. The theme is secular contract between the rulers and rules which are inter connected to divine Law, Hellenistic philosophy and natural Law.

According to some historians suggest that the Achaemenid Persian Empire of ancient Iran established unprecedented principles of human rights in 6th Century B.C. under cyrus the Great after his conquest of Babylon in 539 BC the kind issued the Cyrus cylinder, discovered in 1878 and seen by some today as the first human right document.

According to the interpretation of Cylinder as “Charter of human” has been dismissed by other historian and characterized by political propaganda devised by the Pahlavi regime. German historian argues Cyrus is champion of UN And H.R. policy In the Edict of Ashoka Found a declaration for religious tolerance which was on an egalitarian basis SmratAshoka who won the Kallinga war he also realized that war means nothing but inhuman treatment on human being and reason for sorrow in society this was the position in Ashoka’s period.

In countries like Greece this human right concept which the rights given to the citizen this right which is given by the country as free citizens had the right to speak and vote in the political assembly. But

the Laws like twelve tables Law established the principle which restrict the rights of citizen the maxim “privilegia ne irroganto” privileges shall not be imposed.”

The slaughter or capture of prisoners of war which was condemned by the SmratAshoka.

Even in ancient India the Manu who was the sanskritpandit or scholar he recorded in Sanskrit Law of Manu the slavery was also exist.

In Era of Islamic Caliphate

Historians who also found and agreed that whatever social evil was found by the Mohammad who preached against these social evil his days

The reforms which were also done during this Islamic period such as social security, family structure, slavery and the rights of women and ethnic minorities were improved the society at that time.

And the charter of Medina was also constitute and drafted by Mohammad in 622. Even at this time the problem related to security of women also solved, a system for granting protection of individuals, a judicial system for resolving disputes.

In this Islamic period Mohammad made it responsibility to the Islamic government to provide food and clothing, as reasonable basis to captives to their religion.

Even in this time Esposito as a State rights of the women affected marriage, divorce and inheritance. He also state that” Mohammad granted women right and privileges to family life marriage education and economic endeavors also improve women’s status in society. His important improvement including prohibition of female infanticide and also recognizing women’s full person hood.

In Middle Age Position of Magna Carta

Magna Carta basically is English charter which was drafted in the year 1215. This is an extensive historical process and the rule of Constitutional Law means the power of limited government this Magna Carta which developed from common Law and many Constitutional document.

Magna Carta was imposed upon king. This declaration of freedom which dealt with rights of different contemporary sections of the society, for instance it means unjust things like taxes will not be imposed upon traders. Magna carta which develop from the documents of united states Constitution and Bill of Right.

This bill of rights was officially title as an Act for Declaring the Rights and Liberties of the subject and for settling the succession of the crown 1289. This Act was enacted at the time when William of orange and Mary Stuart were ascended the throne of England. The object of this Act was to substitute the Habeas corpus Act, 1579 so that would give benefit to those persons also who were imprisoned on some other charges than the criminal charges.

The Limitation under which the king would take decision was specified through this Bill the power of the king to suspend a Law or the execution of Law by legal authority was condemned and it was provided that the king cannot do so without the approval of the parliament. Magna Carta. the Constitutional significance of Magna carta is immense.

The basic reason for the Magna Carta was originally written disagreements Pope Innocent III, King John and English barons about rights of king. Magna Carta through which King has to renounce certain rights, certain legal procedures & his will could be bound by the Law.

Mere habeas corpus which allows appeal against unlawful imprisonment. This right of habeas corpus this arises and how as clause 36 which provided that no any person shall be made a prisoner, evicted by unjust means, exiled from the country or will not be killed or murdered or executed in any way unless such action was permissible by some decisions of the House of lords or the Law of the Land and neither anyone shall be deprive of justice clause 38, 39 and 40 of the 1215 Magna Carta which always follows due process.

Movement of Human Right in Modern Period

During the 15 and 16 centuries after conquest of American's by Spain during this period debate about human right was happened. During 17th and 18th European philosophers, John Locke who developed the concept of natural right. The concept Natural Right means people are naturally free and equal. According to Locke believe as human were creation of God & also develop idea of the concept of right. From this the English Bill of Rights was created.

