Chapter III

Methodology

“Concept of Human Right- A Study with Special Reference to Amendments Made Into Criminal Law.”

Introduction:

Every individual of our society is entitled to the fundamental and basic right. Human Rights are those rights which every individual must have against the state or other public authority by virtue of his being a member of human family irrespective of any other consideration rights of accused are sacrosanct. Human rights which were embedded formally at the United Nations as international priority 58 years ago through the December 1948 Universal Declaration of Human Rights have gained prominence as a universally recognized set of norms and standards that increasingly inform all aspects of our relations as individuals and as collective members of groups within the communities and among nations. These rights given by the Human Rights the basic concept of Human Rights is of central importance in the development of the modern world.

Like all such ideas, it is very much theory laden, implying a general view of man and society, of individuality, politics and the end of Government. Like all such ideas, it is profoundly, historical, expressing the aspirations and seeking to remedy the ill of particular places and times. It is thus an idea with a history, an idea that changes in both content and social functions.

According to W.F. Ogburg an American Sociologist in his social changes has proposed that material or non-material culture.

The change as social change is a universal phenomenon. Social change has a direction: Social progress, social decline etc.21

Society protect itself against wrong doer by enforcing it Law and inflicting punishment. In its plight against crime, the state elaborate arrangements for enforcing Law by a member of mechanism. Basically it depends upon three principles of Function or in the Administration of Criminal justice Administration viz. The police, the judiciary and the correctional services. Each complements the other to reach the common goal of “Social defense.”

For the purpose to protect the society the law is the instrument through which the law is the instrument through which the social defense can be taken by any individual or by society.

In this “The Criminal justice system in a country which is design for the protection of the citizens of this country from the onslaught of Criminal activities of sections of the community which indulges in such
acts. The outcome of any Criminal justice system must be inspire confidence and create an attitude of respect for the rule of Law”.22

The above concept ‘Rule of Law’ means the absolute supremacy or predominance of regular Law as opposed to the influence of arbitrary power and excludes the existence of arbitrariness, of prerogative, or even part of government.

According Dicey the concept of Rule of Law was “equally before the law or the equal subjection of all classes to the ordinary Law.

In India the concept of rule of Law in India Justice Khanna has stated in A.D.M Jabalpur Case.23

That the concept of rule of Law is the antithesis of arbitrariness. This concept of rule of Law now a day’s accepted norm of all civilized societies.

Even in Bachan Singh Vs State of Punjab.24

For proper administration of Justice the concept of Rule of Law is invoked that: administration cannot exercise arbitrary powers and it should function according to Law this idea not only propounded in this case but also propounded by the supreme Court in several cases. Justice Bhagwati has emphasized that Rule of Law excludes arbitrariness and unreasonableness.

According to Prof. Wade say the rule of Law requires that the Government should be subject to the Law, rather than the Law subject to the Government.25

According to Roscae Pound “Law is an authoritative canon of value laid down by the force of politically organized society.”26

Every legal system which guarantees certain safeguards to the accused person at various stages of criminal process to that there is protection of his life liberty and property against unjust deprivation by Law enforcement officials.

The safeguards which define by the Law itself the Laws are of two kinds in the form of substantive Laws and in form of procedural which define the procedure. The common Law of England had the credit of originating these safeguards in the system of Criminal justice. In the English bill of rights, American declaration of independence the bill of rights in America, the French declaration of rights of man and citizen sprouted from the concept of universal Human Right. The Constitution adopted these safeguards in the provision of the Constitution.

Another Landmark event in the evolution of safeguards to the individual was through action of the international organization. The edifice of the United Nations is founded on the need to preserve global peace and guarantee’s human rights worldwide. So it is so worthwhile inquiring into the vintage ideas and ideology
and genetics of human rights parenthetically and historically but briefly before examining the anatomy of the United Nations.

After the First World War the League of Nations was set up this took the various step of formulating a few conventions on the rights of the individuals. When the U.N. Organisation was formed and there after the Second World War thanks to the action of this United Nation and its agencies related to the concept of human right- United Nation protracted deliberations and mutual negotiations led to the inception of the United Nations Organisation in 1945. These UN ashes of League of Nations League’s failure to avert the war and promote the cause of peace: Conviction of people all over the world. President Franklin D. Roosevelt was found this name ‘United Nations’ during the war when representatives of 16 nations pledged their government to fighting together against the Axis powers.

