

An Evolutionary Study of International Bill of Human Rights & its Enforcement System

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Abstract

In present scenario, with a specific view to the world of globalization, the human rights are one of the subjects or branches of International Law, subjecting to Rule of Law. The deprivation of life & personal liberty of human is or has been become very common in spite of the existence of Enforcement system of human rights under all the justified exceptions. The inclusion & origination of human rights is one of the unlimited, most historic, greatest and significant achievements & goals for the entire mankind in the interest and welfare of all. The human rights have placed under the International Law which is not only highly worth appreciating but also the most remarkable & phenomenal in the global world. The conception of human rights has gone down the history for the supreme welfare of all people of worldwide. The human rights is not a result of one or two days, a long historical background, contributions, helps and other things of uncountable the most honorable & never unforgettable person's sacrifices are behind the same for which the whole human being or mankind is unlimitedly & desirelessly under their debts which can never be paid by anything and there is no standard or measurement is available to measure the same on this Earth therefore we are, was & always shall indebted for all those persons who have done the work in any form for the origination, protection, preservation, promotion, development and other things for human rights. The historical facts of human rights are as old as the human civilization. Many conflicts, struggles, battles, internal aggressions, revolts, grudges, rifts, differences and others connected things were found at the international level due to the extreme selfishness & self-seeking things of some people therefore for the prevention of all the same a necessity or requirement has been felt to establish an International organization for the interest and welfare of all human being consequently the League of Nations with some main purposes was constituted on 10 January, 1920 in Geneva, Switzerland but this organization has failed to fulfill its own purposes or objects accordingly the League of Nations was stopped to function from 20 April, 1946.¹ In connection with it the First World War was waged from 28 July 1914 to 11 November 1918 & there after the Second World War 01 September 1939 to 02 September 1945 also was waged. The aforesaid both the world wars were extreme destruction of the mankind, living creatures, wealth, property and others things also. The entire mankind was shaken and both the incidents were the fullest with the extreme and unlimited sorrow which has been suffered by people. The extreme and unlimited sorrow was unbearable, intolerant insufferable by people. This true stories & narrations of both the wars are untold with respect to the limitless and uncountable destruction of human & humanity.

Keywords: *Human rights, Globalization, Universal declaration of human rights, Civil, Political rights, Social economic, Cultural rights*

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¹See more details at Wikipedia League of Nations https://en.wikipedia.org/wiki/League_of_Nations (25 March 2020 at about 5:54 Pm)

Background to the Study

In consequences of all the heretofore mentioned, The United Nations Organization (U.N.O.) was established on 24 October, 1945 with some principles & purposes for the interest and welfare of all. The U.N. Charter which was drafted in 1941 signed on 26 June, 1945 and effected from 24 October, 1945.² The provisions relating to human rights have been found in this Charter which is also the authoritative documents as to human rights. The Universal Declaration of Human Rights 1948 (U.D.H.R., 1948) has been adopted by the U.N. General Assembly in the 3rd Session by the Resolution 217 in Paris, France which was effected from 10 December, 1948. This historic date namely 10 December 1948 is known as the 'International Human Rights Day' which is the most important and major key document of human rights, by which the direct & express foundation of human rights was constructed and created. The more explanations or clarifications were highly required and mandatory in respect of the contained human rights in the Universal Declaration of Human Rights, 1948, (U.D.H.R., 1948) accordingly two International covenants have been brought namely-

1. The International Covenant on Civil and Political Rights 1966, (I.C.C.P.R., 1966) which came into force on 23 March, 1976 & the ratification was done by India on 10 April 1979
2. The International Covenant on Economic Social and Cultural Rights, 1966, (I.C.E.S.C.R., 1966) which was brought into force on 03 January 1976 and India has ratified on 10 April 1979. The aforesaid both the International covenants are as the extensions or explanations or clarifications of the U.D.H.R., 1948 as placed hereinbefore. The U.D.H.R., 1948 is as a major foundation of human rights. Subsequently the connected Protocols & other international instruments relating to human rights were also made. The human rights are the main root & foundation of the International Law. Human rights are playing a vital role in the implementation, development, protection and preservation of International Law. Without human rights, International Law is not complete therefore both are interrelated, inter-dependent, mutually-connected & complement of each other. Hence the human rights are having the greatest importance not only in the field of International Law but also all fields for the interest & welfare of world human, living creatures and creation. This article is in respect of the human rights & its International Enforcement system under International Law as an overview with the coverage of the main & required International instruments or documents as - U.N. Charter, Universal Declaration of Human Rights, 1948 (U.D.H.R., 1948), the both main Covenants namely I.C.C.P.R., 1966, I.C.E.S.C.R., 1966, A Comparative study or appraisal of the aforesaid U.D.H.R., 1948 & I.C.C.P.R., 1966, I.C.E.S.C.R., 1966, and other related aspects so this chapter expresses the human rights & its International Enforcement system as an the integral part & the main objectives, pillars and structure of the Charter of United Nations & International Law. Hence all the above said things show that the human rights are the major foundation of the International Law.

²See more details at See more details at Wikipedia the United Nations Charter
https://en.wikipedia.org/wiki/United_Nations_Charter(25 March 2020 at about 5:58 Pm).

The Relevant & Important Provisions Relating to Human Rights Under U.N. Charter

The Charter of United Nations (U.N.) was enforced on 24 October 1945 which is having the 111 articles 19 Chapters. This Charter is the foundation document of the United Nations. The Relevant & Important Provisions relating to Human Rights under U.N. Charter are as follows

In the Preamble of U.N. Charter

The Preamble of U.N. Charter reveals that the coming generations be saved from the scourge of war. Human has already been suffered from the wars, its consequences, untold, unexpressed sorrow and other related things therefore we, all the peoples of United Nations provide the reaffirmation and faith in fundamental human rights, dignity, worth of person with equal rights in men & women for the promotion of social progress and better standard of life in the larger freedoms.

In the Purposes and Principles of U.N. Charter under Article- 1(3)

The purposes & principles of United Nations have been mentioned under article 01 to 02.³ In which the most important is clause 03 of the article 01 of the Charter which shows that the promotion and encouragement of respect towards human rights & fundamental freedoms for all without discrimination of race, sex, language & religion. It is one of the major purposes of the United Nations in connection to human rights. The purposes of it shall be fulfilled according to the principles which have been laid down in article 02.

In Respect of the General Assembly under Article- 55(c)

Many responsibilities, functions & powers have been conferred to the General Assembly of U.N. but also further relating to human rights which are as- shall promote the universal respect & observance of human rights and fundamental freedoms for all persons without any discrimination of race, sex, language or religion.⁴

Members in Relation to Take Action also for Human Rights Jointly and Separately

This article 56 express that all members of this organization pledged that themselves that they shall take action jointly and separately in co-operation with the U.N. to achieve the purposes as contained in article 55 which shall also includes one the main purposes of human rights.

With regard to the objects of the International Economic and Social Co-operation under Article- 13(2) as Mentioned in Chapters-09 and 10

In this regard, the responsibilities, functions and powers have been assigned in the chapters 09 and 10 of the Charter of U.N. regarding human rights.

