CHAPTER VII

CONCLUSION

Social and Economic rights guaranteed to all individuals specifically to weaker sections of the Society. These rights recognized in International Human Rights have been incorporated into India through legislature, executive and judiciary. In this context, the Constituent Assembly emphatically discussed about Socio-economic rights. Hence the framers of the Constitution had incorporated the specific provisions under the Directive Principles in Articles 51 and 253 under legislative relations between Union and States to implement laws and ratify treaties which made under international conferences, or with other States. These provisions are responsible for incorporation of international Human Rights into India.

The incorporation of social and economic rights of international human rights in India with reference to seminal rights such as education, work and found family; right to adequate standard of living such as right to food, water, shelter and health; right to social security and right to property are systematically analysed under four classification of periods with reference to legislature, executive and judicial incorporation hereunder as follows:

Right to Education

Legislative incorporation:

During the first Period (1950-1966), the legislative reference is one. To meet over the development of the world, to regulate higher education and maintain its standards, the Parliament had enacted this Act. It was influenced by the Universal Declaration of Human Rights (UDHR), 1948. For consistent with declaration, this Act has been enacted. The then Vice-President of India delivered a speech about UDHR, “……. in the Declaration of Human Rights the conscience of the world gives
utterance to its deepest longings. The declaration is an act of faith, and each nation has to chalk out a programme for action to implement the faith. Today we feel that the greatest era of human history on earth is within our reach. If we are not to betray the human race we have to work with faith and strength to realize the ideals enshrined in the Universal Declaration of Human Rights”. His speech was influenced to Parliament to enact the law for giving recognition of right to education enshrined under UDHR.

During the second period (1966-1979), there has been no legislative activity due to external problems. The Government mainly focused to strengthen security to prevent aggression from Chinese and Pakistan. The Government has given priority to nationalization of private activities for maintaining social justice. The third period (1979-1993) witnessed two references. These Acts have been enacted for giving effect to International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 when India ratified the ICESCR on 1979. The Post emergence period the Government had taken steps on developmental activities. During this period the education which was a State subject, transferred to concurrent list. Due to this the Parliament enacted laws on the educational subject. The period also witnessed the ratification of the convention on Rights of the Child, 1993 by India. The CRC urged State parties to implement and guarantee right to education to all children.

The Fourth period (1993 – 2013) saw two references. During this period, a non-binding international instrument of Standard Rules on the Equalization of Opportunities for Persons with Disabilities, 1993 has influenced the enactment of Disability Act in which free education and equal opportunities were guaranteed. The 86th Constitutional (Amendment) Act, 2002 guaranteed right to education as a fundamental right which inserted Article 21-A into the Constitution. The Right to
Free and Compulsory Education Act, 2009 has been enacted for giving effect to the universal education as a human rights recognized under various international instruments. The period was also influenced by the impact of the Millennium Declaration which has fixed goals, one among is to achieve universal primary education by 2015.

**Executive incorporation:**

During the first period (1950 – 1966) of executive programme of education, the then Prime Minister of India Jawaharlal Nehru appointed various commissions on par with Directive Principles for implementing right to education. This period has three references. This period witnessed appointment of commissions for strengthening, implementing and guaranteeing education through policies. These commissions are responsible for restructuring educational system in India. The Commissions recommended primary, elementary and higher education in quality manner as guaranteed under UDHR model. During the second period (1966 – 1979), the Government formulated only one policy. It was influenced by ICESCR. The Government passed the Resolution on Scientific Policy. The policy urged the Government to take effort in view of Article 45 of the Constitution. This Policy urged the Government to frame suitable programmes to afford education and laid down special emphasis on International language i.e. English. It also implemented Science and Research education. The third period (1979 – 1993) has four references. This period witnessed that the development of Science and Technology across the globe. It influenced the Government for all round development of personality and equality on educational system. It was fully influenced by Sundberg Declaration on Actions and Strategies for Education, Prevention and Integration adopted by the United Nations Educational Social and Cultural Organization, World Conference on Actions and
Strategies for Education, Prevention and Integration, Malaga (Spain) in 2 – 7
November 1981. It is a non-binding instrument being adopted at international level.
The Vienna Programme of Action, 1993 urged the States parties to frame necessary
policies for implementation of internationally recognized human rights such as right
to education etc. Declaration on Right to Development, 1986 also urged to implement
and guarantee rights for people development. The fourth period (1993 – 2013), has
four references. Right to education were widely recognized and guaranteed to all
people. During this period the powers were decentralised through local self
Government i.e. Panchayat Raj and Nagar Palika. It was recognised under 73rd and
74th Constitutional (Amendment) Act, 1993. It monitored the implementation of
programmes and to provide teaching and learning materials. The New Millennium
Declaration Goals urged all State parties to guarantee universal education to all.
These influenced the executive to implement programmes on the same lines.