The concept of Natural right stated all men are equal and endowed by their creator with certain unalienable right and these rights are Life, Liberty and pursuit of happiness. The French Declaration of the Rights of Man and citizen defines a set of individual or collective rights of the people. They are, in the form of document.

The term human rights probably came into used sometimes between these rights of man. From these the Foundation of International Humanitarian Law Develop second world war.

After First World War was I League's of nation which goals included disarmament and collecting security dispute between countries through negotiation, diplomacy which improves global welfare. In this charter which is mandatory for its promotion some of rights are substituted UDHR.

This league of Nation which become United Nation and its agencies Like International Labor organization are also mandatory duty on these agencies to promote safeguards to certain rights which were added in UDHR.¹

The Concept of Human Right are also Commonly understood as inalienable fundamental right. These rights which are also known as natural rights or legal right.

Every individual has inherently entitled for fundamental right as Human Rights are inalienable fundamental right. These human rights are universal and same for everyone. It is in natural right from it means these rights are legal right from municipal or local to international level State policies and Non-Governmental organization means these organizations are working on these right to protect the individuals right as human right. For the betterment of society and state.

After Second World War the concept of human right developed and also adopted the UDHR this concept of human right which appears as part of Natural Law.

This was the position of Human Right before Universal Declaration of Human Right. From the public interest to achieve the goal of State because large number of people and their interest evoking in it.

Before the UDHR the slavery law prisoners Law and refugee Law has also define the International Law.

In many of the countries the problem of slavery was exist in ancient time the slavery Law because of this human right concept were tried to abolish even the other International agencies tried to abolish because of this the slavery Law prisoners Law and the refugees who were exploited by the other countries soldiers the Law had been made to protect the human right.

After these the basic idea about human right has developed the human right movement started after the Second World War. The UDHR is adopted by UNGA in 1948 in Paris.

In medieval period many philosopher who tried to develop the concept Natural right. In ancient times the concept of Universal human right was not developed. This natural right was developed Natural law tradition that become prominent during enlightenment by the Famous Philosopher John Locke, Francis Hutcheson had in the political lectures on American Revolution and French Revolution.

This French Revolution and Declaration of Human Right of Man and Citizen, 1789. The French people demand to Freedom :- We many next turn to French Revolution where the people suffered so much that food riots broke out and the absolutism of the Monarch was challenged by peoples collective right in assertion of Human rights. This Declaration of Rights a part of which is reproduced here, is abundant evidence of human rights militancy of French Revolution although ultimately the movement failed and Napoleon Bonaparte assumed dictatorial power in the Brumaire Coup (1799). This French Declaration of Rights of Man and The citizen is an invaluable contribution in the global struggle for human right it is right to excerpt a part which is huminous.

This Declaration is an obvious reflection of the ideals which lay behind the French Revolution, is fairly complete code of the principles of Constitutional Government and the rule of Law, and is the first of its kind. Its inspiration is Liberalism like that of Locke in England which leaves a good place for property alongside, Liberty. This Declaration was to influence main Constitution.

Philosophy Behind The Concept of Human Right

Human Rights philosophy is to attempt to examine the underlying basis of the concept of human right critically, look at its contents and justification. If we see several theoretical approaches have been made, it is advanced as to explain for what purpose and why and how this human right concept is become part of social expectation and to protect social interest.

Human Right is nothing but outcome of a natural Law and strengthens from different philosophical or religious ground.

The development process of biological and social evolution which is associated with Human Right codifies the moral behavior.

According to Max Weber who also connected the Human Right as to connect sociological pattern of rule. The social interest theory which compare with human Right to protect and promote certain essential human right, human interest, and human freedom.