**Objectives of United Nations:**

The basic and main objective of the United Nation which reflected in Preamble to the charter as to promote Social progress and better standard of life in large freedom.

This also indicates to reaffirm faith in fundamental human rights, in work and dignity of human person and equality as equal right of men and women and nations large and small.

Even it saves the succeeding generations from the scourge of war. And it also establish conditions under which justice and respect for the obligations arises from treaties and other sources international Law can be maintained.

The idea behind the United Nation is a better and peaceful life to the people of the world through practicing tolerance and living together with harmony and peace with each other.²⁷

Through the UN and its agencies Human right was limited to the concerned respective state only and varied from state to state. Human right concept has developed through different stages in history. The primary aim of Human Rights was to put restrictions upon the authoritarian power of the state.

Human Rights not only protect the rights of an individual but also protect the rights of accused person. Here in human right the rights of accused defined as sacrosanct. Right of accused means those basic minimum rights available to a person because he is a member of human society. These minimum rights ensures that the legislative cannot enact law which may lead enact law which may lead to the degraded of a man as an individual ensures adequate safeguards against high-handedness and judicial review of execution action. Thus in the interest of justice and fair play action, certain minimum rights to the accused are provided. As a matter of fact our Laws as Constitution of India, substantive and procedural law such as the Indian evidence Act 1872, I.P.Code 1860, Cr.P.C. 1973 have made elaborate provisions for safeguard the human rights of accused with view of giving him the benefit of fair and impartial trial and upholding high dignity of human being.
Since from the ancient time the evaluation of Criminal justice system has long history with the origin of state even before the origin of political state the practice of private vengeance and violent self-help was very much in practice. Here the meaning of “Private vengeance was that the victim, individual or with the help of kith or kin or friends, used to take revenge against the wrongdoer for this he used violent means as well as agreement means”. As the patriarchal system was prevailing, the head of the family was to do say, the king of the family, he is Lawgiver, Judge and Priest in the family. He plays very important role in decision making of the family in this system if any member of family committed a wrong against another family then the head of family will give order to take revenge from the offender’s family by means of either through violent means or through agreement.

In subsequent passage of time many joint families which always found in India made up the society. They always used to live like groups or tribes. If any wrong committed by a person of another group or tribe was considered wrong committed by a person of another group or tribe was considered wrong committed against whole group or tribe and for which remedy was violent means or agreement. The violent means very often led to subsequent crime and finally led to group or tribe conflict which proved to be very disastrous.

Settlement was agreement which normally was settlement through cost or fine, which also gives the capital punishment, was very common so much so that William the conqueror found it necessary to forbid it. The Court was in the matter of award of punishment regulated by the following enactment.

In ancient time the punishment like offenders or accused person hand be cut off or his fees or both accordingly as the deed may be and if he have wrongful act his eyes, Upper lip be Cut off, or his be scalped, whichever of those shall counsel whose duty thereon so that punishment be inflicted and also the tone be preserved.

In this punishment should be measured to protect social interest. Punishment should respond to society’s cry for justice against criminal where crime related to offences against women and child, other offences, dacoit, kidnapping, misappropriation of public money, treason and other offences involving moral turpitude or moral delinquency which have great impact on social order and public interest, and liberal attitude by imposing meager sentences or taking a too sympathetic view merely on account of lapse time in respect of such offences will be result wise counterproductive in the long run against societal interest. 28

So in the primitive stage the position of accused person was very harsh and strict. There was only few grounds and options was to prove his innocence which very difficult in nature. The very first chance was to prove his innocence through the examination of witness. In certain cases witness were having very little value. From above it is clear that in the ancient time the accused was not basically protected and there were no remedies available if a person was wrongfully accused. There were very limited options with an accused person to prove his innocence. The person accused of an offence was considered as good as criminal. The punishment and treatment were also corporal, inhuman and barbarous.
The traditional approach of punishment such as deterrence or retribution was very much in exercise, this had shown a very low impact on the society. The crime rate was quite high the accused were not quite high the accused were not imported with free and fair trial so the condition of Criminal justice administration was very much in chaos.