Judicial incorporation:

During the first period (1950 – 1966), the judiciary did not recognise
expressly the right to education. However, in one case, the Court made an obiter
towards the recognition of right to education. The second period (1966 – 1979) saw
nil references by the judiciary. Because, during these periods the judiciary has applied
what law is but it did not interpret any provisions liberally. The third period (1979 –
93) the Court actively decided three cases while interpreting provisions of the statutes
and Constitutional provisions. This period also witnessed the recognition of the
public interest litigation (PIL). The Court played its activist role and recognised
unincorporated human rights through interpretation of Article 21 of the Constitution.
During the fourth period (1993 – 2013) the judiciary witnessed eight references. The
reason being is the enactment of the Protection of Human Rights Act in the year 1993.
It categorically empowered the Courts to enforce human rights. This period saw the international human rights of Social and Economic rights were incorporated into India through judiciary.

**Right to Work**

**Legislative incorporation:**

The First period (1950 – 1966), had eight references. Majority Acts are Pre-Constitutional law. These Acts were incorporated into India for giving enforceability of International Labour Organization (ILO). Since the establishment of ILO, India actively participated in various Conventions and the same was incorporated during this period. In the second period (1966 – 1979) the legislative reference has three Acts. These Acts were enacted for incorporating International Covenant on Economic, Social and Cultural Rights guaranteeing conditions of employment in working place and recognizing right of contract labour’s right to work. The third period (1979 – 1993) witnessed only one reference. Because, this period witnessed the instability in Government, various industries faced sickness and Government concentrated to tackle amalgamation of industries. The fourth period (1993 – 2013), has two references. During this period, the Vienna Conference on Human Rights urged State parties to recognize universality of internationally recognised human rights into their States’ sphere. The Government of India has introduced Liberalization, Privatization and Globalisation (LPG) policies into India through third Industrial Policy, 1991. The Government concentrated guarantee of work to the masses.

**Executive incorporation:**

With regard to right to work, the executive reference for the first period (1950-1966) is one. During this period Government actively engaged reconstruction of the Nation. Pandit Nehru on basis of the Directive Principles of State Policy and UDHR
influenced guarantee to standard of right to work. Wage and employment guarantee programme of Community Development Programme was introduced. It was called as Magna Carta of 2/3 Indian masses during this period. The second period (1966 – 1979) also has one reference. During this period, the Government decided to strengthen the human resources through which the human development was achieved. For the influence of ICESCR, 1966 and its ratification was responsible for implementation of training programmes through which right to work was guaranteed.

The third period (1979 – 1993) has four references. The government policy was influenced by the U.N. Right to Development, 1986. It urged State parties to guarantee development of individual in all sphere. Due to this the right to work extensively guaranteed to every individual. The fourth period (1993 – 2013), the executive have formulated ten programmes. During this period more importance was given to guarantee the right to work. And large governmental programmes were actively formulated in this period.