Classification of Human Right

1. The First Generation of Human Rights

The various rights contained in the covenant on civil and Political Rights are not new rights. These are the rights that had developed in the course of a very long period of time since the time of Greek city state and concretized in the form of the Magna Carta, the American Declaration of Independence and the French Declaration of the Rights of Man and of the citizen. These rights reflect long established human values and as such are incorporated in the national Constitutions of various States. In the International covenant on civil and Political Right, in European Conventions on Human Rights and in Inter-American and African instrument.

2. The Human Rights of Second Generation :

The International covenant on Economic Social and Cultural Rights : As the main source for the origin of Civil and Political Rights is considered to be the American and French Revolution.

3. The Human Right of Third Generation : Collective Rights :

Individuals are also members of such units, groups or communities as a family, religions, community. Social club, trade, union, professional association, racial group, people nation and state. This third generation solidarity rights right to peace, right to clean environment.

It is not surprising; therefore, that International Law not only recognizes inalienable rights of an individual but also recognized certain collective rights exercised jointly by individuals who group into larger communities including people of nation.

From above some human rights are “inalienable rights” means unalienable rights refer to a set of human rights that are fundamental, are not awarded by human power which cannot be surrendered.”²

The rights pertaining to civilians in our country

The concept of Human Rights as it is understood today has evolved over centuries. This concept of human right is as new and modern face but human right is as old as civilization.

This Human Right was also existed since man, as a gregarious animal, has lived in community, group, tribe, families or as in village, town or nation but present in an independent world.

This concept of Human right is neither western nor as modern. It is crystallization of value which is having common heritage of mankind.

The Human Right evolution studied as under :-

a. In Ancient Indian Period –

Since from ancient time the Human Right is as old as the concept of natural right on the basis of Natural Law. Recent origin of human Right is of emanating from International charter and conventions after Second World War.

But these rights had been recognized and respected by all religions in ancient India The study of Rig Veda it could be found that it cites three basic rights as human right namely Body, Dwelling Place and Life. The Great Epic MahaBharta speaks about the importance of individuals in a state. It also sanctions revolt against the King who oppresses and fails to perform his function as protector of the state.

In Manu Sanhita, he developed the three notions of civil legal and Economic Rights.

In Buddhism and Jainism emphasized principles of equality and non-violence. In Jain Religion the sages who generally call as Muni or Munishree they never kill any insect or any animal Jainism and Buddhism these two religion are always follows humanitarian theory.

Even Muslim ruler Emperor Akbar who formulate rule for protection of women and children during war and also took certain measures for protection of rights of the citizens.

b. Medieval Period :-

This medieval India who won by the Mughal the Muslims this era popularly known as Muslim era. During Muslim era in India in the Pre-Mughal period, the much stressed and strain were on the life of Hindu's as regard to series of cultural, social and political on them. These Muslim Rulers in India were despotic and fundamentalist who always forced their laws on Hindus to adopt their own laws customs and religious practices. It was however at a later stage Muslim State in India become considerably modified in its form.

Some Muslim rulers like Akbar the Great brought many changes in those days change in style of Mughal administration towards Hindus and saw that no injustice is committal in his realm.

From this we clear about the policy adopted by this ruler was Human Right policy of universal reconciliation and tolerance. This policy of tolerance and non-discrimination towards Hindu was also followed Jahangir who was son of Emperor Akbar.

But during reign of Aurangzeb the concept of justice was less intricate and more expeditors than in his former reigns. Corruption in judiciary was made a crime for the first time. In the matter of delayed justice resulted in loss to a party, and the aggrieved party could be compensated by the judge himself.

The right of an accused to be released on bail did exist during Mughal Rule in India. Similarly the right to benefit of doubt was known as “ Shuba” (doubt) which entitled an accused to be acquitted.

c. Modern Time :-

The evolution of Human Right in these days can be categorized as under Pre and Post Independence Period. This helps us to note the genesis of Human rights in right chronology.

Pre-Independence Period

In this era the Britishers who came to India for the business purpose and established East India company these rulers always adopt status quo on the administration whatever culture, social, political were followed by the Hindus Muslim and other communities in those day’s they never interfere on these peoples culture. They maintain this position as it was exist in those days.

