

**E**astern  
**E**conomy  
**E**dition

*Universal  
Declaration  
of  
Human Rights  
and  
Indian Law*



*Brij Kishore Sharma*

**UNIVERSAL DECLARATION OF  
HUMAN RIGHTS  
AND  
INDIAN LAW**

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**UNIVERSAL DECLARATION OF HUMAN RIGHTS AND INDIAN LAW**  
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कृष्णाय वासुदेवाय हरये परमात्मने ।  
प्रणतः क्लेशनाशाय गोविंदाय नमो नमः ॥  
त्वदीयम् वस्तु गोविंद तुभ्यमेव समर्पये ।  
श्रीकृष्णार्पणमस्तु ।

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## **PREFACE**

The Charter of the United Nations declared that the people of the United Nations reaffirm their faith in fundamental human rights, in the dignity of human beings and in the equal rights of men and women. To give practical shape to this affirmation the United Nations on 10th December 1948 adopted the Universal Declaration of Human Rights. It became the guiding star leading the nations to provide for these rights in their Constitution or Acts as enforceable rights.

This book contains the text of the Declaration and author's comments.

Reference is made at appropriate places to Constitution of India, Indian Acts and judgements of the Courts in India.

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# UNIVERSAL DECLARATION OF HUMAN RIGHTS

## COMMENTS

The Charter of the United Nations which came into force on 24th October 1945 declared in the Preamble

*We the Peoples of United Nations determined...*

*to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women ...*

*have resolved to combine our efforts to accomplish these aims.*

As a sequel to the objectives expressed in the Preamble, the United Nations adopted the Universal Declaration of Human Rights on 10th December 1948.

The first paragraph of the Declaration refers to *inherent dignity and equal and inalienable rights of all members of the human family*. This immediately connects this declaration to the preamble to the UN Charter quoted above.

## **Important Declarations of Human Rights prior to 1948**

Preceding this Universal Declaration there have been some landmark declarations in some States. The earliest of such acknowledgement is the Bill of Rights in the United Kingdom which stated that the people of England possessed certain inviolable civil and political rights. This was in 1689.

Next comes the US Declaration of Independence in 1776 which stated,—

We hold these truths to be self evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that amongst those are Life, Liberty, and the Pursuit of Happiness.

Following the Independence of US a revolution occurred in France. Rousseau's famous slogan of Liberty, Equality and Fraternity guided the revolutionaries. They adopted a Declaration of Rights of Man and of the Citizen in 1789.

The framers of the US Constitution did not include fundamental rights in the Constitution when it was framed but soon after the US Constitution was amended in 1791 to include in it a Bill of Rights.

In International field the freedom of religion was established by the Treaties of Westphalia of 1648. Slavery was condemned by the Vienna Congress of 1815 and abolished by Treaty of Washington of 1862. The laws of war were codified by the Paris Declaration of 1856, Geneva Conventions of 1864 and 1906 and the Hague Convention of 1899 and 1907. Red cross was created in 1864.

### **Important Bills of Human Rights after 1948**

The Universal Declaration of Human Rights came at the time when the Constituent Assembly of India was framing the Constitution of India. Our Constitution also contains a detailed Bill of Rights.

Even before the above Declaration an all Party Committee headed by Moti Lal Nehru had prepared a Constitution for India in 1928. It also included basic inalienable rights.

Canada has enacted a Bill of Rights in 1960. This was an ordinary legislation. In 1982 Canada enacted its new Constitution which incorporates a Charter of Rights and Freedoms.

The European Convention—The Convention for the Protection of Human Rights and Fundamental Freedoms—

entered into force in September 1953. In 1965 member States of the European Council adopted the European Social Order. The Charter and its additional protocols added many economic and social rights to the Convention on Human Rights.

The British Parliament has in 1998 enacted the Human Rights Act.

In the year 2000 The European Union enacted Charter of Fundamental Rights of the European Union.

### **Second generation**

The United Nations did not stop with Declaration of Human Rights. It further spelt out in detail other rights which are equally valuable. They are called the second generation Human Rights. They consist mainly of,—

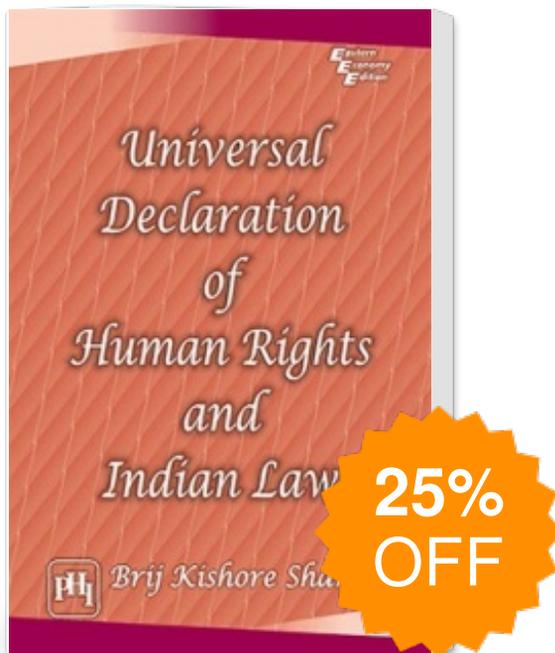
1. International Covenant on Economic, Social and Cultural Rights, 1976
2. International Covenant on Civil and Political Rights, 1976

### **Third generation**

The horizon for Human Rights is constantly expanding. The UN has adopted a number of conventions, each one of which touches a particular aspect of Human Rights. They are usually called the third generation Human Rights, *e.g.*

1. Convention on the Elimination of All Forms of Discrimination against women, 1981
2. Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, 1984
3. Convention on the Rights of the Child, 1989

# Universal Declaration Of Human Rights And Indian Law



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