**Judicial incorporation:**

With regard to judicial reference of right to work, during the first period (1950-1966), International Labour Organizations (ILO) conventions aided to the Supreme Court of India while deciding the cases. During this period only one case was decided which emphasized that minimum wages should be guaranteed to work. The same stand was taken by the Court during the second period (1966 – 1979). The third period the Court actively applied internationally recognised right to work into India through interpreting various provisions of law, because, India had ratified the International Covenants, ICESCR during this period. The judiciary was at its peak and decided twenty nine cases during this period. The fourth period (1993 – 2013) were witnessed a Post-liberalisation, globalization and privatization era and India had
attained member status in WTO during this period. Therefore judiciary widely applied right to work jurisprudence whenever Court decided in this point. During this period judicial reference is four. The reason being that the LPG era curtailed court guaranteeing right to work because it created more employment opportunities.

**Right to found family**

**Legislative incorporation:**

With regard to right to found family, in the first period (1950 – 66) the legislative reference is thirteen. During this period, the Universal Declaration of Human Rights influenced to codification all personal laws into one category. The same was opposed by various quarters. All religious groups during this period expressed willingness to continue their respective personal laws to govern personal matters. The codification of Hindu law was also witnessed during this period. Therefore during this period more laws enacted for regulating Hindu religion’s personal laws. In the second period (1966 – 1979) the legislative reference is one. During this period the Government concentrated on nationalization and social development. Hence, this period, legislature did not concentrate more in enacting law on this subject matter. In the third period (1979 – 1993), the legislative reference is one. The International Covenant on Economic, Social and Cultural Rights, 1966 was ratified by India. It influenced to induct S.125 Criminal Procedure Code which relates to the maintenance of Wives, Parents and Children. The fourth period (1993 – 2013) has no legislative enactment because no tremendous changes have been occurred about the family system.
Executive incorporation:

With regard to executive on right to found family, during the first period (1950 – 1966) the executive reference is one. The Government initiated to stabilize populations for leading decent life through which right to found family guaranteed. The second period (1966 – 1979) witnessed two programmes which states that the mobilization of human resources and material resources of the Nation. Therefore government special emphasis has given to child developmental programmes. The third period (1979 – 1993), the executive reference is nil, due to instability of Government at Centre. Hence no programmes have been formulated. The Fourth period (1993 – 2013), the executive reference is one. The Convention on Rights of the Child (CRC) was ratified by the Government during this period. For this purpose a programme was formulated for recognizing the rights of the child.

Judicial incorporation:

With regard to right to found family, the first (1950-1966), second (1966-1979) and third (1979-1993) periods saw nil references. Because family matters are governed by the religious personal laws. The Court has some time to insist the Government to enact laws on par with Article 44 of the Directive Principles of State Policy. The Court expresses its dissatisfaction about not given effect of Article 44 of the Constitution. However, the last period (1993 – 2013), the Court effectively recognised the right to found family but failed to recognize right of privacy coupled with right to marriage. During this period there were four judicial references
Right to food

Legislative incorporation:

With reference to right to food, the legislature reference was nil during the first (1950-1966), second (1966-1979) and third (1979-1993) periods. During the first period, the Government decided to rebuild India and emphasized policy oriented programmes rather than legislative Act guaranteeing right to food. This period emphasized that the distribution of food grains to rural masses. In the second period (1966-1979) the Government failed to give legislative importance due to Chinese aggression and Indo-Pak War. The third period (1979-1993) witnessed a failure to enact laws relating to right to food due to the post Nehruvian period which emphasized socialist pattern of society. The fourth period (1993-2013) shows one legislative reference which is categorically guaranteed the right to food. This is influenced by U.N. final Report of Special Rapporteur on the right to adequate food and Millennium Development Goals of the United Nations mandatorily fixed obligation that all the State parties should guarantee the right to food.

Executive incorporation:

The executive reference on right to food is one for first period (1950-1966). This period, the partition of India has left 82% of total population of undivided India. During this period, nearly 65% population had gone to bed hunger. Therefore the Government has formulated this programme to strive for equality by distribution of food grains to needy people through fair price shops. The second period (1966-1979), the executive reference is one. This is influenced by the World Food Conference held at Rome in 1974. India participated in this conference. The Conference stated that “no child, woman or man should go to bed hungry and no human being’s physical and mental capabilities should be stunted by malnutrition”. It influenced to frame
Integrated Child Development Services (ICDS) programme. The Third period (1979-1993) has no executive programmes formulated due to political instability. The fourth period (1993-2013) has seven references. The joint Food and Agriculture Organization (FAO) and World Health Organization (WHO) have sponsored the International Conference on Nutrition (ICN) at Rome in 1992 and Millennium Development Goals. The Government of India has participated in both the conferences. This influenced the Government of India which formulated programmes to eliminate hunger and starvation deaths and recognized right to food.