Regarding Economic and Social Council under Article- 62(2)

The composition of the Economic and Social Council has been contained under article 61, function, power articles 62 to 67 & procedure in articles 68 to72 of Chapter 10 of the Charter.

³The Charter of United Nations.

⁴The Charter of United Nations Article 55 ©.

The Economic and Social Council has power & also function to furnish recommendations for the fulfilment of the purposes with regard to the promotion, respect and observance of human rights & fundamental freedoms for all.⁵

With respect to Economic and Social Council in Relation to set up to a Commission (s) to Promote the Human Rights (Under Article- 68)

The Commission (s) shall be established to promote the human rights and such other Commission (s) according to requirements for performing its functions in the economic and social fields by the Economic and Social Council.⁶

In Relation to the Objects of the Trusteeship System under Article- 76 ©

The fundamental objects of the Trusteeship System shall be according to the contained purposes of the U.N. but the Trusteeship System shall do the encouragement for the respect of human rights & fundamental freedoms for all beyond the distinctions of race, sex, language, or religion and also do the encouragement of the recognition of the independence of the peoples of the world.⁷

The various provisions have been incorporated under the Charter of United Nations relating to human rights but the main & important provisions were contained hereinbefore as per the most special view of convenience and this instant research. Hence we now arrived at the finding (s) that human rights have been placed in the basic purposes and principles of the United Nations which is highly & mostly worth appreciating, significant and historic for the respect, protection, promotion, preservation and other things connected there from all these. All the aforesaid things also express that the U.N. is committed for the development, respect, protection, preservation, enforcement of human rights.

The Universal Declaration of Human Rights, 1948, (U.D.H.R., 1948)

This declaration has the preamble & 30 articles. It has been adopted on 10 December, 1948. It is also one of the major integral parts of International Bill of Human Rights which includes this declaration and the two International covenants namely International Covenant on Civil and Political Rights 1966, International Covenant on Economic Social and Cultural Rights, 1966, (I.C.E.S.C.R., 1966) and protocols to the covenants. For the implementation of provisions of human rights as mentioned in the U.N. Charter respective, the General Assembly of U.N. furnished the request (s) to the Economic Social Council to make the draft of the International Bill of Human Rights prepare by the Commission on Human Rights [Resolution 7(1) of the General Assembly of the U.N.]. A Drafting Committee was constituted for the above purposes and the first session of it was held from 09 January, 1947 to 25 January, 1947, a preliminary draft was prepared by the Drafting Committee. The draft was considered by the Commission on Human Rights in the second session which was held from 02 December, 1947 to 17 December, 1947. The draft of this declaration was considered in the third session in June 1948 which was finally adopted on 10 December, 1948⁸ by the U.N. General Assembly by a vote of 48 to nil with 08 abstentions.⁹

⁵Article 62 (3) of Ibid

⁶The United Nations Charter Article 68.

⁷Article 76 of Ibid

⁸Resolution (217-A)(111) of 10 December, 1948 of the U.N. General Assembly.

⁹Dr. S.K.Kapoor: Human Rights under International Law and Indian Law: Central Law Agency, Allahabad: 5th Edition: page no.28-29 (2011).

“Sir H. Lauterpacht¹⁰ said this declaration 'as an historic event of the profound significance and as one of the greatest achievements of the United Nations.' J.E.S. Fawcett¹¹ explained this U.D.H.R., 1948 '...is the mine from which other conventions as well as national constitutions protecting these rights have been and are being quarried'.”¹²

The U.D.H.R., 1948 has been divided into following parts for the convenient study

- i. The Preamble
- ii. The General Provisions (under articles- 01 to 02)
- iii. The Civil & Political Rights (under articles- 03 to 21)
- iv. The Economic, Social & Cultural Rights (under articles- 22 to 27)
- v. The Miscellaneous (under articles- 28 to 30)

The Preamble

This preamble of U.D.H.R., 1948 reveals the things which are as under:- the recognition of the dignity inherently, equal & inalienable rights to human which are the foundation of freedoms, justice & peace in the world. They waged wars or barbarous acts in the history outraged the conscience of human being due to these the human rights were violated; now the mankind shall enjoy the freedom of speech, belief & freedom from the fears and the want has been proclaimed as the highest aspiration of the common people. The human rights should be protected by the Rule of Law. In this regard, it is necessary that the human must not be compelled to take recourse, as a last resort for rebellion tyranny & oppression. The development of a friendly relationship must be promoted among the nations. The Charter of U.N. has been reaffirmed here in respect of their faith in the fundamental human rights in dignity, worth of human, equal rights of men & women and the determination for the promotion of social progress & the better standard of life in larger freedom. The pledge has been taken by the members of United Nations themselves to achieve, in cooperation with the U.N. for the promotion of universal respect & observance for the human rights & fundamental freedoms. The common understanding for these rights & freedoms is of the greatest significance for the complete realization of this pledge. In the light of all heretofore mentioned the U.N. General Assembly has proclaimed the Universal declaration of Human Rights 1948 as a common standard of the achievement for all people & Nations. Every persons individually & organs of the society, keeping this U.D.H.R. continuously in mind, shall do the great efforts for teaching, education, promotion, respect for human rights & fundamental freedoms by progressive measures at the National and International levels for the security of their universal, effective recognition & observance among in U.N. members themselves & people of their country in their jurisdiction.¹³

The General Provisions (Under Articles- 01 to 02)

Article 01 reveals that all mankind is born free & equal in dignity and rights. All human should do the acts in the spirit of brotherhood with each other which endowed with reason &

¹⁰International Law and Human Rights p.n. 394.

¹¹The Law of Nations page no 158 (1968).

¹²Dr. S.K.Kapoor: Human Rights under International Law and Indian Law: Central Law Agency, Allahabad: 5th Edition page no.28-29 (2011).

¹³The Universal Declaration of Human Rights, the Preamble (1948).

conscience. The entitlement(s) of all the rights & freedoms of this declaration has been provided to everyone without any kind of discrimination as - race, language, colour, religion, sex, political or other opinions, national or social origin, property, birth or other status. In this connection, further, no discrimination shall be made on the ground of political jurisdiction or international status of the country or area to which a person relates, whether it become independent believe, non-self governing or in any other limitation with regard to sovereignty.¹⁴

The Civil & Political Rights (Under Articles- 03 to 21)

The following Civil & Political Rights under articles- 03 to 21 have been contained as:

- i. The right to life, liberty & security person is has been conferred to everyone.¹⁵
- ii. The right relating to the protection from slavery or servitude. And the trade of slave shall be prohibited in their all forms.¹⁶
- iii. The right regarding the protection from torture, cruelty, inhumanity or degrading treatment or punishment.¹⁷
- iv. Every person is having right to recognition, everywhere, as a person before the law.¹⁸
- v. Right to equality, the entitlement in respect of the equal protection of the law, equal protection against any distinction in the violation of any rights and any incitement to such discrimination (s).¹⁹
- vi. The right to effective remedy by the competent Tribunal (s) of the country for the protection of fundamental rights under the constitution or any law.²⁰
- vii. The right regarding the protection from arbitrary, arrest, detention or exile.²¹
- viii. The right of full equality to a fair & public hearing by the independent & impartial tribunal for the adjudication of the rights, obligations & any criminal charge against the person.²²
- ix. The right of presumption to be an innocent until proved guilty with respect to the charge of a penal offence according to law in a public trial in which he shall have all the necessary guarantees for his defence.²³
- x. No person shall be held guilty in any penal offence by reason of any act or omission which did not make out a penal offence in national or international law (s), at the time when the offence was caused. The heavier penalty shall not be imposed than the one that was enforceable at the time of the commission of the offence.²⁴
- xi. The right to privacy and the protection of law against the arbitrary interferences or attacks.²⁵
- xii. The right to freedom of movement & residence with in the territory of each state.²⁶

¹⁴ Article 02 of *ibid.*

¹⁵ Article 03 of *ibid.*

¹⁶ Article 04 of *ibid.*

¹⁷ Article 05 of *ibid.*

¹⁸ Article 06 of *ibid.*

¹⁹ Article 07 of *ibid.*

²⁰ Article 08 of *ibid.*

²¹ Article 09 of *ibid.*

²² Article 10 of *ibid.*

²³ Article 11 (1) of *ibid.*

²⁴ Article 11 (2) of *ibid.*

²⁵ Article 12 of *ibid.*

²⁶ Article 13 (1) of *ibid.*

- xiii. The right to leave any Nation, including one's own, & to return to one's Nation.²⁷
- xiv. The right to seek & enjoy the asylum in other nations from persecution.²⁸
- xv. The right relating to the protection from the invocation of the right (s) in the case of prosecution (s) genuinely arising from non-political crimes or from the acts which contrary to the objectives & principles of the U.N.²⁹
- xvi. The right to nationality³⁰ and the protection from arbitrary deprivation of one's nationality & the denial from the right to change the nationality.³¹
- xvii. The right to solemnize marriage found to a family. The men and women shall have the equal rights in respect of marriage, during marriage and its dissolution.³² The marriage shall be solemnized with the free & full consent of the spouses concerned.³³ The right of family protection by the Society & state.³⁴
- xviii. The right to property.³⁵ The protection from the arbitrary deprivation of one's property.³⁶
- xix. The right to freedom of thoughts, conscience & religion, with the inclusion of freedom to change the religion or belief and right to manifest the religion or belief in teaching, practice, worship & observance.³⁷
- xx. The right to freedom of opinion & expression with the inclusion of freedom to hold opinion(s) without interference(s) and right to seek obtain and furnish information & ideas by any Media & without limitations.³⁸
- xxi. The right to freedom of peaceful assembly & association.³⁹ The right to protection from the compulsion to belong to an association.⁴⁰
- xxii. The right of participation in the government of the nation directly or by freely elected representatives.⁴¹ The right of equal accessibility in Public Services of the nation.⁴² The rights of people relating to elections, suffrage, secret vote or equal free voting processes.⁴³

The Economic, Social & Cultural Rights (Under articles - 22 to 27) the rights are under:

- i. The right to social security and the free development of the personality.⁴⁴
- ii. The right to work, right to free choice of employment, right to just & favourable condition (s) of the work and the right to protection against unemployment.⁴⁵

²⁷ Article 13 (2) of *ibid.*

²⁸ Article 14 (1) of *ibid.*

²⁹ Article 14 (2) of *ibid.*

³⁰ Article 15 (1) of *ibid.*

³¹ Article 15 (2) of *ibid.*

³² Article 16 (1) of *ibid.*

³³ Article 16 (2) of *ibid.*

³⁴ Article 16 (3) of *ibid.*

³⁵ Article 17 (1) of *ibid.*

³⁶ Article 17 (2) of *ibid.*

³⁷ Article 18 of *ibid.*

³⁸ Article 19 of *ibid.*

³⁹ Article 20 (1) of *ibid.*

⁴⁰ Article 20 (2) of *ibid.*

⁴¹ Article 21 (1) of *ibid.*

⁴² Article 21 (2) of *ibid.*

⁴³ Article 21 (3) of *ibid.*

⁴⁴ Article 22 of *ibid.*

⁴⁵ Article 23 (1) of *ibid.*

- iii. The right to equal pay for equal work.⁴⁶ The right to social protection in connection with the right to just & favourable remuneration for oneself and one's family an existence worthy of human dignity & supplemented if essential, by other means of social protection.⁴⁷
- iv. The right to form & the right to join trade unions to protect the interests.⁴⁸
- v. The right to rest & leisure with the incorporation of reasonable limitations working hours, holidays periodically, with pay.⁴⁹
- vi. The right to a standard of living adequate in respect of health & well being of oneself & family and the right to security in the case of unemployment illness, disability, widowhood, old age or other lack or livelihood in circumstance (s) beyond control.⁵⁰
- vii. The rights of motherhood & childhood regarding the specific entitlement & protection in relation to special care & assistance.⁵¹
- viii. The right to education.
- ix. The right to elementary & fundamental education free of cost. The technical & professional education generally shall be available for all. The equal accessibility of higher education shall be for all on the ground of merit.⁵² The directions of education shall be for the complete development of human and their personality, for strengthening the respect for human rights and fundamental freedoms for the promotion of peace, fraternity and welfare of all.⁵³ The parents shall have the prior right to opt the kind of education which shall be provided to their children.⁵⁴
- x. The rights regarding free participation in cultural life of the society.
- xi. The right to enjoyment of arts and the right to share in scientific development & its benefit.⁵⁵
- xii. The right to protection of the moral & materials interests with regard to any scientific, literary or artistic production.⁵⁶

The Miscellaneous (Under Articles- 28 to 30)

With regard to this, the entitlements of social and international order in which the rights and freedoms placed in this declaration have been provided for fully realization to everyone.⁵⁷

Article 29(1) reveals about the duties for everyone to the community; the rights & freedoms as contained in this declaration shall be subject to the limitations.⁵⁸ The aforesaid rights & freedoms may not be exercised contrary to the purposes & principles of the United Nations.⁵⁹ The last article of it as- the interpretation of this declaration may not be as implying for any state or group or person (s) any right to engage in any activity (ies) or for the performance of any act in the destruction of any of the rights or freedoms as placed over here.⁶⁰

⁴⁶ Article 23 (2) of *ibid.*

⁴⁷ Article 23 (3) of *ibid.*

⁴⁸ Article 23 (4) of *ibid.*

⁴⁹ Article 24 of *ibid.*

⁵⁰ Article 25 (1) of *ibid.*

⁵¹ Article 25 (2) of *ibid.*

⁵² Article 26 (1) of *ibid.*

⁵³ Article 26 (2) of *ibid.*

⁵⁴ Article 26 (3) of *ibid.*

⁵⁵ Article 27 (1) of *ibid.*

⁵⁶ Article 27 (2) of *ibid.*

⁵⁷ Article 28 of *ibid.*

⁵⁸ Article 29 (2) of *ibid.*

⁵⁹ Article 29 (3) of *ibid.*

⁶⁰ The Universal Declaration of Human Rights, 1948 Article 30.