In Pre-Independence period these Britisher who ruled India as per their rules and regulation and also made different laws to regulate Criminal justice system they also introduce the Penal Law such as Indian Penal Code 1860 the Law of evidence which was written by chief Baron. Gibert but Third Law commission appointed in 1861 and this Law were enacted in 1872 during this period.

Post-Independence Period

Though UN Charter had been adopted at San Francisco on June 25, 1945 the term “Human Right” does not find place in the Indian Constitution. Be that as it may, India was signatory to the UN charter and had ratified the same. This is surprising indeed. However Under Article 51 of the Constitution of India it promote international peace and security, maintained honorable relations between nations etc. It is worthwhile to mention here that, India being an original member of the UN and a member state which voted for the adoption of Universal Declaration of Human rights on 10.12.1948 imbibed Fabric of human rights into entire length, breadth of its Constitution.

This is to appreciate the concept of Human Right under Indian Constitution, it is necessary to advert attention to the rights whether Fundamental, Constitutional or legal conferred upon the humans on the territory of India.

A comparative analysis vis-a vis Constitution of India and the International Bill of Human Rights makes it amply clear that the provisions of Human Rights are well reflected in Indian Constitution.

In this Post Independence Period, a new Law came to be enacted i.e. the Protection of Human Right Act 1993.

The Preamble to the Act reveals that it provides for Constitution of NHRC, SHRC and Human rights for better protection of Human Rights and matters connected therewith and incidental thereto.

The functions of the commission as to inquire on violation of human right or abetment thereof and negligence in the prevention of such violation.

Intervene, visit, review and recommend appropriate remedial measures of the commission are delineated in the Act. Chapter IV of the Act prescribes procedure for inquiry into complaints chapter VI of the Act deals with notify Human Rights courts and appointment of special Public Prosecutor.³

The concept of Human Right has developed through different stages in history. The primary aim of the Human right was to put restrictions upon the authority, power of the state. Therefore, initially the concept of Human rights was limited to the concerned respective state only and varied from state to state.

Definition of Under Section 2 (d) of the Protection of Human Rights Acts, 1993. "The Human Right are defined in the Protection of Human right Act 1993 it means it is related to liberty of life, equality before the law Courts with dignity of human being. These are safeguarded by our Indian Constitution. It is also accepted by International community. These rights are implemented and executed by the Law Courts"⁴

Logic Behind Human Right In India

In Ancient India the important religion of India which can play a vital role in promoting the notion of Human Right and protective Human Right in India.

In case of Hinduism has play attention to the basic value it upheld and celebrated across ages both through preaching and practice. Law is maintained towards the idea of Human Rights The Right which defined as adhikara which relates to the idea of 'Just Claim'. In this concept of Religion in Sanskrit understanding related to the central concept of Dharma, the central doctrine of Hindu thought. "The word is derived from the root dhr and means to uphold and sustain and nourish."

The concept of dharma also refers to the structure of reality. The whole Universe is universe, or the balance in the cosmos is maintained. It hold together in a systematic manner the integrity and progression of Life in the universe. It involves self-regulation and social regulation.

The Concept of Dharma which regulates the mutual obligations of the individual and society. It is a mode of Life or a code of conduct, which regulate a man's work and activities as a member of society and as an individual. These Hinduism the main focus is given on duties.

The dharma and its head all humans are working towards maintain the cosmos i.e. they have a duty, it would appear that the concept of right would not serve and purpose.⁵

This is concept under Hindu religion if we see the other important religion as Muslim or Islam. The Mommedian law is broad. It empowers its civilians to exercise their right and privileges within its territorial

jurisdiction and also out of its territorial jurisdiction. The Mommedian religion upholds some rules applicable equally to all as to basic rights for all mankind in the whole.

If we talk Human Right in Mommedian religion it means that these rights are granted by Almighty. These rights are not given by any mankind, Ruler, Emperor, Queen or by any State. This right be withdrawn is same manner in which they are conferred same condition with dictator.

