REFLECTION OF AWARENESS
IN THE
DEVELOPMENT PROCESS
OF
HUMAN RIGHTS
From the very beginning of human history, man has been struggling for his existence against nature and his fellowmen, though there was no marked awareness of any need for human rights at the beginning. The concept of “the survival of the fittest” caused conflicts among human beings that paved the way for the framing of rules and regulations for the safeguard of the weaker sections. The formation of states and empires was not always based on the principles of establishing human rights. Through different practices, men enjoyed their human rights in different ways because without these rights men could not live in the society.

1. *Human Rights in India: Historical, Social and Political perspectives,* Edited by – Nirmal Chiranjivi J. P.1
Our old scriptures and books also uphold a human life as sacred and invaluable. But it was all in the exalted thoughts of poets and philosophers. We have to tread the path of history to trace the genesis of human rights emerging as an enforceable and enduring right.

"When a society changes from its traditional moorings into a modern society, there is a gradual but fundamental change in the style of life of the people and in their outlook on the world". Modernization involves a change of outlook, a belief in the possibility of progress and change, and the acceptance of objective criteria and standards for constant improvement in all aspects of individual and social life. Its essence lies in the awareness of men as being self-contained individuals who have the power to change and direct their lives with their basic rights and transform society. "With the growth of social modernization the individual finds himself in a wider world of freedom in which there are restrictions on his ability to take decision which touch him intimately. He is free to choose his own career, for instance, rather than have it determined for him by the group in which he was born. The restriction on his freedom comes more from the laws of the land of the organization in which he works than from custom and social practices".

The origin of awareness of Human Rights is from the notion...
that all human beings are born free and equal in dignity and rights. Every human being is entitled to certain natural rights by virtue of his being a member of human society. These rights are called "Human Rights". Human rights are those rights which are inherent in nature and without which we cannot live as human beings. Human Rights and fundamental freedom allow us to fully develop our intelligence, and dealings to satisfy our spiritual and other needs.

"Fundamental rights are the name for what have been traditionally known as "natural rights" when human rights are guaranteed by a written constitution they are called "Fundamental Rights". The primitive man had not known anything like human rights. There was no struggle for securing human rights except the struggle which was better known as struggle for survival. They have no notion of fundamental rights, though they enjoyed a number of limitless freedoms which no civilized man could ever boast of. They had absolute freedom of movement. They had freedom of speech and expression, but this freedom had no real utility. They also had absolute freedom of sexual relationship. As a whole, they had all possible and conceivable freedoms but these freedoms had no meaning, no relevance. "With the dawn of civilization one might hope that some respects for human rights would emerge. It seems that the era of human rights dawned

4. The Protection of Human Rights Act and Relating Laws by Mangarl rajendra. P.1
with the industrial Revolution. A clarion call was given that man is endowed by birth with certain inalienable rights, of which, rights to liberty and to property are sacrosanct. However, soon it was discerned that human rights were the privilege of the rich, and the poor man's human rights could be trampled upon with impunity. When poverty deprives one of human existence, then human dignity and human right dwindle into insignificance. Rousseau, the torch bearer of the French Revolution proclaimed that men were endowed with inalienable rights of liberty, equality and fraternity. In primitive stage, the feelings for humanity were there. But the awareness for their human right was in a dormant stage. Due to the lack of that awareness they were unable to enjoy their basic right as right because they did not know about their right as human beings. They only enjoyed them in a natural way and their feelings of humanity reflected in their way of action. Their feeling of humanity was spontaneous. They were not aware of their unawareness. But gradually time brought about a marked change in the outlook and behaviour of groups which are characterized by the functions they perform in society rather than by caste, language, residence and other similar factors.

Basically, the concept of human rights is derived from the dignity and worth inherent in every human being. In simple terms,

6. Human rights and the Law, Universal and Indian- by Diwan Paras and Peeyushi, Preface (i)
whatever adds to the dignified and free existence of human beings should be regarded as Human Rights, because without it we cannot live as human beings. The fundamental freedom or right allows us to fully develop and use our conscience and satisfy our spiritual and other needs. These are all based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.