The Impact of Universal Declaration of Human Rights, 1948

This declaration has the greatest impact at the National & International levels which is highly worth appreciating but subjecting to the exceptions. “Louis Henkin said as 'whatever its legal quality, the declaration has set a standard by which national behaviour can be measured and to which nations can aspire. The declaration has helped to give contour and content to generalities of the charter reflecting the spirit and needs of the day.’⁶¹ J. E. S. Fawcett has also observed that 'the U.N. declaration on human rights 1948 was a public and indeed a global proclamation of a common standard of achievement for all people and nations...the declaration is the min from which other conventions as well as national constitutions protecting these rights have been and are being quarried.’⁶² Late Dr. Nagendra Singh, Former President (Chief justice) of International Court of Justice remarked that the subject of human rights has fostered so much international legislation of the highest value that as legal topic it has no parallel to day...human rights have covered a wide variety of different aspects of life ranging from genocide and prevention of discrimination to freedom of information, association, status of women, refugees etc. Thus the subject is all embracing and in this respect no other topic can be said to have this all embracing character affecting the life of a common man.’⁶³ The provisions relating to the Universal Declaration of Human Rights, 1948 were cited in many cases by the honorable Judges of the International Court of Justice as –*Nottebohm case, Asylum (Colombia v. Peru, 1950) case, Anglo-Indian Oil case (1955) and others.*⁶⁴ This declaration has given the deepest impact or effect on many countries as a result a number of instruments relating to human rights were adopted by the countries and also U.N.O. This declaration has also affected the constitutions & also other municipal laws of several countries for the incorporation of human rights in the constitutions.

The Impact of U.D.H.R., 1948 in Indian Context

The U.D.H.R., 1948 has impacted many constitutions of the several countries as- “Algeria, Burundi, Cameroon, Chad, Madagascar, Democratic Republic Congo, Dhaomey, Guniea, Gabon, Ivroy Coast, Madagascar, Mali, Mauritiana, Niger, Senegal, Togo”⁶⁵, and etc. India & the Constitutional Law of India has also highly impact of the aforesaid declaration which also has been recognized by the hon'ble Supreme Court of India in case of *Keshwanand Bharti v. State of Kerala*⁶⁶ observed that India was the party of the declaration of human rights...and the declaration describes some fundamental rights as inalienable. *In Chairman Railway board & Ors v. Mrs. Chandrima Das and Ors*⁶⁷ the apex court of India observed that International Covenants and declarations as adopted by the U.N. have to be respected by all Signatory States.⁶⁸ Consequently the Constitution of India & specially its Parts- 03 and 04 are also not free from the impact or effect of the above said declaration.

⁶¹ The United Nations and Human Rights Vol. XXI no-03 summer page no 504 (1965).

⁶² The Law of Nations: page no 156 (1968).

⁶³ Recent Trends in the Development of International Law and Organization Promoting Inter- State Co-operation, University of Geneva, Inaugural Nehru Lecture: page no 175 (1969).

⁶⁴ Dr. S. K. Kapoor: Human Rights under International Law and Indian Law: Central Law Agency, Allahabad: 5th edition page no.34-36 (2011).

⁶⁵ Ibid Page no. 36.

⁶⁶ AIR SC 1536 (1973).

⁶⁷ Ibid SC 988 (2000).

⁶⁸ Dr. S. K. Kapoor: Human Rights under International Law and Indian Law: Central Law Agency, Allahabad: 5th edition: page no. 36-37 (2011).

The Legal Importance or Binding Force of the U.D.H.R., 1948

In this connection, there are many controversial issues & differences with regard to the legal importance or its binding force. Some authors said that this declaration has no legal importance or binding force but on the side some stated that it is having the legal importance or binding force. "Palmer & Perkins expressed that 'this declaration is merely a statement of principles; not a legal binding instrument; but it has become of the best known international documents and it has often been referred to in resolutions of the U.N., the specialized agencies, regional arrangements and other international organizations and in national constitutions, legislation and court decision. It is a beacon light for all mankind even though it has been honoured more often in the breach than in the observance.'⁶⁹ Starke'.....the declaration could not and did not purport to be more than manifesto a statement of ideas, a pathfinding instrument'....Yet it is had a remarkable influence on further developments, at both the international and domestic levels, as it reflected in the number of instances of conventions and other instruments referring to, or invoking its provisions'⁷⁰ According to Oppenheim 'the declaration is not an instrument which is legally binding either directly or indirectly. In particular, there is no warrant for assuming that it can properly be resorted to for the interpretation of the provisions of human rights and fundamental rights.'⁷¹ International Law of Oppenheim provides addition 'however in the years since its adoption, the widespread acceptance of the authority of the declaration has led some to the opinion that while the declaration as an instrument is not a treaty, its provisions may have come to the embodiment of new rules of customary law in the matter.'⁷² Lauterpacht 'the moral authority and influence of an international pronouncement of this nature must be in direct proportion to the degree of sacrifice of the sovereignty of states which it involves.' Late Dr. Nagendra Singh⁷³, Former President (Chief justice) of International Court of Justice...said that '...the declaration, therefore, was not mere resolution of the General Assembly but a continuation of the Charter and had the dignity of the Charter.' Professor Lois B. John⁷⁴ has appropriately remarked that 'any violation of the declaration was the violation of the principles of the Charter.'

The Universal declaration of human rights has become legally binding constituting an authoritative interpretation of the Charter and as new rules of Customary International Law binding on all states. To some extent at least the declaration has by custom recognized as lying down rules binding upon states.'⁷⁵ The Universal declaration of human rights was adopted on 10 December, 1948 since then many countries and United Nations are implementing, adopting and practicing the mentioned human rights and principles of this declaration therefore now the declaration has changed into a custom or usage or human or nations

⁶⁹International Relations, The World Community in Transition, 3rd edition: page no 370 (1970).

⁷⁰ International Law, 11th edition, Butterworth: edited by I.A. Shearer page no 330 (1994).

⁷¹Oppenheim,International Law, Vol. I, 08thedition page no 745 & Note II page no 1003.

⁷²Oppenheim,International Law, Vol. I, 09thedition, Longman Group U.K. Limited and Mrs. Tomoko Hudson, page no 1003 (1992).

⁷³Recent Trends in the Development of International Law and Organization Promoting Inter- State Co-operation & World Peace, University of Geneva, Inaugural Nehru Lecture: page no 160 (1969).

⁷⁴ The Development of Charter of the United Nations: The Present State of International Law 1973 page no 39, 53.

⁷⁵Dr. S.K.Kapoor: Human Rights under International Law and Indian Law: Central Law Agency, Allahabad: 5th edition page no.34-40 (2011).

practice hence automatically due to this aforesaid, the declaration has acquired or got the legal obligation or binding force or significance on the other side it is also the extension or reaffirmation of U.N. Charter in accordance with purposes or principles of the Charter so in this view the declaration is having the binding force lawfully. In the light of all heretofore mentioned we arrived on the view (s) that On the basis of the human, humanity & nature no state (s), group (s), person (s) or others must have any kind of objections or contrary things against the human rights as contained under this declaration in the welfare & interest of world human, living creatures and creation, subjecting to all justified exceptions, limitations, restrictions other connected things thereof, according to time & circumstances.