According to Roscoe Paund Law is social engineering Law is one of the very important mechanism by which a relative balance of stability is maintained in a dynamic or rather precariously balance society.

The society fulfilling the maximum of wants with minimum of friction. 29

From above it is clear that there is a long mental distance between “May be True” and “Must be True”. The entire quest of criminal jurisprudence travels through this distance vis-a-vis preserving human rights. It is necessary to preserve “Human Right” therein for reason that, entire cobweb of Indian Criminal Jurisprudence runs through a single golden thread that” no matter ninety-nine culprits may escape but one innocent should not be implicated. Current scenario is that hardly any known system of jurisprudence fails to reflect the presence of provision which engraft and preserve Human Right.

a) Statement of the Problem:

Indian Constitution is one of the most progressive Constitutions the world which guarantees equal rights for men and women and which also guarantee’s to the protection of social, economical and political justice to all citizens. Indian population which is more than 1 million which need to control and maintain peace and security in the society for this purpose the rights of criminals, victims juvenile which described by the human right as basic right of human being. These criminal law should be amended as per the Human Right to protect the rights of human being as per article 368 of the Indian Constitution.

As per ‘Cease Beccaria’ was perhaps the first criminologist who comprehend crime as a symptom social disease. He defines crime as disease. This concept of crime led penologist to believe that struggle against crime was above all struggle against poverty, sickness, alcoholism and prostitution this in other words, means that if these social evils could be eliminated, the problem of crime prevented would be considerably eased.

According to Emile Durkheim define, he consider crime as a normal phenomenon in society the person who composed with qualities in angelic manner would not be free from violation of important norms of that society.

This concept of crime which is essential for social order the important mentality of the society and its member who always believes in ‘Live and let-Live’ Principle. But there are a few sect of people or society member who for some reason or the other, deviate from the normal behavior pattern and associate themselves with anti social elements. 30

This is the primary duty of every state to protect its citizen and maintain peace in society who disturb the society or who are the Law breakers punishing them for disturbing and violation of rights of the citizen for this Law is an important instrument to treat them property and maintaining peace and order in society.
There are, however, certain peculiar categories of crime which do not respond to this hypothesis favorably because of pervasive tendency of human nature. Sex crime is obviously one among such crime which prevails in almost all societies from ages.

With the advance of science, civilization and culture, the complexities of life have enormously multiplied. Modern mechanization and urbanization has brought about total disintegration of the ‘Family’ institution which not only created serious and criminal problems in human life.

The control of parents over their wards has weakened considerably, in fact it is this parental negligence which is mainly responsible for growing in disciple rowdyism and vagrancy amongst youngster. Uncontrol hooligarism among youths has become a serious problem. For law enforcement agencies throughout the world. It has rather become a social disease. The responsibility not only lies on parents but also towards the ward and society. As result of this unhappy development the incidence of crime, sex delinquency in form of unmarried motherhood, abortion, rape, kidnapping enticement, abduction, adultery, incest, indecent assault etc. become common. A study of different offences including sex offences in one of American states reveals that almost 88 percent of the school going girls between age of fourteen to eighteen has sex experience before attaining puberty, and the child duly in capaxcommits crime like left even they tried to attempt murder or crime like hurt, grievous hurt.

These variations in the attitude towards crime, sexuality which reflect crime like rape, adultery, incest outraging the modesty of a woman etc. may also depends on physical, cultural or socio-economic environment of individual. The persons who do not have any real status in society may not hesitate to express their criminal act because they have no fear of losing their status in society and have no fear of the punishment prescribed by the law.

If the law amended as per need of the society, if the law will stringent, strict then the problem of various crime will not arise in society at large the ratio of crime and criminality in society will be reduce. Amendment in criminal law is necessary to reduce these criminality, crime in society and to enjoy others or society as peaceful society.

b) Aims and Objectives of Research:

The Object of these sections of the criminal law in India specifically the criminal law amendment 2013 of the code of Cr.P.C., law of evidence and Indian penal code which is to cast duty upon the courts to question the accused right which rights are considered as right of human rights and also the rights of the victim of rape also focused. In this the opportunity given to the accused under ‘natural important aspects of this rule and also on the public servant about disobeying direction under law.