The Human Rights movement has been exercising profound influence among the world community. The whole world fights for human dignity. The developing countries represent the world's major religions and political ideologies like socialism, democracy or feudalism. They were faced with tremendous problems of state building, economic reconstruction and regional, sub-regional and ethnic conflicts. There remains a sharp disagreement regarding the exact scope and nature of basic human rights. Several movements started with a view to securing certain basic rights for individuals in different periods of ancient human history. The roots of the Human Rights and fundamental freedom of individuals have, however, to be traced out from humanitarian traditions, the unceasing struggle for human freedom and equality of individuals in all parts of the world and historic pronouncements of philosophers, political leaders and statesmen of different centuries in general and in the 20th century in particular. The constitutions of some of the countries did incorporate certain democratic freedom of the people as early as in the 18th century. The
awareness of human rights was reflected in different countries of the world which can be discussed in a very brief manner.

To the Greeks, the idea of personal freedom was unknown. In recorded history and ancient scriptures, there have been references to the basic human rights though they were not referred to by that name. The great Greek philosophers developed the idea of "natural law" and laid down some essential ideas regarding natural rights. The "natural law" thinkers believed that natural law was a body of higher laws in subordination to which all human laws must be made. To the Greeks the idea of human rights was unknown, even the idea of personal freedom. According to Socrates, man possesses 'insight' and this insight reveals to him the goodness and badness of things and makes him know the absolute and eternal moral rules. This human 'insight' is the basis to judge the law. Citizens of certain Greek city states enjoyed such rights as equality before law, respect for all and equal freedom of speech. These rights are prominently reflected in the modern human rights jurisprudence.

In the Hellenistic period, the stoic philosophers formulated the doctrine of natural rights – something which belonged to all men of all times. These rights were not the particular privileges of citizens of particular cities, but something to which every human being everywhere was entitled by virtue of being human and rational. They

believed in the universal brotherhood of man. In this respect Cicero remarked: "Universal consent is the voice of nature".  

Roman lawyers followed the stoics closely in stressing the fundamental resemblance and equality of men stemming from their common possession of reason and from their capacity to develop and to attain virtue. The influence of 'natural law' was also found in the 'Institutes' where Justice was defined as "the constant perpetual desire of giving to every man what is due to him".

In the middle ages people started to think about the value of natural law. They became aware of the moral validity of the law, otherwise law would be unjust.

"The general awareness of human rights as well as the attempts enunciate these rights through character. Bills of rights, constitutional documents, national and international conventions – all these are a distinctly modern development, traced mainly from the English, the French, and the American Revolutions of the seventeenth and the eighteenth centuries. In England, the early beginning of Human Rights could be seen in the Magna Carta of 1215 A.D. In the classical world, Rome took the lead in sowing the seeds of personal freedom in the development of law. In Roman jurisprudence, 'Jus' signifies both law and rights. "Person" postulates bearing of rights".  

The great philosophers of the middle ages like Thomas Acquinas reaffirmed that the “natural law” is higher than the positive laws and it would be obeyed by all. According to him, any order or authority which contravened the natural law, could be disobeyed, for “unjust laws have no moral validity.”

However, the new vistas had opened through the signing of Magna Carta by King John II which is said to be the first milestone on the road to the liberties of the people of England in 1215 A.D. that provoked the human conscience elsewhere.

The Magna Carta which is also known as “the great character of liberty” provided that – “no person shall be captured or imprisoned or decried or outlawed or exiled or in any was destroyed, nor will we go against him or send against him, except by the lawful Judgement of his peers only under the law of the land. To no one will we sell, to no one will we deny or delay right of justice”. After this, the Petition of Rights of 1628, the Bill of Rights of 1688, the American Bill of Rights of 1791 and the French Declaration of the Right of Man of 1789 became the milestones along the road in which the individual acquired protection against the violation of his rights. The petition of Rights, 1628 was enacted as a statute by Parliament and it became a part of the positive law of England. At the same time, Hugo Grotius of Holland and

9. Supra 7. P. 33
Thomas Hobbes and John Locke of England provided the necessary wings to the movement of freedom and liberty. Grotius was categorical that positive law was subordinate to "natural law". On the other hand, Hobbes was basically a strong supporter and believer in individual freedom and equality of man. He said that while living in the state of nature, men were absolutely free and equal to each other. Similarly, Locke's views were based on the theory of natural law which accepted that there are inherent in each individual, certain rights which are innate and therefore indefeasible, i.e. they cannot be made void. In the seventeenth century, Hugo Grotius and other lawyers also expounded the "doctrine of Humanitarian Intervention".