The International Covenant on Civil and Political Rights, 1966, (I.C.C.P.R., 1966)

This International Covenant is one of the major extensions of the U.N. Charter & the Universal declaration of human rights 1948 which is obligatory & has legally binding force on parties or U.N. members respective of it, for the universal respect, observance, recognition, protection, promotion, preservation and other connected things of human rights. The International Covenant on Civil and Political Rights 1966, (I.C.C.P.R., 1966) which was come into force on 23 March, 1976 & the ratification was done by India on 10 April, 1979 & it's the First Optional Protocol to this International Covenant relating to the Civil and Political Rights was enforced on 23 March, 1976 which was adopted by the U.N. General Assembly's resolution 2200 A (21) dated on 16.12.1966 (contained 14 articles) & it's II-Optional Protocol with regard to Civil and Political Rights, for the abolition of the death penalty. It was adopted & declared by U.N. General Assembly's resolution 44/128 dated on 15.12.1989, (contained 11 articles) and was entered into force on 11.07.1991.

This International Covenant has 53 Articles and 06 Parts, for the convenient study of this covenant; it is being divided into following parts as:

- i. The Preamble
- ii. The General provisions (under Articles- 01 to 03 & 05)
- iii. The Rights in connection with Emergency (under Article- 04)
- iv. The Part in respect of Substantive Rights (under Articles- 06 to 27)
- v. The Provisions in relation to the Enforcement Machinery (under Articles- 28 to 45)
- vi. The Provisions regarding Interpretation or Saving (under Articles- 46 to 47)
- vii. The Miscellaneous Provisions relating to Conclusion, Ratification of Accession of the Covenant, amendments & etc. (Under articles 48 to 53)⁷⁶

The Preamble

The preamble of this covenant expresses that the proclaimed principles of the Charter of the United Nations which are considered, extended & reaffirmed and recognized the inherent dignity, equal & inalienable rights of all which is the foundation of freedom, justice, peace in the world by this covenant. Further the Universal declaration of human rights is also recognized for the enjoyment of Civil, Political rights & freedoms along with also economic, social and cultural rights. This preamble reveals also the consideration of the obligation of the

⁷⁶ Ibid page no. 45.

States under U.N. Charter for the promotion of universal respect & observance of human rights & freedoms. The realization has been shown in respect of the duties of individual (s) to other individual (s) & the community under a responsibility for striving the promotion & observance of human rights & freedoms as recognized by this instant covenant.⁷⁷

The General Provisions (Under Articles- 01 to 03 & 05)

Article 01(1) of this covenant is in connection with the right of self-determination on the basis of that they provide determination for their political status, freely pursuance of their economic, social and cultural development. Article 01(2) is in respect of the disposal of their natural wealth and resources for their own ends without prejudicial effect related to respective things. Article 01(3) says about the responsibility of the States parties of this covenant. Article 03 is with regard to undertaking of the states, respective for ensuring the equal rights of men and women to enjoy all the civil & political rights of this covenant. Article 05 is in relation to protection preservation and other related things thereof from such interpretation destruction, derogation, limitation on the fundamental human rights against this covenant.

The Rights in Connection with Emergency (Under Article- 04)

The state parties of this covenant has right to take the required measures in the time of public emergency which causes the threatens the life of the country and the existence up to the extension of exigency of the situations but the same above said shall not be discriminated on the basis of race, sex, colour, language, religion or social origin.⁷⁸

The Part in Respect of Substantive Rights (Under Articles- 06 to 27) The Substantive Rights have been contained under the Part -03 of this instant covenant which are being mentioned hereinafter concisely in the convenient view of study as:

- i. The inherent right to life and also this article-06 provides the death penalty in most serious crimes on the deprivation of the right to life.⁷⁹
- ii. The rights regarding prohibition of & protection from torture, cruelty, inhuman degrading treatment or punishment. Particularly no person shall be subjected to the medical or scientific examination without one's free consent.⁸⁰
- iii. The rights in relation to the prohibition of slavery, slave & slavery trade in all forms & servitude.⁸¹
- iv. The protection from forced or compulsory labour.⁸²
- v. The rights with regard to liberty, security of persons and protection from arbitrary arrest or detention⁸³
- vi. The rights in respect of the treatment with humanity to inherent dignity of human persons for all the persons deprived from their liberties.⁸⁴

⁷⁶ Ibid page no. 45.

⁷⁷ The Preamble of the International Covenant on Civil and Political Rights (1966).

⁷⁸ Article 04 of *ibid*.

⁷⁹ Article 06 of *ibid*.

⁸⁰ Article 07 of *ibid*.

⁸¹ Article 08 of *ibid*.

⁸² Article 08(3) (a) of *ibid*.

⁸³ Article 09 of *ibid*.

⁸⁴ Article 10 of *ibid*.

- vii. The rights regarding juveniles for the separation from adults, their penitentiary system, treatment, reformation and rehabilitation.⁸⁵
- viii. The rights in relation to the prohibition of & protection from the imprisonment only on basis of inability for the fulfillment of a contractual obligation.⁸⁶
- ix. The rights with respect to the liberty of movement & freedom to choose the residence.⁸⁷
- x. The right free to leave any country with the inclusion of his own.⁸⁸
- xi. The rights regarding expulsion of an alien lawfully from the territory of the State party of this convent according to law except where the compelling reasons of the national security & the protection from the arbitrary expulsion of an alien.⁸⁹
- xii. The rights regarding the equality before the courts or tribunals⁹⁰
- xiii. The right to fair & public hearing⁹¹
- xiv. The right to presumption as innocent until proved guilty in accordance with law.⁹²
- xv. The right about the adequate time & facilities to prepare the defence and communication with the counsel of his own choice⁹³
- xvi. The right to be tried without undue delay⁹⁴
- xvii. The right to be tried in his presence.⁹⁵
- xviii. The right to defend himself, in person, or by legal practitioner of his own choice.⁹⁶
- xix. The right to free legal aid on the basis of economical insufficient means or other disability⁹⁷
- xx. The rights regarding examination of witnesses & their attendance⁹⁸
- xxi. The right to free assistance of an interpreter in case of understanding or unspeaking of the used language in Court⁹⁹
- xxii. The protection from self-incrimination¹⁰⁰
- xxiii. The right to appeal against the conviction¹⁰¹
- xxiv. The protection from double jeopardy¹⁰²
- xxv. The right to compensation against final conviction or pardon according to law on the basis of new or newly discovered fact reveals conclusively that there has been a miscarriage of justice until or unless it is proved that the non-disclosure of known fact (s) in time is attributable to him entirely or partly.¹⁰³