The provision of the enhance punishment and its proper implementation as per the provision of law the study of human right related to the Indian major criminal law. The whole object of sections of these code of criminal procedure Indian penal code and law of evidence Act even the international Law, United Nation and its agencies and Human Right.

Objectives of the Research as:
1) To study the de-jure and de-facto rights and enjoyment of victim, accused as per Human Right concept.
2) To study the various rights in general and also fundamental freedom.
3) To study the international convention covenant providing human rights.
4) To study strengthening legal system aimed of elimination of all forms of discrimination.
5) To study the building and strengthening partnership with civil society, particularly non-governmental organizations.
6) To study the concept of human right related to accused, juvenile in conflict with law, women prisoner’s refugees etc.
7) Rights provided under various human rights convention to this section.
8) To study the concept of amendment under article 368 of the Indian Constitutional law.
9) To study the comparatively rights guaranteed under Constitution of India and Human Rights.
10) To study Indian major criminal Laws and amendments made under these Laws.
11) To study changing societal attitude and community practices by active participation of non-governmental organization against accused.
12) To find out the reason for failure on the part of the government to protection of human rights and to protect society from exploitation.
13) To highlight the cause and barrier to amend the laws and participation of general public and its effect on public or society.
14) To examine the obligation of state to ensure a facilitate protection given under human right and the initiatives taken by the state in terms of legislative actions, policies and programs and their effectiveness.
15) To identify the lacunae in initiatives of the state and evolve strategies to enhance the governmental and non-governmental activities to protect the rights of citizens.
16) To priorities short and long term advocacy strategies and built coalition and networks to monitor the state in fulfilling its obligation.
17) The aim object is to scientifically study the subject of “Concept of Human Right-A study the subject of “Concept of Human Right-A Study with Special Reference to Amendments made into Indian Criminal Law.”
18) To prevent the rights of Victim From miscarriage of justice.
19) To find out the reason for failure of miscarriage of justice.
20) To find out the relation between international law with the Indian Constitution.

To explore the various aspect and necessities of the provision contained in the criminal law Amendments 2013, to highlight defects shortcomings and flaws in the present made and practice of procedure to suggest remedies to overcome them.

c) Hypothesis Of The Study:

Criminal justice system is the agency of social control which prevents and control crime. The main objectives of the Criminal justice system are to maintaining law and order and the rule of law and to promote
the sense of security amongst the member of the society. There is pressing need to have a well structured legislation and judiciary in case of violation of human right related to criminal laws in India.

There is a need of substantial overhaul in the policies and practices in favour of rights of victims.

The Motive of the researcher is to focus on the Human right and to study up to date amendments made in Indian Criminal Laws. Whether the Indian Criminal Laws actually focus on Human Rights or not in its spirit.

Amendments in criminal laws help to develop the concept of human right in India. As per Historical perspective of Human Right and the basic idea behind human right is very important to study its origin. How the human right arises, what was the effect of Magna Carta how the human right is related to religions in India and role of National Human Right commissions in India to in-depth study of human right is focused.

The Chapter international covenants of Human Rights main object of this is to study the different right which guaranteed by the international covenant, conventions. The basic observation of Criminal justice shows that the right of the accused in India today is bases on Constitutional provisions which are our system in the earlier days in the form of statutory provisions but they are not extent as they are at present. The concept of right of accused has been further developed and given last sphere by International organizations even the problem faced by women as deprived lot of society and the rights through various conventions adopt on various subject and the states are expected to improve their system of Criminal justice accommodating the International regulations.

Here in Major Criminal Laws in India the hypothesis simply means a mere assumption or some supposition to be proved or disproved. But for the researcher hypothesis is a formal question that the he intends to resolve. This subject chosen requires description covering various aspects the proposition intended to be set out is that the Major Criminal Laws in India the study carried out for the purpose of the proper procedure followed in India or not for the purpose of protect the interest of justice.

In chapter the changes brought under criminal law in the light of human right concept here the Criminal justice system is the agency of social control which prevents and control crime. The main objectives of the Criminal justice system are to maintain law and order and to protect the principle of natural justice such as rule of law in the society. The sole aim of the law is approximation of justice and assurance of fair trial and to protect and promote the sense of security amongst the member of the society.