The Bill of Rights, 1689 was another great charter of liberty. It was a statement of the basic rights which the Englishmen secured in their long struggle against the autocratic rule of some of the British kings. The Bill of Rights consolidated the important rights and liberties of the people.

On 4th July 1776, the American Declaration of Independence was adopted by the constitutional congress and it was declared that "we hold this truth to be self-evident that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and pursuit of happiness".
The U.S. constitution recognized and guaranteed the basic inalienable rights of individual such as to life, liberty and pursuit of happiness. That was the first national bill of rights, embodied as constitutional norm at the national level. The Bill of Rights of the U.S. Constitution also contained specific rights with which the government was categorically forbidden to interfere. Therefore, the Americans are said to be the first who had conceived the grand notion of human rights. The first ten amendments known as the "Bill of Rights" became part of the American Constitution on 15th December 1991 and the rights of the people were defined in more details. Thus, the Americans were to give the Bill of Rights a constitutional status.

The violation of human rights during the medieval period in France and other European countries paved the way for a series of revolution. The idea of human rights developed in the process of revolution. Rousseau, who said "Man is born free and is everywhere in chains", and other philosophers, provided a rational perspective to the revolution in 1789.

In 1789, the French Declaration of the Right of Man and of the citizen issued by the constituent assembly asserted that men are born and remain free and equal in respect of their right and it further stated that the purpose of all political associations is the preservation of the natural and inalienable rights of man. These rights are liberty, property, security and resistance to oppression.
This is evident from the fact that before World War I, the question of protection of minorities loomed large and feebly. It was accepted that international law is concerned not merely with states but also with individuals. After the War and with the rise of dictatorships, the question of fundamental human rights and freedom began surfacing\(^\text{10}\) in the field of international Law also.

After the First World War, the Treaty of Peace of 28\(^\text{th}\) June 1919 between the Allied and Associated Power and Germany was the most significant and enduring instrument which deals with a number of political, legal, humanitarian and economic issues. The international concern for human dignity and rights found expression in the covenant of the League of Nations. Article 22 of the covenant of the League of Nations established the Mandates System which proclaimed the principle that "the well-being and development of the people in mandated territories form a sacred trust of civilization. Article 23 of the covenant of the League of Nations was also concerning human rights. The worst kind of brutalization of human rights in the First and Second World Wars was the main motivating factor in pursuing the goals of protection of human rights in the post-war period and many changes occurred on the world scenario. "After the conclusion of the Second World War, movement for securing Human Rights to all gained strength. The war, the great scourge on humanity, the atomic bombardment of

\(^{10}\) Human Rights and the Law, Universal and Indian by Dewan Paras and Peeyushi, p. 23
Hiroshima and Nagasaki made man realize that if something concrete and tangible would not be done man's doom was heralded. Efforts at securing human rights were intensified*.

A great assault on rights took place in Hitler's Germany. He fed the German nation on a fiery diet of racial supremacy and put the blame at the doors of the Jews for whatever went wrong in Germany.

Millions of Jews were huddled in barbed wire fenced camps and led to the gas chamber to meet their maker. It has come to be known as the holocaust. When the details of this unspeakable torture and mayhem filtered through, a shocked world was numbed with the cruel and barbarous methods adopted by Hitler and his co-horts.

The holocaust had sharpened the awareness about human rights in a very significant and lasting manner.