It also state that “O believers, be your secures of justice, witnesses for God. Let not detestation for people move you not to be equitable, be equitable that is nearer to the God-Fearing (5:8)

The Prophet has also said about the dhimmis (non-Muslim citizens of the Muslim State).

Islam had laid down the principle that no citizen can be imprisoned unless his guilt has been proven in an open Court to arrest a man on (49:11-12)

Even many other Laws which are also in forms of other right such as protection of Religious sentiments, freedom of Association, freedom of conscience and conviction, Protection against arbitrariness, equality before the Law the right to participate in the State Affairs of State.

As above Islam religion is also stress on the concept of Human Rights.⁶

It means Human Rights are compatible with Islam or not this question was also arise some of advocated of human rights in both western and non-western (including many Muslim) countries, that human rights can exist only within a secular content not within the framework of religion. Islam has supported values and structures which are incompatible with assumptions which underlie the Universal Declaration of Human Right.

On the above subject the debate on this always criticized by may many scholars.⁷

Judeo-Christian Tradition

If we see the important religion found in India is Christian religion in this religion which tradition also start with the idea of God means creator of all things.

The Jewish understanding of human rights is entirely a function of the humanity. Judaism also provides certain basic right.

As son of God the person Jesus Christ regarded as human being as perfect divine. As according to Judeo-Christian tradition man is as image of God. Article 2 of European convention of Human Right does not include Article 2.⁸

Thus all the religion which provides a theory of human right and also the foundation of the concept of human right is not just western culture or western idea but it also exist in Hinduism, Muslim means the Islamic and Judeo-Christian tradition and this idea of Human Right is not manmade concept but the divine

image. And also gives direction to all human being that behavior and the duties of on individual should be human nature because all these rights are inherent social duties.

Even according to Swami Vivekananda “Every individual soul is potentially divine.” The Hinduism fundamentals having great dialogue even in Sanskrit Subhashita it is clear that ‘happiness of the subject lays the happiness of the king,’ it means that in their welfare his welfare is involved.

The idea of VasudhaivaKutumbakam- the world as one family the concept which is of unique in nature as age of globalization. Our Sages of Bharat have proclaimed that the whole humanity is like a big extended family.

The concept of the secularism is also known to the ancient India as to respect all religion “equal respect for all religion’. In Vernacular language of India it means” “Sarva Dharma Samabhav”⁹

To sum up the above study the concept of religion in whole world which also give direction to the protection of human right. The Concept of Human Right and its Covenants which also define not only the rights of specific group but these rights are for all human beings.

Human Rights are rights inherent to all the human beings on the ground of nationality, place of birth, residence, sex, ethnic origin, colour, religion, language or any other status all are equally entitled to human right without any kind of discrimination.

These rights are equal and non discriminatory in nature. Even there are other Covenants such as International Convention on Elimination of all forms of Racial Discrimination and for the protection of women the very important convention on the elimination of all forms of discrimination against women. The Human Right which confers not only the rights but also obligation. These obligations are for the protection requires State as individuals and the groups against human right abuse.

These rights are interdependent and indivisible in nature whether they are civil and political rights or to development, self-determination and the improvement of one’s right to facilitate advancement of the others. Like deprivation of one right adversely affects the other.

These right not only protects the rights of men but also the right of women and children, refugees, labor , prisoner, disable person.¹⁰

To clear the concept of right as the English word ‘right’ means which is straight not crooked in opposition to wrong which is twisted from the strait. But if we see the ethics the ‘right’ means which is in conformity with morality and so is morally good. The word in Latin is equivalent to the Latin word ‘rectus’ derive from the word as rectify, rectitude and correct.

According to Dean Pound “Right in legal sense has five analogous meanings” :-

- 1) One meaning is interest which is secured and protected by Law.

- 2) Recognized claim to act or forbearance by another or by all in order to make the interest effective.
- 3) Designate a capacity of creating, divesting or altering rights it also.;
- 4) Designate certain condition or general special non-interference with the natural faculties of action.
- 5) Right used as an adjective to means that accord with justice recognizes and give effect to moral right.