⁸⁵ Article 10(2)(b)© of *ibid.*

⁸⁶ Article 11 of *ibid.*

⁸⁷ Article 12 (1) of *ibid.*

⁸⁸ Article 12 (2) of *ibid.*

⁸⁹ Article 13 of *ibid.*

⁹⁰ Article 14 (1) of *ibid.*

⁹¹ Article 14 (1) of *ibid.*

⁹² Article 14 (2) of *ibid.*

⁹³ Article 14 (3) (b) of *ibid.*

⁹⁴ Article 14 (3) (c) of *ibid.*

⁹⁵ Article 14 (3) (d) of *ibid.*

⁹⁶ Article 14 (3) (d) of *ibid.*

⁹⁷ Article 14 (3) (d) of *ibid.*

⁹⁸ Article 14 (3) (e) of *ibid.*

⁹⁹ Article 14 (3) (f) of *ibid.*

¹⁰⁰ Article 14 (3) (g) of *ibid.*

¹⁰¹ Article 14 (5) of *ibid.*

¹⁰² Article 14 (7) of *ibid.*

¹⁰³ Article 14 (6) of *ibid.*

- xxvi. The protection from the retrospective effect or enforceability of laws.¹⁰⁴
- xxvii. The right to recognition everywhere before the law as a person.¹⁰⁵
- xxviii. Right to privacy & its protection¹⁰⁶
- xxix. The right to freedom of thoughts, conscience & religion.¹⁰⁷
- xxx. The right to freedom of holding opinion and expression.¹⁰⁸
- xxxi. The prohibition of propagation for war.¹⁰⁹
- xxxii. The right to peaceful assembly¹¹⁰
- xxxiii. The rights with regard to freedom of association, right to form or join trade unions to protection his interest.¹¹¹
- xxxiv. The right to solemnize the marriage and make or found the family.¹¹²
- xxxv. The right of protection of children.¹¹³
- xxxvi. The rights in connection with taking part in public affairs or by elected representatives, adult suffrage, votes, elections and others.¹¹⁴
- xxxvii. The rights as equality before law and equal protection of laws.¹¹⁵
- xxxviii. The rights of minorities¹¹⁶

The Provisions in Relation to the Enforcement Machinery (Under Articles- 28 to 45)

The Provisions in relation to the Enforcement Machinery has been mentioned under the Part-04 which reveals the establishment of a 'Human Rights Committee' which shall be constituted with 18 members, its functions, election, procedure, implementation and other connected things for the enforceability, protection, promotion and preservation of human rights as contained under this instant covenant. The functions & procedure of the heretofore mentioned 'Human Rights Committee' are as under briefly:

- i. The Reporting procedure (under articles- 40 to 41)
- ii. The Inter-State Communication system (under article- 41) with also conciliation Commission (under article- 42)
- iii. The Individual Communication system (under article-01of the First Optional Protocol to the International Covenant on Civil and Political Rights, 1966).

The Provisions Regarding Interpretation or Saving (Under Articles- 46 to 47)

It is related to Part -05 of this covenant. In this regard, no interpretation of the provisions of this instant international covenant shall be conducted in the impairment of this covenant, charter of U.N.O., special agencies, many organs and other matter related to all these.¹¹⁷

¹⁰⁴ Article 15 of *ibid.*

¹⁰⁵ Article 16 of *ibid.*

¹⁰⁶ Article 17 of *ibid.*

¹⁰⁷ Article 18 of *ibid.*

¹⁰⁸ Article 19 of *ibid.*

¹⁰⁹ Article 20 of *ibid.*

¹¹⁰ Article 21 of *ibid.*

¹¹¹ Article 22 of *ibid.*

¹¹² Article 23 of *ibid.*

¹¹³ Article 24 of *ibid.*

¹¹⁴ Article 25 of *ibid.*

¹¹⁵ Article 26 of *ibid.*

¹¹⁶ Article 27 of *ibid.*

¹¹⁷ Article 46 of *ibid.*

Further, nothing shall be conducted in the interpretation of this covenant in the impairment of enjoyment and utilization of the inherent rights of all and absolute & freely their natural wealth & resources.¹¹⁸

The Miscellaneous Provisions Relating to Conclusion, Ratification of Accession of the Covenant, Amendments & etc. (Under articles 48 to 53)

These things have been contained under the Part-06 which shows the provisions as to ratification, amendment, signatures, accessions, transmission of the certified copies to all states parties and other connected matters therewith.

The International Covenant on Social, Economic and Cultural Rights, 1966, (I.C.E.S.C.R., 1966)

This International Covenant specially is one of main extensions, clarifications, reaffirmations, considerations, recognitions, realizations & specification of the Social, Economic and Cultural Rights as declared in the Charter of the United Nations & the Universal declaration of human rights 1948 which most specifically is an important instrument or document for the human rights & its enforcement. The International Covenant on Economic Social and Cultural Rights, 1966, (ICESCR, 1966) which was enforced on 03 January, 1976 according to its article 27 by the resolution 2200 A (21) dated on 16.12.1966 of United Nations' General Assembly and India has ratified on 10 April, 1979. This covenant has 31 articles and 05 parts which are briefly as follows with the purposes of convenient study in the light of objectives:

- i. The Preamble
- ii. The General Provisions (under articles 01 to 05)
- iii. The Provisions relating to Substantive Rights (under articles 06 to 15)
- iv. The Implementation or Enforcement of the Rights (under articles 16 to 25)
- v. The Miscellaneous Provisions (under articles 26 to 31)¹¹⁹

The Preamble

The preamble of this covenant is similar to the International Covenant on Civil and Political Rights 1966 but up to specific limit. This covenant is considered the Economic Social and Cultural Rights as placed in the U.N. charter & also in the U.D.H.R., 1948 & also provide the recognition of the human rights which are inherent and inalienable as a foundation. It also recognized the human rights which derive from the dignity of individuals inherently. The obligation of the states parties have been considered under the U.N. charter for the promotion, respect universally & observance for human rights & freedoms. The duties of the persons individually have also been realized towards the other persons individually and the community.¹²⁰

The General Provisions (Under Articles 01 to 05)

The general provisions of this international instrument were contained in the Part 01 & 02. The article 01 is related to the right of self-determination, responsibilities of the states parties

¹¹⁸ Article 47 of *ibid.*

¹¹⁹ Dr. S.K.Kapoor: Human Rights under International Law and Indian Law: Central Law Agency, Allahabad: 5th edition page no. 50 (2011).

¹²⁰ The International Covenant on Social, Economic and Cultural Rights, the Preamble (1966).

and other connected things. Article 02 is in respect of the undertaking of states parties for the realization of the recognized rights under this covenant and the guarantee of human rights without any kind of discrimination. Article 03 is with regard to the undertakings of the state's members for ensuring the equal rights of men and women. Article 04 shows that the state's members may impose the limitations on the rights by making laws for the promotion of the welfare of democratic setup. Article 05 is in connection with the interpretation or construction of this covenant which may not be in the destruction of this covenant.