The Stalinist era in Russia bristles with gross violations of human rights. It was directed towards the dissenters. They were shepherded to Siberia as punishment for dissent. Poets, novelists, men of letters had to undergo harrowing experiences in the vast lonesome expanse of icy Siberia. Many fled Russia. Boris Pasternak, a great poet and novelist was not even allowed to receive the Nobel prize for

11. Ibid, Preface (i)
literature for his timeless novel "Dr. Zhivago". This persecution also brought about world-wide condemnation and thus helped spread awareness about the need to protect human rights.

The experience of the two Wars led to a firm conviction that the international protection of human rights was an essential condition of international peace and progress.

This conviction led to the drafting of human rights provision in the United Nations Charter, the "International Bill of Human Rights, and an international standard for the protection and promotion of human rights has been established. The purpose of the United Nations is not only to maintain peace and security in the world but also to promote universal respect for human rights and fundamental freedom irrespective of diversity among individuals and races. The Universal Declaration of Human Rights, 1948 has re-affirmed the principle of non-discrimination among individuals.

"For the first time in human history, the Universal Declaration of Human Rights, 1948 had furnished an elaborate universal statement on human rights. The declaration, along with the two covenants of 1966 constitutes the International Bill of Rights. A standard has been laid down for the first time from which deviations, aberrations
The International Bill of Human Rights consists of the universal Declaration of Human Rights of 1948, the International covenant on civil and political right of 1966, the International covenant on Social, Economic and Cultural Rights of 1966 and the First and second optional protocols to the International Covenant on Civil and Political Rights of 1966.

The important component of the International Bill of Human Rights is the International covenant on Economic, Social and Cultural Rights 1966, which recognizes that everyone would enjoy his economic, social and cultural rights as well as his civil and political rights. The machinery for the implementation of these rights contained in this covenant is the Economic and Social Council which submits reports to the General Assembly with respect to the economic, social and cultural rights, co-ordinates activities of specialized agencies and sets up commissions in the field of economic and social rights. The committee on Economic, Social and Cultural right is a working group of the Economic and Social Council.

The Universal Declaration of Human Rights of 1948 is a basic international pronouncement of the inalienable rights and freedom for all the members of the international family. The

12. Supra 7. p. 8
Declaration represents the first endeavour of the U.N.O. elaborating upon the normative ramification of the concept of the human rights.\textsuperscript{13} It is accepted as a milestone in the history of human rights movement.\textsuperscript{14}

The Declaration consists of a preamble and thirty articles.

The preamble to the Declaration states that the member states have pledged themselves to achieve and promote the universal respect for observance of human rights and fundamental freedom without any discrimination. The Declaration sets forth the civil and political rights, viz. the right to life, liberty and security of person, freedom from torture or cruelty or degrading treatment or punishment to humans, the right to recognition everywhere as a person before the law, the right to an effective remedy, freedom from arbitrary interference with privacy of family, home or of correspondence, freedom of movement, the right to seek asylum, the right to nationality, the right to marry and found family, the right to property, freedom of thought, conscience and freedom of religion and expression, freedom of peaceful assembly and association, right to take part in the Government of one's own country and right to equal access to public services.\textsuperscript{15} The Declaration has been an important document and fundamental source of inspiration for national, regional and international efforts in promoting and protecting human rights.

\textsuperscript{13} Human Rights and Democratization of Remedies - Bhagwati P.N. pp. 585-586

\textsuperscript{14} Human Rights in a Developing Society - Sen Sankar, p. 26

\textsuperscript{15} Universal Declaration of Human Rights, 1948, Article 3 to 21
Awareness in India:

In India, the idea of Human Rights is as old as the history of human civilization. The concept of "rights of man" had a place in almost all the ancient civilizations of the world. Indian history warrant, the fact that human rights jurisprudence has always occupied a place of prime importance in India's rich legacy of historical tradition and culture. The truth is that what the West has discovered about human rights now, India had embedded the same in its deep rooted traditions since time immemorial.

The National struggle for freedom was truly an attempt of the Indians to secure basic human rights for all the people with the result that the promulgation of the constitution by the people of India in January 1950 "shared in the heroic development of the philosophy of human rights in India".