To understand the meaning and to clear the concept of right what is basically right and these rights are in which forms what is the meaning of right is clear from above definition.¹¹

The concept of right which also connected with the terms 'wrong' and 'duty

According Sir John Salmond, 'right as an interest recognised and protected by a rule or justice. It is an interest in respect of which there is a duty and the disregard of which is wrong.

Many interests exists de-facto and not de-jure; they receive no recognition or protection from any rule of right.¹²

After completing the concept of right the Human right which guarantee's the rights are as under.

1. Women's Right:

Women's Rights as human right of women in India in a democratic country is the most important in the world which guarantee's equal right for men and women. In the Indian Constitution which articles also talks about equal rights, provisions regarding equal protection to women and also describe duties towards women.

Here women's right to equality and non-discrimination are defined as Justifiable fundamental right. The Constitution explicitly classifies that affirmative action programs.

For women are not incompatible non-discrimination on the ground of sex but still the sex ratio is on decline as compared to men in all sphere, even the crime against women's are also increasing especially in all institutions.

Even the same ratio which reflects in the government job all these social and gender bias ultimately create problem in women's life starting from birth to death (cradle to grave)- Without empowerment of women as whole became empowered, physically, mentally, socially, economically and politically.

Empowerment of women is not just her empowered but if a women is empowered her family is empowered. Thus women play a very important role in every aspects of life.

Women's rights can be classified into two ways.

- I) In the context of Indian Constitution and
- II) In context of Human Right.

In the Context of Human Right

The pursuit of equal right for women through international law has been a slow process. The principles that everyone is entitled to right without discrimination of any kind, such as race, colour, sex.. was given voice in Article 2 of the 1948 Universal Declaration of Human rights. However, the declaration was non-binding and it took campaigners over 30 years to cajole the International community into concrete legal action against gender injustice injustices.

The Convention to eliminate all forms of Discrimination Against Women (CEDAW) was adopted by the UN General Assembly in 1979.

CEDAW has been described as a bill of right for women; it spells out the areas in which women experience to amend their Laws construct National gender policies and create institutions to deliver them.

Although CEDAW has been ratified by almost all countries, overall global progress remains-disappointing, over twenty States have exercised reservation in the rectification process, a formal device which permits exemption from contentions sections. Ineffective enforcement of National legislation has further restrained the pace of reform, as has the failure of the US to ratify the treaty.

The positive development in 2010 was the approval by the United Nations General Assembly as to equality without to any gender that is male gender for the purposes of empowerment of women.The new United Nation body is form. This new body is designed to achieve greater impact by merging the four U.N. agencies previously engaged in gender issue, with access a minimum annual budget of \$500 million, more than double the previous combined resource.¹³

Convention on political right of women 1953 :

The United nation has taken many steps for ensuring equal rights for women.In the year 1952 United Nations General Assembly adopted the convention as to political rights of women.Thereby State parties' aged and undertook an obligation as to the principle of equal rights between men and women.

The minimum age for marriage and registration of marriages was also adopted in the year nineteen ninety seven.It adopted another convention on CEDAW. ¹⁴

There are International instruments in such as CEDAW, UDHR, ICCPR these convention adopted by the U.N. December 1979 stipulates certain programs of action.

1. Equality among men and women in the social, economic an educational areas.
2. Upliftment of rural women and their participation in the development process.
3. Equality of civil and political rights.

Provision similar to international understanding about the right of women can be seen in the Constitution of India.

Article 14 of the Indian Constitution says, “State shall not deny to its citizen equality before law and equal protection of law.”

Article 15 prohibits the discrimination on the basis of caste, religion, race or place of birth. It also speaks about equal pay for equal work for men and women under the Constitution of India both these article as Article 14 and 15 these are the provisions under the Indian Constitution which specifically speak about non-discrimination and speak about the right of women even in the Directive principle of the State can be make the provision for women.

Article 21 of UDHR 1948 declare,as to right of everyone for taking part in the Government of hiscountry.He may take part directly or through chosen representative.