**Judicial incorporation:**

With reference to judicial incorporation no case was decided during first period (1950-1966) because the Court adopted restrictive interpretation. The Court did not decide cases beyond legislative competence. The second period (1966-1979) has only one reference. The Court referred to internationally recognized human rights of right to food i.e. freedom from starvation is implicit in right to life. The World Food Conference indirectly influenced the Court to recognize the right to food while interpreting Article 21 of the Constitution. The third period (1979-1993), with reference to judicial incorporation is five. During this period, the Food and Agriculture Organization (FAO) in 1990 urged to all States parties in the world to recognize freedom from hunger and starvation as basic human rights of right to food and the same principle was affirmed at Rome Conference of International Conference on Nutrition (ICN). These influenced the Court to actively recognize right to food through interpretation of Article 21 of the Constitution. The fourth period (1993-2013) has seven references. During this period, Court has actively fulfilled legislative vacuum. The Court has showed that its anxiety to fulfill Millennium Declaration
Goals (MDG) which fixed target to eradicate hunger / starvation by 2015. These impacts were influenced the Court to recognize the right of food in India.

Right to water

Legislative incorporation:

The legislative incorporation is none during the first period (1950-1966). The Government actively engaged to rebuild nation through various reformatory programmes in governance. Hence, this period saw no enactments. The second period (1966-1979) has only one reference. It was influenced by United Nations Conference on Environment held at Stockholm in 1972. It urged the State parties to recognize right to water as basic requirements for sustaining standard of life. The third period (1979-1993) has one legislative reference. It was also influenced by U.N. Conference on Environment and the United Nation’s Water Conference. In the fourth period (1993-2013), the legislative reference is nil due to the saturation of enactments on the subject matter.

Executive incorporation:

Executive incorporation of the first period (1950-1966) of right to water is nil. During this period Government had accelerated its policies towards reconstruction of India. The second period (1966-1979) has two references. It was influenced by U.N. Water Conference held at Mar del Plata, Argentina in which India was a party. The third period (1979-1993) has two references. Because of the influence of the International Community declared a decade of 1981-1990 as the ‘International Drinking Water Supply and Sanitation Decades’ and International Conference on Water and the Environment (1992) held at Dublin, Ireland. For fulfilling the above obligations, India committed to frame these executive programmes in this period. The fourth period (1993-2013) has two references. It was influenced by United Nations
Millennium Development Goals (MDGs) and United Nations General Assembly Resolution on Human Right to Water and Sanitation.

**Judicial incorporation:**

Judicial incorporation of right to water during the first period (1950-1966) and second period (1966-1979) is nil. In this period the judiciary had been dormant and taken restrictive interpretation of statutory provisions as it is. Therefore judiciary failed to recognize right to water during these period. The third period (1979-1993) has three references. The judiciary has been influenced by the ratification of the international covenant by India namely ICESCR and elaborately interpreted right to life as it includes right to pure drinking water during this period. The fourth period (1993-2013) has five references. During this period, the judiciary actively referred and enforced internationally mentioned right to water whenever the legislature failed to implement its obligations.