The historical account of ancient Bharat proves it beyond doubt that the Human Rights were present in the Ancient Hindu and Islamic Civilization as in the European Christian Civilization. Ashoka, Prophet Mahammed and Akbar cannot be excluded from the genealogy

16. Third World Response to Human Rights by Tyagi k. yogesh, Opcit, p. 127
17. Ibid, P. 108
of human rights.\textsuperscript{20}

The quest for equilibrium, harmony, knowledge and truth inspired the ancient Indian minds more than their counterparts—the Greeks and the Romans.\textsuperscript{21} In ancient India, too, the human rights were not unknown. About 5000 years ago, ancient Indian philosophers and thinkers expounded a theory of higher moral law over and above positive law embodying certain values of universal validity like Dharma (righteousness), Artha (wealth), Kama (desire), and Moksha (salvation), with a view to establish a harmonious social order by striking a balance between inner and outer, spiritual and material aspects of life.\textsuperscript{22}

In fact, the root of the concern for human rights in the Vedic age may be traced in religion, humanitarian traditions and the unceasing struggle for freedom and equality.

The philosophers of the Vedic age endeavored to define human rights as those rights which were inherent in human nature and without which man could not live as human beings. They supported vehemently the viewpoint that human rights and fundamental freedom allow man to fully develop and use human qualities, human

\textsuperscript{20} Supra No. 16, Op cit, p. 124
\textsuperscript{21} Human Rights under the Indian Constitution, the Philosophy and Judicial Gerrymandering by Mehta P.L., Mehra Neena, P. 10
\textsuperscript{22} Fundamental of Jurisprudence, The Indian Approach by Dhyani Prof S. N. P. 97
Intelligence, talents and conscience and to satisfy the spiritual and other needs. There are many references in the Vedas that throw light on the existence of human rights.23

After Buddha, Ashoka protected and secured the most precious of human rights to equality, fraternity, liberty and happiness. Torture and inhuman treatment of prisoners were prohibited under Ashoka's administration. He worked day and night for protection of human rights. The rock edict of Ashoka of the third century B.C. proclaiming his concern for the well-being of the hill dwellers is perhaps a combination of humanitarian impulse and pragmatism.

King Ashoka in Kalinga Edict II inscribes, "all men are my children and , just as I desire for my children that they may enjoy every kind of prosperity and happiness both in this world and in the next, so also do I desire the same for all men".24

Hence it is clear that the early developments in the field of human rights were the result of historic pronouncements of philosophers, statesmen, political leaders and unceasing struggle for freedom and equality in all parts of the world. However, the substantive development of contemporary human rights jurisprudence started only during the nineteenth century and it is still continuing. The Indian legal

23. *Supra* 21, p. 12
philosophers were humanists, rationalists and, above all, moralists who evolved a system of legal theory which was based on higher values and ideals i.e. on their conception of Dharma. Every aspect of life was regulated by Dharma which has been impelling men since the Vedic ages to strive for "righteousness" and to regard it as the supreme law in Ancient India. Dharma was the ideal of the ancient Indian legal theory for the establishment of a socio-legal order free from traces of conflicts, exploitations and miseries.

Kautilya, the Prime Minister of the Mauryan empire around 300 BC, the author of the celebrated political treatise Arthasastra, laid great emphasis on the right to happiness of all individuals and the duty of the king to protect that Right.

The concept of human rights got lost on its way in the Middle Ages. Significantly, Muslim rule in India from the point of view of Human rights was counter-productive to harmony, justice and equality. Hazrat Mahammad advised Abdar-Rahman-Ibn-Arif never to commit breach of trust, not to commit treachery, not to mutilate the body of a person, not to kill any minor or woman. He described these injunctions as a contract with God. In various chapters of the Quran female Infanticide has been condemned just as freeing a slave has been praised as an act of great merit. In fact, the Prophet himself got hundreds of
slaves freed. Islam was the earliest religion to emancipate women giving them rights unknown in any other dispensation. These included women's right to contract marriage, divorce, and to inherit and to dispose of her property as she pleased. A new era began in Mughal history of India from the time of Akbar in the field of human rights with his policy of universal reconciliation and tolerance. Various European travellers who visited Akbar's empire highly appreciated his zealous regard for rights and justice. His justice-loving tradition was followed by his son Jehangir, too. There was a popular legend that Jehangir arranged a chain with bells to be hung outside the palace in order to enable petitioners to approach him for the redressal of their grievances. Strictly speaking, it was an easily accessible individual petition system in comparison to our modern lengthy and expensive writ petition system.25