Article25 of ICCPR 1966 every citizen shall have right and opportunity to take part in the conduct of public affair or through freely chosen representative.

Article 7 of CEDAW declares parties shall take appropriate step to ensure to women the right (b) to participate in a formation of Government policy.

These are the instrument which speaks about the equal participation of women in the Government of the country without any discrimination but in reality politics the male female discrimination is very strong and the equal rights of women are not recognized properly.

There are no specific law laws or policies so far, that can strengthen the grounds for political and economic, empowerment of women. The Government has attempted to empower women politically through affirmative action by providing for one third reservation for women in local bodies, to ensure their participation at the local and district level of Government. Which these initiatives have created the political space for women, they have not been able to guarantee a non-discriminative or conducive environment for women to participate. They need to gain the confidence and capabilities for their overall representation.

Women Rights are as under:

1. Right to vote.
2. Right to contest Elections.
3. Right to Association.
4. Right to Political Public life at the international level.
5. Right to work.
6. Right to education.

Educational Right:

Plays a major role in the improvement of the status of women. This right to education is equal to both men and women. Article 41 of the Constitution of India directs the State to make effective provision for securing education within the limits of its economic development and provide free and compulsory education for children up to 14 years of age.

The popular slogan of UNESCO is “Educate men and you educate an individual; educate a woman and you, educate a family.” Every woman, man, youth and child has the right to education, training and information. Right to education and equality of access to all levels of education is crucial to empowering women and girls to participate in economic, social and political life of their societies. Education makes women’s potential, and is accompanied by improvements in health, nutrition, and well being of women and their families.

In Mohini Jain Vs State of Karnataka¹⁵

Court took an extremely expansive view of state obligation to provide education to every at all levels.

In Unni Krishnan Vs State of Andhra Pradesh¹⁶

The Court has made the obligation for state to provide educational facilities to every citizen as right to free/ without any cost education until he completes the age of 14yrs; In this case the Court has made education as a fundamental right in term of the world Declaration on Education for all 1990. Recognizing the importance of education and its impact on women the Government in the year 2002 made education as Constitutional right in the 86th Constitutional amendment. Thus the state under Art 21-A of Constitutional has an obligation to provide free/without any cost and mandatory education for all children in age group 6-14. To encourage girl children to go beyond primary schooling, many states have made education completely free for girls up to higher secondary stage. Further Art 46 ensure that State shall endeavor to provide early children care and education for all children until they complete the age of 6years and Art 51 A (K) has enforce a fundamental duty on parents, wardons, care takers opportunity to educate their children between age of 6-14 yrs. (Constitution (Eighty-sixth amendment) Act 2002).¹⁶

Article 14 of CEDAW says; “State Parties shall take all appropriate measures to eliminate ” discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women.

The same condition for career and vocational guidance for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in preschool, general, technical, profession and higher technical education as well as in all types of vocational training.

7. Social security.

8. Maternity benefits

9. Right to Economic Resources.

10. Culture rights.

11. Property Rights.

12. Right to health.

Right to life is considered as one of the fundamental rights, and health is one of the vital indicators reflecting equality of human life. Every woman, man, youth and child has the right to the highest attainable standard of physical and mental health. Enjoyment of right to health is vital to all aspects of person's life and well-being. Many women and rights face serious obstacles to realization of their right to health, including inequality of access to health care, food and nutrition, and customary practices detrimental to their health and health and practices harmful, to women violate their fundamental human rights.

The Supreme Court in Consumer Education and Research Center Vs Union of India. ¹⁷

Declared the right to worker to good health medical care and safe hygienic workplace as person's fundamental right to life. The S.C. has also held that right to a healthy environment and emergency medical aid as essential facet of right to life.

Article 25 of the Universal Declaration of Human Rights 1948 declares "Everyone has the right to standard of living adequate for..., health and well-being of himself and his family, including food, clothing, and housing, medical care and the right to security in the event of..., sickness, disability.....motherhood and childhood are entitled to special care and assistance....."