**Right to shelter**

**Legislative incorporation:**

With regard to right to shelter, the legislative reference, during the first period (1950-1966) was nil. The second period (1966-1979) has one reference due to the Government made law to enforce Article 38 of the Constitution. Through which excessive lands were distributed to needy people for construction of house. The third period (1979-1993) has one reference, which was influenced by United Nations Declaration of Global shelter. The fourth period (1993-2013) has only one reference. During this period, the United Nation’s Commission on Human Settlements passed resolution in which the State parties were urged to provide adequate housing for needy person in 1993 and also U.N. Commission on Human Rights resolution urged State parties not to evict any person by means of force.
Executive incorporation:

With regard to executive incorporation, the first period (1950-1966) and second period (1966-1979) has no reference in this regard. During this period Government engaged to rebuild India and concentrate its policies towards food production. Due to demise of Pandit Jawaharlal Nehru and successive instability in forming Government failed to frame policies in this regard. The third period (1979-1993) has two references. These references were influenced by the United Nations Declaration on Right to Development, 1986 and United Nations Declaration of Global shelter which targeted 2000 to fulfill this right to all. The fourth period (1993-2013) has five references. This was influenced by the United Nations Commission on Human Settlements Resolution on the human right to adequate housing and another resolution on prevention from forced eviction; and U.N. General Assembly on rights to adequate housing.

Judicial incorporation:

With reference to judicial incorporation, the first period (1950-1966) and second period (1966-1979) has no reference in this regard. During this period judiciary has opted to interpret statutory provisions only within its preview. The third period (1979-1993) has four references made on UDHR and ICESCR. During this period, the judiciary adopted judicial activism and expanded the horizon of the right to life as right to shelter. The fourth period (1993-2013) has nine references. During this period, the judiciary relied on the Law Commissions 138\textsuperscript{th} Report to recognize and incorporate the right to shelter.
Right to health

Legislative incorporation:

With regard to right to health, relating to Legislative incorporation, the first period (1950-1966) has three references. During this period, the Charter of the United Nations declares health as basic human right and also emphasized by Universal Declaration of Human Rights. On par with these instruments, the Government of India has effectively enacted laws in this regard for giving implementation to Directive Principles of State Policy (DPSP). The second period (1966-1979) has three references. During this period, World Health Organization’s Declaration of Alma-Ata, 1978 was influenced to such enactments. The third period (1979-1993) has six legislative references. During this period, the Parliament actively incorporated right to health in various enactments due to India ratified the two Covenants in 1979. The United Nations Declaration on Right to development imposed obligation on State parties to strengthen the health of a common man. The fourth period (1993-2013) has only one reference. Because, India has enacted Human Right Act in 1993 in which all the international covenant rights are recognized there under.

Executive incorporation:

With reference to executive incorporation of right to health, the first period (1950-1966) has four references. During this period, Directive Principles of State Policy was effectively applied by the Government particularly in health. Health is paramount to attaining self-reliance which guarantees work force. Hence, the Government gave primary interest in this regard. The second period (1966-1979) has three references. It was influenced by Universal Declaration on the Eradication of Hunger and Malnutrition, Declaration on the Rights of Mentally Retarded persons and W.H.O’s Declaration of Alma-Ata. These were influenced to frame policies for
attainment of Universal health care for all. The third period (1979-1993) has four references. During this period, Government was committed to fulfill obligation taken in the International Conference on Primary Health care meeting in Alma-Ata which targeted that whole World Community should attain health facilities by the year 2000. The fourth period (1993-2013) has five references. During this period, Government has formulated its policies to meet the challenges of Globalization. The influence of the World Trade Organization which has formulated health oriented measures for protection of health of the community has seen during this period. During this period, the United Nation’s Developmental Programme has frame Human Development Index (HDI). The HDI is measured, on the State, in which health is one of the essential parameter.

**Judicial incorporation:**

With reference to judicial incorporation of right to health with respect to first period (1950-1966) and second period (1966-1979) has no reference. Because judiciary was reluctant to apply internationally recognized rights without any ratification and it had interpreted provisions of laws as it is. The third period (1979-1993) has seven references. During this period, judiciary adopted judicial activism through which the Court liberally interpreted the provisions of law and right to life as envisaged under Article 21 of the Constitution. It was influence by UDHR, ICESCR and Alma-Ata, International Conference of Primary Health. The fourth period (1993-2013) has five references. During this period, judiciary emphatically recognized right to health whenever the States international obligation was not fulfilled and it creates vacuum that was cured by judiciary through incorporation.
Right to Social Security