For proper realization of human rights, it is essential that the society as a whole accepts the basic norms of human rights and that the rule of its law is guaranteed. Though Buddhism has got acquainted with the concept of human rights ad that the rule of its law is guaranteed. Though Buddhism has got acquainted with the concept of human right in a formal way at a later stage, it has been on the forefront in imbuing the very ethos of the concept of human rights in the form of defence of human essence and dignity Buddhism does not

25. Supra 16, p. 123
believe in discrimination or inequality simply on the basis of one's birth, caste or colour.

Buddhism as a philosophical proposition, as well as a moral way of life, has been concerned with spiritual salvation whereas human rights aim at natural salvation i.e. safety of the rights of equality, dignity and freedom at the worldly level. The Buddha has taught to honour parents, brothers, sisters, children, other relatives and other persons in the society. If someone hurts anybody physically or even vocally, he may be treated as a person lacking the basic human qualities. Regard for human dignity is the basic social message of Buddhism. One can find a distinct link between the evolution of Human Rights concept and the Buddhist Doctrines.

The modern version of human rights jurisprudence and the origin of this ideal in India lies in the history of India, especially in the struggle for freedom against the British rules.\(^\text{26}\) The legislature, executive and judiciary were oriented to protect and promote the interests of the British. The impression gained in the Indian mind was that their sacred inalienable human rights and vital interest had been ignored, denied for the sake of English rulers who ruled the country, its wealth and even the law. The trials of Tilak and Gandhiji were an eye opener to all Indians that human rights, fundamental

\(^{26}\) Supra 18, P. 20
freedom and liberty and independence would not be granted to India. The British resorted to arbitrary acts such as brutal assaults on unarmed ‘satyagrahis’, internments, deportations etc. The freedom movement and the harsh repressive measures of the British rulers encouraged the fight for civil-liberties and the demand for constitutional guarantee of some fundamental rights.27 The concrete demand for fundamental rights came in the wake of the Nationalist Movement which coincided with the birth of the Indian National Congress in 1885. The first explicit demand of the people of the Indian sub-continent for fundamental rights found place in the constitution of India Bill 1895. The constitution of India Bill 1895 prepared by the Indian National congress, also known as the ‘Home Rule Document’, talked about a constitution guaranteeing every one of the citizens basic human rights like Freedom of expression, inviolability of one’s own home, Right to property, Equality before law etc.28

The evolution of civil liberties / Human Rights movements in India can be traced back to the pre-independence period. At that time the struggle was in protest of injustice committed by the British rulers. The focus was mainly on indefinite detention without trial, time and in utter disregard to rule of law, which posed a serious threat to the civil liberties. A series of congress resolutions adopted between 1917

27. Supra 21, p. 19
28. Supra 19, p. 122
and 1919 repeated the demand for civil rights and equality of status with the Englishmen.

The major development in this direction was the drafting of Mrs. Besant's Commonwealth of India Bill of 1925. Article 4 of this Bill contained a list of seven Fundamental Rights:

(a) Liberty of person and security of his dwelling and property,
(b) Freedom of conscience, profession and practice of religion,
(c) Free expression of opinion and the right of assembly peaceably and without arms and of forming associations or unions,
(d) Free elementary education,
(e) Use of roads, public places, courts of justice and the like,
(f) Equality before the law, irrespective of considerations of nationality, and
(g) Equality of the sexes.

Another landmark in the development of the recognition of fundamental rights was the Karachi Resolution adopted by the Congress session held in Madras in 1931. It held that real economic freedom of the starving millions is necessary to end the exploitation of the masses.
The demand for a declaration of Fundamental Rights in the constitutional documents was again emphasized by several Indian leaders at the Round Table Conference prior to the making of Government of India Act, 1935.