- There is a pressing need to have a well structured legislation and judiciary in case there is a need of substantial over haul in the policies and practices favour of vacations of the various crimes.
- There is big lacuna in our Criminal justice system as there are no stronger laws acts or status to protect person from different type’s crime.
- The judicial response in this context very poor, as most of the accused person was released due to lack of evidence or hostile witness or due to taking advantage of the lacunas in present Law.
• The legislative provisions are also not sufficient enough, to curb the menace of sexual assault. Punishment prescribed is also not deterrent enough to deter the wrong doer.
• Psychological consequence are particularly pronounced in case of victims of rape when composed with normal subjects.

In chapter Judicial Pronouncement it was observed in ancient times the criminals were not regard as human beings. They were treated as slaves; they were physically and harassed for the smallest offences. Now a days because of Human Right in many countries which opted Human rights majority countries of death punishments are impose in rarest of rare case. It is the duty of all organs of state to eradicate the crime and to reduce the rigidity nature of punishment and criminal and at the same time to search the remedies for victims by such criminals.

Methodology

Research Design:

E.A. Schuman has explain that, the search design is not a highly specific plan to followed without deviation, but rather a series of guide post to keep one headed in the right directions. “In the present study the search is designed with the following contests.”

- Nature of the study
- Types of the study
- Source of Data collection.
- Analysis and interpretation of Data

According to Redman and Mary define the research as” systematized efforts to gain knowledge”

1) Nature of the study:

The Nature of the study is “Analytical” through the present study of the researcher is analyzing the problem of the study.

The study is Doctrinal in nature. The doctrinal researcher is carried out on a legal proposition by way of analyze of the existing statutory provision by applying the reasoning power. The doctrinal research is depends solely on secondary source of data and not on the field work. In the present study is exploratory formulate and also diagnostic.

2) Type of study:

The type of present study is ‘doctrinal research’ a doctrinal research means a research which has been carried out on a legal proposition or proposition by analyzing the existing statutory provisions and case by applying the reasoning power.

The major advantage of this method is to verify the hypothesis by a firsthand study of authoritative source. This method advantage of this method is to verify the hypothesis by a firsthand study of authoritative
source. This method is to used in present study because this method contains a lot of information which helps the researcher in gaining knowledge.

3) **Method of Data Collections:**

   As the study is based on the secondary source of data collection, the method which is used for collecting data is by going through various books cases, enactments and through various websites available on the internet.

   The data in the present study is collected by the researcher by reading various material, including relevant case statutes, reports, article from various journals, periodicals etc.

   It means data for the searcher collected by the data secondary method.

4) **Source of Data Collection :**

   As the present study is doctrine research, the data is collected through secondary source of data collection.

   The researcher has chosen a burning and emerging topic for the research work, so the study is based on the relevant material collection through various books of eminent author from different libraries, relevant cases and commentaries, news papers and mostly through the relevant websites available on the interest.

5) **Analysis and Interpretation of Data :**

   In the present study, the first the data will be collected through the secondary source of data collected and then the data will be edited in proper from so as to prepare a qualitative research work. After editing, the data will be analyzed by going, through it thoroughly and the interpretation will be drawn.

**Chapterization:**

To study the problem relate to the “Concept of Human Right A Study with Special Reference to Amendment made into Criminal law” to protect the human right and the comparative study of the Indian Constitutional law with International covenants and the focus upon amendment made into Indian Criminal law the present study has been classification which provided the structure of the study regarding the contents of each chapter.

**The study regarding the contents of chapter is as follows:**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Description</th>
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<tbody>
<tr>
<td>I</td>
<td>Introduction about Historical perspective of Human Right</td>
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<tr>
<td>II</td>
<td>Review of Literature</td>
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<tr>
<td>III</td>
<td>Methodology</td>
</tr>
<tr>
<td>IV</td>
<td>International Covenants of Human Right</td>
</tr>
<tr>
<td>V</td>
<td>Major Criminal Law in India related to Criminal Law with Human Right</td>
</tr>
</tbody>
</table>
Chapter I : Historical Perspective Of Human Right

In this chapter, the origin of human right, what is the prisoner of war position of magna carta explores the meaning of human right, what is the logic behind human right in India, what was the condition of Human Right in Hindu, Muslim, Christian religion study of the human right commission in India and National: Human Right Commission is discuss.