The Provisions Relating to Substantive Rights (Under Articles 06 to 15)

The Provisions relating to Substantive Rights have been incorporated under the Part 03 which is concisely as under:

- i. The right to work with freely chooses & safeguards.¹²¹
- ii. The right to enjoy of just and favourable conditions of work, fair wages, equal remuneration for equal work value without any discrimination, safe, healthy conditions, rest, leisure, reasonability of working hours, holidays with pay with remuneration.¹²²
- iii. The right to make trade unions & join the unions of one's choice.¹²³
- iv. The right regarding social security with social insurance.¹²⁴
- v. The rights in respect of the widest possible protection & assistance to the family.¹²⁵
- vi. The rights as to special protection of mother before and after the childbirth or maternity, security benefits, paid leaves during the above said for working mothers.¹²⁶
- vii. The special rights of all children & youths regarding their protection & assistance. The prohibition & punishment of child labour.¹²⁷
- viii. The rights regarding an adequate standard of living for oneself & family with the inclusion of food, clothes and house.¹²⁸
- ix. The fundamental right to be free from hunger.¹²⁹
- x. The right of enjoyment regarding the highest attainable standard of physical & mental health and medical services.¹³⁰
- xi. The right to education for the full development of the personality of human.¹³¹
- xii. The right to compulsory & primary education free of charge to all within a reasonable time period.¹³²
- xiii. The rights with respect to take part in cultural life.¹³³
- xiv. The right of enjoyment of scientific progress & its application.¹³⁴
- xv. The right of benefit from the protection of moral & material interests.¹³⁵

¹²¹ Article 06 of *ibid.*

¹²² Article 07 of *ibid.*

¹²³ Article 08 of *ibid.*

¹²⁴ Article 09 of *ibid.*

¹²⁵ Article 10 (1) of *ibid.*

¹²⁶ Article 10 (2) of *ibid.*

¹²⁷ Article 10 (3) of *ibid.*

¹²⁸ Article 11 (1) of *ibid.*

¹²⁹ Article 11 (2) of *ibid.*

¹³⁰ Article 12 of *ibid.*

¹³¹ Article 13 of *ibid.*

¹³² Article 14 of *ibid.*

¹³³ Article 15 (1) (a) of *ibid.*

¹³⁴ Article 15 (1) (b) of *ibid.*

¹³⁵ Article 15 (1) (c) of *ibid.*

The Implementation or Enforcement of the Rights (Under Articles 16 to 25)

The Part -04 is with regard to this, the brief things are being placed over here because the same shall be detailed further. The State parties of this covenant are under the obligation to furnish the report (s) of measures, progress, promotion & others of human rights as mentioned in the covenant to the United Nations' Secretary-General. The Secretary-General shall forward the report respective to the Economic & Social Council under article 16. Further the report (s) shall be forwarded to the Commission on Human Rights to conduct the study & the required recommendations as per article 19.¹³⁶

The Miscellaneous Provisions (Under Articles 26 to 31)¹³⁷

In this regard, the miscellaneous provisions have been contained under the Part -05 which are related to the ratification, accession, amendments, transmission of certified copies to all respective and other connected matters.

Comparative Study of Human Rights under International Bill of Human Rights

The International Bill of Human Rights has mainly been made with the inclusion of the U.D.H.R. 1948, I.C.C.P.R. 1966 & I.C.E.S.C.R.1966. A comparative appraisal of human rights is being conducted hereinafter to the Universal declaration of human rights 1948 (U.D.H.R. 1948) in accordance with the rights as mentioned in the aforesaid instruments namely; civil, political, economic, social, cultural & miscellaneous rights which were mentioned.

The Relevant & Major International Instruments Relating to Human Rights

In addition to all the aforesaid, many International Instruments relating to Human Rights have been adopted by the United Nations but the expiations or elaborations of all the same is not possible & convenient over here, therefore, an overview concisely of the relevant & major International Instruments relating to human rights are being mentioned hereinafter which are as under:

The First Optional Protocol to the International Covenant Relating to the Civil and Political Rights, 1966

This optional protocol has been brought in to the enforcement on 23 March, 1976 which was adopted by the U.N. General Assembly's resolution 2200 A (21) dated on 16.12.1966 which are having contained 14 articles. This optional protocol has been made for furtherance of achievement (s) of purposes & implementation appropriately of the International Covenant relating to the Civil and Political Rights, 1966 for enabling the 'Human Rights Committee' as contained in the Part- 04 of the Covenant to receive & consider the communications from individuals as a victim (s) of violation (s) of the rights as mentioned in the Covenants.¹³⁸ Hence it is related to the enforcement system namely 'Human Rights Committee' of the human rights of its Covenant by individual (s) communication (s) system for the protection, promotion & preservation of the human rights.

¹³⁶Dr. S.K.Kapoor: Human Rights under International Law and Indian Law: Central Law Agency, Allahabad:

5th edition Page no. 52 (2011).

¹³⁷ Ibid page no. 50.

¹³⁸The First Optional Protocol to this International Covenant relating to the Civil and Political Rights,the Preamble (1966).

The Second Optional Protocol with Respect to the Civil and Political Rights

This protocol has been adopted & declared by the U.N. General Assembly's resolution 44/128 dated on 15.12.1989 & was came into force on 11.07.1991 which has 11 articles in respect of the abolition of the death penalty for the enhancement of the human dignity & progressive development of human rights and to enjoy the right to life. Therefore it has been enforced.¹³⁹

The International Enforcement System of Human Rights-An Overview

In this connection, the enforcement system is having its own the most specific place to enforce the human rights without the same the concept of human rights cannot succeed in any case, in absence of the enforcement system consequently the conception of human rights shall surely get the failure. The whole human rights are non-existent without the enforcement system. The enforcement system of human rights is as necessary & compulsory as air, oxygen, water, fire, sunshine, earth, environment, food, clothes, shelter and other connected things, without all the same, just as the human life is not possible in same way the human rights is not possible without its enforcement system. In this respect, the International Enforcement system of Human Rights-An overview is being placed hereinafter as under:

- i. The Role of United Nations in respect of Human Rights
- ii. The Role of United Nations' High Commissioner for Human Rights
- iii. The Role of United Nations' Economic & Social Council with regard to Human Rights
- iv. United Nations' Human Rights Commission
- v. Human Rights Committee (which conducts the procedure (s) for the implementation of human rights mainly in four ways) as
- vi. The Reporting Procedure/System
- vii. The Inter-State Communication System
- viii. The Conciliation Commission or Procedure System
- ix. The Individual Communication System

The Role of United Nations in Respect of Human Rights

The United Nations is one of the major International Institutions or Organizations which has its own most significant place & importance in relation to human rights with others also. U.N.O. has 193 members out of 195 countries; two countries are non members observer states the Holy See & the State of Palestine¹⁴⁰ approximately. The purposes & principles of the United Nations have been mentioned in its Charter, in which the human rights have been placed in its Preamble, purposes & principles as one of main aspects with also the inclusion of international peace, security, economic co-operation and other related things on the basis of principle of sovereignty for the interest and welfare of all. The human rights are one of main purposes & principles of the U.N.O. beyond all distinctions as a result the U.N.O. has adopted many International instruments relating to human rights which all aforesaid reveals that the

¹³⁹The Second Optional Protocol to this International Covenant relating to the Civil and Political Rights, The Preamble (1966).

¹⁴⁰Member States of United Nations Wikipedia- (https://en.wikipedia.org/wiki/Member_states_of_the_United_Nations referenced 25 March 2020 at about 6:10 Pm).