Legislative incorporation:

With regard to right to Social Security, the legislative reference is five in first period (1950 – 1966). These laws were outcome of the International Labour Organisation’s Declaration of Philadelphia. During this period the Government was committed to provide safety working conditions and social security to workers. The second Period (1966 – 1979) has two references. The government was committed to recognize Directive Principles as living wage and to fulfill basic requirements of a common man. The third period (1979 – 1993) has nil reference, due to the instable governments which failed to enact laws in this regard. The fourth period (1993 – 2013), the legislative reference is three. During this period, the government introduced the policy of liberalization, Privatisation and Globalisation.

Executive incorporation:

With reference to executive incorporation, the first period (1950 – 1966) has three references. During this period, Pandit Jawaharlal Nehru effectively formulated policies to guarantee social security to all the needy people in all aspects. The second period (1966 – 1979) has only one reference during this period the government has formulated policies towards socialistic pattern of society in which all material resources of the country shall be equally distributed to all. The third period (1979 - 1993) has two references. This period witnessed internal instability due declaration of emergency and subsequent government failed to frame proper policies in this regard. The fourth period (1993 – 2013) has eighteen references. During this period the government was committed to develop people’s living conditions by providing social security measures to them and it was influenced by United Nations Programmes of Action urged the State parties fulfill its international obligations with regard to social
security. So the policies of the government focused in this regard and the United Nations Millennium Declaration specifically fixed target to attain basic essential security to needy people.

**Judicial incorporation:**

With regard to judicial incorporation of right to social security, the first period (1950 – 1966) has nil references. Because, the judiciary has engaged itself to interpret law as it is. The second period (1966 – 1979) has two references. During this period, the Court allowed to interpret the Constitutional provisions by aid of Directive Principles of State Policy and the international covenants ratified by India. During this period the judiciary has recognised the Social Action Litigation and diluted the doctrine of *locus standi*. The third period (1979 – 1993) has four references. The United Nations Right to Development and International Labour Organisation (ILO) obligations influenced the court in this period. The fourth period (1993 – 2013) has six references. During this period, the Government of India introduced Liberalisation, Privatisation and Globalisation policy in India. The Government also ratified the W.T.O. agreement. These factors influenced Court to actively incorporate these rights directly or indirectly.

**Right to Property**

**Legislative incorporation:**

With regard to right to property, during the first period (1950-1966) the legislative reference is four. Pandit Jawaharlal Nehru was committed towards his policies with socialist view. It was influenced by Directive Principles where the Parliament enacted the Constitutional Amendment Acts to recognise distributive justice to masses. The second period (1966 – 1979) has four references. It was influenced by the government formulation of policies towards recognition and
acquisition of property from have’s and same to distributed to have not’s. The third period (1979 – 1993), the legislative reference is nil. The fourth period (1993 – 2013) has six references. During this period, Government was induced to frame rules and laws which fulfill the international regime of Liberalisation, Privatisation and Globalisation. It was also influenced by world’s development regime in regard to GATT/ WTO recognised that intellectual property is treated as property.

Executive incorporation:

With regard to executive programme which was nil, during the first (1950 – 1966) and second period (1966 – 1979). Because, the government, during these periods actively involved reconstructing the Indian society with the views expressed in Directive Principles under Part – IV of the Constitution. The third period (1979 – 1993), the government has actively involved to recognition of rights of true owner so that in this regard two programmes were initiated. The fourth period (1993 – 2014), reference is one, which was due to various land disputes arisen for claiming ownership of property.

Judicial incorporation:

With regard to judicial incorporation during the first (1950-1966), second (1966-1979) and third period (1993-2013), judicial reference is nil. Judiciary in this period has not expressly recognized that right to property. During this period the government actively involved to setup socialist pattern of society through distribution of lands from haves to have not’s. The fourth period (1993-2013) has nineteen references. During this period, judiciary expressly recognized right to property as a human right. The Court has applied EHRC decisions and held that intellectual property also recognized as human rights and it is a property right on par with globalization era.
From the above analysis, a holistic view was taken to see the trend of incorporation made by the Legislative, Executive and Judiciary on each of the rights discussed above. The trend analysis of the same is reflected hereunder.