Chapter II : Review of Literature

This chapter which is about review of literature. The list of literature mention by the researcher which used for the preparation of the present study.

Chapter III : Methodology

In this topic the introduction is about the research has been defined and statement of research problem, aims and objectives of research hypothesis of the study, methodology scope and limitation of the research, rationale of research and utility of the research has been defined by the researcher.

Chapter IV : International Covenants Of Human Right

In this case chapter the various international conventions’ are discussed and the comparative study of the India Constitution rights which are also to protection of human right is discussed.

Chapter V :

Major Criminal Laws in India (related to criminal with Human Right)
The study of major criminal Laws and also to focus the minor criminal laws discussed in this chapter the specific provision related to rights of accused, victim, and civilian as human right is discuss.

Chapter VI : What changes brought under criminal law in the light of Human Right

To protect the human rights through these criminal law and to focus the important changes which brought under the Human Right concept and case laws has been discussed.
Chapter VII : Judicial Pronouncement

In this chapter the role of judiciary about appreciating, interpreting the legislative intent, purport and object behind incorporating the amended section of major Indian criminal Laws is discussed in this chapter including legal mechanism.

Chapter VIII : Conclusion Major Finding Suggestion.

This chapter deals with the conclusion of the researcher work research find the major important finding and researcher has given suggestion to the research.

Scope and Limitation Of the Study :

**Scope:** The topic study of the concept of Human Right. A study with special reference to amendments made into Indian criminal Law as is chosen for research is aimed at one of the significant legal provision contain in the criminal law it may prima face appear that the subject is of small amplitude, yet it has got great significance in criminal law and amendment made in criminal law.

In this topic the relation between Constitutional provision and International covenant which provide and protect the human right. The day to day amendments as to protect the concept of Human Right has made in the Indian Law’s not only in criminal Laws but also in civil Laws. These amendment strictly follows the rules as per Article 368 of the Indian Constitution amendment is the need of progressive society as per changing societal attitude.

**Limitation of the Study and Scope:**

The present study is a doctrine research and is based on the problem faced by the victims the accused person and juvenile but the researcher limit her study only to the rights from the point of human right and Indian criminal Laws.

Time schedule for conducting a doctrinal research time management is most essential. By adjusting a calculating the time the researcher can complete the qualitative and research work within stipulated period of time to the best of researcher ability duration near about 18 months.

**Time Schedule:**

For conducting a doctrinal research the time management is most essential by adjusting and calculating the time the researcher can complete the quantitative and qualitative research work within stipulated period of time to the best of her abilities.

The period of time devoted for conducting the present study as shown below.

<table>
<thead>
<tr>
<th>Phage</th>
<th>Work Done</th>
<th>Duration</th>
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<tr>
<td></td>
<td>Selection of problem and approval of the theme.</td>
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<td>2</td>
<td>Data Collection</td>
<td>150days</td>
</tr>
<tr>
<td>3</td>
<td>Introduction</td>
<td>60days</td>
</tr>
<tr>
<td>4</td>
<td>Review of Literature</td>
<td>90days</td>
</tr>
<tr>
<td>5</td>
<td>Processing of Data Preparation of Chapter</td>
<td>120days</td>
</tr>
<tr>
<td>6</td>
<td>Analysis and Conclusion</td>
<td>90days</td>
</tr>
<tr>
<td><strong>Total Days</strong></td>
<td><strong>18 Months</strong></td>
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Thus the total period of time devoted for doing the present study is approximate period of near about 18 months.

**Rationale for The Study:**

The Crime rate which is increasing day to day not only in India but also in other countries. It means worldwide this crime rate is increasing very vastly. The crime specially against women is increasing by leaps and bounds it knows no limits.

Each and every, year the ratio crime rises over its compare to previous year. In the Capital of India in Delhi on average of daily crimes related to sex against women are being committee even other crimes are also increasing and violation of human right as fundamental rights these offences and crime be it weather the incidence of rape, eve testing or any other sexual assault.