The decade of the 1940's was marked by a resurgence of interests in human rights. The denial of liberties under German and Russian totalitarianism and elsewhere resulted in the Atlantic Charter, the United Nations charter and the activities of the United Nations Human Rights Commission.29

A further stage in the development of Fundamental Rights in India was the Sapru Committee report published at the end of 1945 which was appointed by an All-Parties Conference in 1944-45 with Sir Tej Bahadur Sapru as its Chairman.

The British Cabinet Mission in 1946 recognized the need for a written guarantee of Fundamental Rights in the Constitution of India in paragraphs 19 and 20 of its statement of May 16, 1946 envisaging a Constituent Assembly for framing the Constitution of India. The Constituent Assembly on 24 January 1947 voted to form the Advisory Committee and the Committee, in turn, set up five Sub-Committees on Fundamental Rights.

When the fundamental rights sub-committee met for the first time on 27 February 1947, it had before it a draft list of rights prepared by B.N.K.T. Shah, K.M. Munshi, B.R. Ambedkar, Harnam Singh and the Congress Expert Committee.

Accordingly, the provisions concerning individual liberty, right to equality, basic freedom etc. were passed with certain limitations. Therefore, the Assembly passed Fundamental Rights which are divided into seven parts having close resemblance to human rights enshrined in various international human rights documents.

Needless to point out that Fundamental Rights and Human Rights overlap in certain respects. Human Rights are more elemental rights. It is not only concerned with the elementary rights of each individual for his or her being simply born as a human being, but it also transcends the life-time of an individual. It makes no distinction on the basis of age, sex, religion, caste, creed etc. Even a new born baby acquires human rights from the moment of his/her birth. Similarly, even the dead body of an individual has to be treated with respect, care and dignity. Human dignity is the essence of human rights. It applies to both life and death. It is a universal right, not subject to territorial limits. Even an outlaw does not lose his minimum of human rights.
In the year 1919, after the establishment of the International Labour Organization an impetus was provided to the workman for protection of his basic right at the place of his employment though it did not work in the field of promotion and protection of human rights, particularly for the workers and minorities. The International Labour Organization which functioned in collaboration with the League of Nations provided an efficient system for developing and coordinating new international machinery for economic and social cooperation rather than to define rights and to devise measures for promoting them. The Universal Declaration of Human Rights which was adopted by the General Assembly of the United Nations in December 1948 advocated for the recognition of the basic rights of human beings. The Declaration of the United Nations organization strongly inspired for human rights provisions in the constitution of Asian and African member countries including India. In addition to the resolution and the declarations of the United Nations on Human Rights, conventions on Human Rights have been approved and adopted by the Member states from time to time. The declaration has influenced the framing of various national constitutions and other domestic legislation. India is one of the signatory state parties to the Declaration. The constitution of India was greatly influenced by the Declaration. The constitution of India in both parts III and IV has articulated the historic Declaration, which is unique in human history. The fundamental rights and freedoms, guaranteed in Part III of the constitution of India are more or less similar to the provisions of the Declaration.
The 1990's have seen the enactment of human rights legislation in India. The National Commission for Women Act (1990) provided for a National Commission for women. The protection of Human Rights act, 1993 provided for the constitution of a National Human Rights Commission, State Human Rights Commissions in Individual states and a Human Rights Court. As a result, the proposal for National Human Rights Commission Bill was introduced in the Lok Sabha on May 14, 1993 and the commission was ultimately established on October 12, 1993.

National Human Rights Commission of India is one of the most effective rights commissions in the world. The National Human Rights Commission is an independent autonomous body and is not subservient to any state official or agency. National Human Rights Commission is charged with the task of protecting and promoting human rights against the might of the state. It enjoys wide powers relating to enquiry and investigations regarding human rights. It has wide range of functions. Section 12 of the Act can enquire on a petition presented before it by a victim or any person on behalf of the victim, into complaint of:

(a) violations of human rights or abetment thereof, and
(b) negligence in the prevention of such violation by a public servant.
The Commission can study jail conditions and suggest reforms and also intervene in any proceeding involving any allegation of human rights pending before a court. The important function of the commission is to spread human right literacy amongst various sections of the society and promote awareness of the safeguards available for the protection of these rights. The commission would encourage linkages between the academic and non-governmental organizations so that the best academic minds can bring their talents to the practical work being done by such groups.