The Beijing declaration has specifically said "The explicit recognition and reaffirmation of the right of all women to control all aspect of their health, in-particular their own fertility, is basic to their empowerment. We are determined to ensure equal access to the treatment of women and men education and health care and enhance women's sexual and right the enjoyment of the highest attainable standard of physical and mental health. The enjoyment of this right is vital to their life and well-being and their ability to participate in all areas of public and private life: women's health involves their emotional, social and physical well-being and is determined by the social, political and economic context of their lives, as well as biology. To attain optimal health, throughout the life cycle equality, including the sharing of family responsibilities development and peace are necessary conditions." ¹⁸

Article 12(1) of CEDAW says "States parties shall take all appropriate measure to eliminate discrimination against women in the field of health care in order to ensure, on the basis of equality of men and women, access to health care services, including those related to family planning."

13) Right to Privacy:

The right to privacy is one of the essential rights of women. Privacy is an essential component of human dignity without which life cannot be enjoyed fully. This right to privacy is a very basic of every individual without which it is not possible to develop them.

In State of Maharashtra Vs Madhukar Narain.¹⁹

It has been held that the right to privacy is also available to women of easy virtue and no one can invade her privacy.¹⁹

14) Right to Conceive:

These are the rights of the women which not only confer by the international law but also the State law which also guarantee's the above rights to women.

2. Right of Refugees:

The refugees are persons deprived of protection of the country of their nationality or where they have no nationality, of the protection of the country of their former habitual residence. The term "Refugee is defined under Article I the convention relating to the status of Refugee and the protocol relating to the status of Refugees came to be added to this convention.

3. Rights of the Child:

Children are also considering vulnerable section of our section. United Nations has focused its attention on their problem since 1946, when the temporary social commission of the economic and social council recommended that the provisions of the Geneva declaration of 1924 should be as binding on the peoples of the Second World War. The Government of India framed a National Charter for Children 2003. Which published in the Gazette of India, Extraordinary, No. F.6-15/98-CW

Human right and vulnerable groups: Rights of Women, Children, Disabled, Tribal's, Aged and Minorities are also defined under the Human Right.

4. Rights of Disabled Persons:

For the improvement of the conditions of disabled persons, the General Assembly has adopted two declarations.

- i) Declaration on the rights of disabled persons.
- ii) The Declaration on the rights of disabled persons.

5. The Rights of Tribal or Indigenous people:

The Economic and social council showed its concern regarding the problems of discrimination against indigenous population and entrusted the sub-commission on prevention of discrimination and protection of minorities to conduct comprehensive study regarding the protection of the minorities.

In this way human rights including the rights of vulnerable groups: Rights of women, children refugees, women prisoner, juvenile child, disabled, Tribal's, Aged an minorities.²⁰

Conclusion :-

From the above chapter the status of human right in ancient period main purpose and notion as human rights are basic right. The suggestion, definition of the right in present in ancient law and retrospective effect of religion. Not only in international level but also in India the status of Human right was exist in the era of Islamic period the reforms were also done as social security and rights of women were also focused in this chapter. During the 15 and 16 Centuries debate about human right was happened. In 17th and 18th European Philosopher John Lock who defines the concept of natural right which related to the human right concept Philosophy behind the law, classification with three generations with the human right evolution studied as in ancient period as Rig Veda, Manu Sanhita even in Jainism and Buddhism religion are always follows humanitarian theory. Medieval period Muslim rulers in India policy adopted by this ruler was Human Right Policy, Modern time which was divided pre-independence period and post-independence period. Logic behind human right in India how the concept is Dharma which regulates the mutual obligations of the individual and society. Islam and human right, jeodo-christian tradition.

To have proper understanding the term right has been also discuss 'Right means which is straight not crooked in opposition to wrong which is twisted from the strait. The definitions given by the eminent jurist RoscouePound another jurist John Salmond and his definition.

Other right such as women's right in the context of human right and Indian contest as right to vote, contest election right to work etc. there are other persons such as refugee, child to child, disabled, tribal or indigenous people etc.