**Trend in incorporation of Seminal Rights**

On analysis of the incorporation of the seminal rights, it has been found that the legislative incorporation is high in the first period (1950-1966), down in second period (1966-1979) and kept its marginal level in third (1979-1993) and fourth period (1993-2013).

The executive incorporation had a gradual development in first (1950-1966) to fourth period (1993-2013).

The judicial incorporation had been at low level during the first (1950-1966) and second period (1966-1979) and shown a steep rise to the peak in the third period (1979-1993) and a slope in the fourth period (1993-2013).

**Trend in incorporation of Adequate Standard of Living**

On the analysis of trend of incorporation of right to adequate standard of living, the legislative incorporation had a gradual development in the first (1950-1966), and second period (1966-1979). In the third period (1979-1993) it shows a marginal development and slide down during the fourth period (1993-2013).

The executive incorporation shows a gradual development till third period. Between third (1979-1993) and fourth period (1993-2013) shows a remarkable development.

The judicial incorporation had a gradual development between first (1950-1966) and second period (1966-1979). In the third period (1979-1993) the judiciary
shows a steep remarkable development. In the fourth period (1993-2013) it further climbs up and shows the development progress.

**Trend in incorporation of Social Security**

On the analysis of trend of incorporation of right to social security, the legislative incorporation had a slope from first (1950-1966) to third period (1979-1993) and the fourth period (1993-2013) is witnessed with a gradual development.

The executive incorporation had shown a downward trend from first (1950-1966) to second period (1966-1979) and moderate improvement on the third period (1979-1993). The fourth period (1993-2013) had witnessed a steep developmental trend.

The judicial incorporation shows a gradual, study and uniform development between first (1950-1966) to fourth period (1993-2013).

**Trend in incorporation of Right to Property**


The executive incorporation has shown that there is no development between first (1950-1966) and second period (1966-1979) and third period (1979-1993) witnessed a moderate development and the fourth period (1993-2013) witnessed a slight downward trend.

The judicial incorporation has shown that there is no development between first (1950-1966), second period (1966-1979) and third period (1979-1993). The judiciary literally took off during the fourth period (1993-2013) where it witnessed a peak development trend.
Further scope of research

This research mainly focuses on incorporation of International Human Rights Law with particular reference to social and economic rights. This research has analysed that social and economic right of international human rights law and how it is influenced the governance in India. The role of three organs of the government i.e., Legislature, Executive and Judiciary and the processes of incorporation has been analysed. This research indicates the study of role of legislative, executive and judiciary to incorporate internationally recognised social and economic rights in its polices, enactments and judicial *dictum* on par with international obligation of social and economic rights. This obligation of international law influenced the Government of India to incorporate these rights through incorporative process of executive, legislative and judiciary. Therefore there is ample scope for further research to find out social progress which caused by incorporation of these rights. It can be analysed in future in various sectors in country how progressively developed due to incorporation. Similarly transformation of Indian society by incorporation of these rights through its comparison of three organs of the government can be analysed. It also can be analysed on comparing developing and developed countries so that its result may be applied to development of third world countries.

Recommendations

The three vital organs of the government have contributed for the incorporation of international human rights on social and economic rights for the people. In India nearly sixty percentages of people are living in village and fight every day to meet their basic economic and social rights. On the basis of the research and the trend analysis it was found that the rights which were guaranteed by the International Conventions were not fully incorporated in any periods barring a few.
The trend also shows the rights had seen ups and down during various periods. This is because of the commitment of the organs of the government on various other activities. To avoid this, an integrated and co-ordinated approach is required between the three organs of the Government to incorporate the various human rights guaranteed at the international level and shall be implemented with full vigor to see the realization of the rights in its true spirit.

Further, the enforcement of the rights were to be monitored periodically and check whether these programmes reach the needy people and also create awareness to the people to claim their basic rights when they are denied.