The increasing ratio of crime rate is more but the law in India are stagnant in position. These laws should be amended as per changing society even the strict provision and enhance punishment should be given to the offences against women. And very important Criminal laws should be amended as per human right. There is need to increase the public awareness to increasingly report the sexual crimes and speedily implement the existing laws to curb this growing menace. Therefore the research has taken this burning issue as a topic concept Human Right.

**Possible Contribution of Study :**

From the above study it is clear that though the various enactment laws has been passed the various laws are in existence but still the crime rate is increasing and where the right are affected.

The study on above help in understanding the changes made into the criminal law as per human right concept. It also helps to know why these amendments are necessary for the society.

**Utility of the Research Work:**

No human effort can ever claim to be perfect in all respect and free from flaws mine is no exception. Research in common parlance refers to search for knowledge. The work ‘research’ is common refers to search for knowledge. The main objective of research is to find out the hidden truth which has not been
discovered as yet. Though each research study is carried out with its own specific purpose, we may consider
gain familiarity with a phenomenon or to achieve new insights into it. One can also define research a
scientific and systemic search for pertinent information on a specific topic. In fact, research is an art of
scientific investigation.

In our Criminal justice system is often rated poorly in public estimation because of large number of
acquittals, and yet the human rights activists have always been the watch-dong of the right or the accused,
victims and also civilians.

**Conclusion:**

In this topic the society in which the every individual who is entitle for the fundamental and basic
right. Human Right are those right which every individual must have against the state or other public
authority by his member of human family irrespective of any other consideration rights of accused are
sacrosanct. The introduction about the research has been mention. How the rule of law concept is applicable
even land mark even in the evaluation of safeguards to individual was through action or the international
organization was also mentioned. The important role of United Purpose as to the need to preserve global
peace and security which guarantee’s human right world wide. So it is so worthwhile inquiring into the
vintage ideas and ideology and genetics of human right parenthetically and historically but briefly before
examing the structure and anatomy of United Nations and its Organisation. The United Nation ashes of
league of Nations League’s failure to avert the war and promote the cause of peace conviction of people all
over the world. The President Roosevelt was found the name of United Nations during the war when
representatives of 16 nations pledged their government to fighting together against axis powers. In this topic
the objective of the United Nation which is related to present study as these objectives which reflected in
preamble to the charter as to promote social progress and better standard of life in large freedom and idea
behind the U.N. is better and peaceful life to the people of the world through practicing tolerance and living
together with harmony and peace with each other all these objective have mentioned by research scholar.
The problem of research is also defined by scholar why the need of the present topic is relevant because the
primary duty of each state to protect its citizen and maintain peace in society who disturb the society or who
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not arise in the society at large the ratio of crime and criminality in society will be reduce. Amendment in
Criminal Law is necessary to reduce these criminality, and crime rate in society to enjoy others or society as
peaceful society. Aim and objectives are also mention the duty cast upon the public servant and on the police
right of the victim of rape also focused by the researcher the study is to dejure and de-facto rights and the
enjoyment of victim as per human right concept also mention even the comparative study of the Indian Law
as Constitution Of India and other major Criminal Laws with International Law mentioned by the researcher
and to study scientifically the subject “concept of Human Right”. A study with special reference to
Amendments made into Indian Criminal Law to prevent the rights of the layman and also to find out the
reason for failure of miscarriage of justice, Hypothesis behind the study is for the need of substantial overhaul in the policies and practices in favour of right of victim focus on Human right to study up to date amendment. Hypothesis simply means a mere assumption or some supposition to be proved or disproved. But for the researcher hypothesis is a formal question that he intends to resolve.

This chapter is about methodology in the present study the search design with the following contents as nature of the study, types of the study source of data collection and analysis and interpretation of data.

Which type of study adopted by researcher with classification of chapters which are divided into (VIII) eight chapters. The scope and limitation of the study with time schedule also mentioned.

The rationale behind the research that crime rate is more but the laws are not amended as per different kind of laws. Researcher wants to contribute to study the Criminal Law and some suggestion mentioned why the progressive society. Utility of research work is to find out the hidden truth which has not been discovered as yet. The research is an art of scientific investigation.