"In exercise of the powers conferred under section 21(1) of the Protection of Human Rights Act, 1993 (No 10 of 1994) the Governor of Assam is pleased to constitute a body to be known as the Assam State Human Rights Commission constituted vide Notification No PLA 362/94/51, dated 19.03.96 to exercise the powers conferred upon, and to perform the function assigned to a State Commission under Chapter V of the said Act.30

CONCLUSION:

So it has been found that the concept of Human Rights is not anything new. This concept was earlier referred to as "natural rights". The idea of human rights is as old as the history of human

civilization, only the term "Human" is of recent origin. This concept of
rights of man and other fundamental human rights was not known to
the peoples of earlier periods. In recorded history and ancient
scriptures, there have been references to the basic Human Rights,
though they were not referred to by that name. "Going to its spiritual
roots, we discover that the religion of man, be it located in the Vedas,
the Buddhist texts, the Bible, the Quoran or the holy literature of other
authentic teachers, upholds human divinity. Every human being is a
divine being and has title to dignity, liberty, equality and other basic
rights".  

The concept of human rights in world history found its
first expression in the Magna Carta of 1215 and after this the petition of
Rights 1628, the Bill of Rights 1688, the American Bill of Rights 1791 and
the French Declaration of the Right of Man 1789 became the milestones
along the road in which the individual acquired protection against the
capricious acts of kings.

The consciousness about the rights of man is reflected in the
whole world in different names and styles. "The higher consciousness of
the human family, in the setting of political, economic and cultural

32. Human Rights and Personal Liberties In India, Pakistan and
Bangladesh by Patwaris A.B.M. Mafsal Islam, p. 34
development among nations, is reflected in the enrichment of human rights and their codification. Viewed from the Indian standpoint, human rights have been synthesized, as it were, into an integrated fabric by the Preambular promises and constitutional clauses of the National Charter of 1950, surely influenced inter alia by the U.N. Charter and the Universal Declaration of Human Rights.\textsuperscript{33}

Though the philosophy of Human Rights in India has come a long weary way yet the progress through the historical path has always remained gradual and never lost its link with the past.

In India humanitarian ideas became popular from the beginning of the nineteenth century. The abolition of sati (1829), slavery (1843) and female infanticide (1870), the formation of the Torture Commission in the Madras Presidency in 1855, introduction of widow remarriage by legislation (1856) and prohibition of child marriage (1929), were restraints imposed on tradition and the beginning of humanitarian legislation. The enactment of the Indian Penal Code in 1860 (XLV) and a series of prison and jail reforms by regulations and acts were based on reformist tendencies. For preserving the rights of female children, the Age of Consent Act of 1891 and the Abolition of child Marriage Act of 1929 were passed. These humanitarian legislations prepared the ground

\textsuperscript{33} Supra 31, p. 5
for an awareness of human rights during the war years.\textsuperscript{34}

Thus gradually the people of India are growing conscious about their right. As a result, at the time of framing the Indian Constitution its framers were inspired by the French Document, namely Rights of man and the American Bill of Rights besides the declaration of Human Rights of 1948 and included chapter III of the constitution. In spite of all efforts made by the United Nations Organization for protecting human rights of the common masses, their condition continues to be miserable, particularly in developing countries mainly due to increasing population and rampant poverty. Now, the human rights issue has become everybody’s concern and it is high time to mobilize public opinion for giving due regard to human rights, so that people can realize that only international protection and promotion of human rights can achieve international peace and progress. Due to lack of awareness, human rights are abused all over the world including India. The level of awareness of human rights and sensitivity among the general people and even elite is very poor. So the investigator intends to create awareness among the masses particularly in Assam so that the fight against the violation of Human Rights grows into a people’s movement because it is a global phenomenon.

\textsuperscript{34} Supra 1, p. 6

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