U.N.O. has the greatest importance and contribution with regard to the development, promotion, protection, & preservation of human rights which is highly worth appreciating but the United Nations are not also free from the criticisms, disadvantages and other similar things, subjecting to time, circumstance, necessities & requirements under all the justified exceptions. The provisions also relating to the human rights expressly & authoritatively have been contained in the U.N. Charter. In today's scenario, the problem of terrorism is one of the most serious, fiercely, heinously & extremely against the entire mankind or whole human being and human rights, the destruction of human, humanity & human life and the deprivation of life & personal liberty of human are being committed openly or broad day light in despite of the enforcement system of human rights which is the most miserable or anxious conditions of human rights.

The Role of United Nations' High Commissioner for Human Rights

It is an agency of the United Nations which has been constituted on 20 December, 1993 in consequences of the world conference of human rights 1993 for the protection & promotion of human rights as contained in the International covenants, Universal declaration of human rights and other instruments related to this. 'José Ayala Lasso' was the first High Commissioner for Human Rights during the period of 1994 to 1997. In present time 'Ms. Verónica Michelle Bachelet Jeria' is the High Commissioner for Human Rights who has been elected by the U.N. General Assembly on 10 August, 2018 her office tenure is from 01 September, 2018 to 31 August, 2021. The United Nations' High Commissioner for Human Rights has the objects which are as follows:

- i. Promoting the enjoyment of human rights universally.
- ii. Performing the leading role in respect of the issues of human rights & emphasizing the importance of human rights at the level of national & international.
- iii. Promoting the co-operation of human rights internationally.
- iv. Doing the actions in relation to the encouragement & co-ordination for human rights in the system of United Nations.
- v. Promoting the ratification & implementation universally of international standard (s).
- vi. Providing assistance in the development of new norms. Providing the support to human rights organs & monitoring body (ies) of Treaty (ies).
- vii. Furnishing the response (s) for the serious violation of human rights. Undertaking the preventive action (s) for human rights. Promoting the establishment of the national infrastructure for human rights.
- viii. Undertaking the field activity(ies) & operation(s) for human rights Conferring the education, the service (s) of information advisory & technical assistance with regard to the human rights field.¹⁴¹

The United Nations' High Commissioner for Human Rights is having the great role & importance for the protection, development, implementation, preservation and others

¹⁴¹ Office of the United Nations High Commissioner for human rights, Wikipedia
https://en.wikipedia.org/wiki/Office_of_the_United_Nations_High_Commissioner_for_Human_Rights
(referenced 25 March 2020 at about 6:20 Pm).

connected things of human rights for the welfare and interest of all beyond all kinds of biases, subjecting to the exceptions as required in accordance with time & circumstances.

The Role of United Nations' Economic & Social Council with regard to Human Rights

The Economic & Social Council is one of main organs of the United Nations which is playing the vital role to fulfill its purposes and principles. The council has been composed under article 61¹⁴² which consists from the elected 54 members of the U.N.O. by the General Assembly. Many powers and functions have been furnished to the Economic & Social Council including also in respect of human rights in the U.N. Charter which are as article (s) 62(2) expresses that the council may confer the recommendation with regard to the purposes of the promotion, respect & observance of human rights & fundamental freedoms for all. The council shall establish the Commission (s) in the field of economic & social and for promoting the human rights. The other such Commission (s) may also be constituted by the Council to perform its functions as required.¹⁴³

In this regard, the reporting system for the implementation of the International Covenant on Economic, Social, and Cultural Rights 1966 is available. The states members of the International economic covenant are the under obligation for the submission of report (s) with respect to the adopted measures by them & the progress in connection with the achievement of the general observance of the rights as contained in the International Covenant on Economic, Social, Cultural Rights 1966. In this connection, all reports are furnished for the submission to the Secretary General of the United Nations who shall transmit the copy (ies) to the Economic & Social Council to conducting the consideration (s) in according to the provisions of the covenant. The copy (ies) of the report (s) shall also be transmitted to the Agency (ies) specialized or any relevant parts thereof, the state members of the covenant which are also the member of the Agency (ies) specialized as far as the reports or the parts related which comes within the ambit of the responsibilities of the above said agencies as per their constitutional instruments.¹⁴⁴ The states members of the covenant shall furnish the report in relation to the stages as required according to a programme to be established by the Economic & Social Council within one year from the entry into the covenant after the consultation of the states members & Agency(ies) specialized respective.¹⁴⁵

The Economic & Social Council may conduct the transmission of the same to the Commission on Human Rights to study & furnish the general recommendation (s) or to confer information of the report (s) relating to human rights as submitted by the states & Agency (ies) specialized respective.¹⁴⁶ Subsequently the general recommendation (s) is furnished by the Commission on Human Rights; the state members of the covenant & Agency (ies) specialized respective may submit the comment (s) but such comment (s) are not submitted to the Commission on Human Rights. They are submitted to the Economic & Social Council.¹⁴⁷ The

¹⁴²The United Nations Charter.

¹⁴³Article 68 of *ibid.*

¹⁴⁴Article 16 of *ibid.*

¹⁴⁵Article 17 of *ibid.*

¹⁴⁶Article 17 of *ibid.*

¹⁴⁷Article 20 of *ibid.*

aforsaid council may provide the submission (s) to from time to time to the General Assembly report (s) & recommendation (s) of a general nature & the summary of the piece (s) of information as obtained from the state members to the covenant & the Agency (ies) specialized respective related to the adopted measures & the progress conducted in the achievement of general observance of the rights as mentioned in the covenant.¹⁴⁸ In this respect, the state members have provided their agreement (s) for the International action (s) to achieve the rights as contained in the covenant with the inclusion of the methods as the findings of the conventions, the acceptance of the recommendation (s), to furnish the technical assistance and to hold the regional & technical meetings for the purposes of the consultation & study arranged in the conjunction with the governments respective.¹⁴⁹ As a result, the Economic & Social Council has the most important role and importance in respect of the implementation of human rights for the world welfare.

The United Nations' Human Rights Commission

The United Nations' Human Rights Commission now is not in existence which was constituted on 1946 as functional Commission by the Economic & Social Council. It has been stopped by the U.N. General Assembly to function from 16 June, 2006. It has been replaced by the Human Rights Committee. It is relevant to place over here that if any state member of the U.N.O. as a victim of violations of human rights might have filed the petition before the commission which received a number of petitions in respect of the violation of human rights and performed the functions accordingly.

The Human Rights Committee

The Human Rights Committee has been contained under Part-04 articles 28 to 45 of the International Covenant on Civil & Political Rights 1966. This Committee has been constituted for the implementation of the Civil & Political Rights as mentioned in the heretofore placed Covenant. The functions of it are highly worth appreciating for the interest of all without all the discriminations as required under the exceptions and criticisms. This Committee is consisted with 18 members who shall have the high moral character, recognized competency in the human rights field and others connected. The above said members shall be elected & their services shall be in personal capacity.¹⁵⁰ The election shall be conducted by the secret ballot. The nomination shall be provided by the State members to the covenant for such persons who are having qualifications as contained hereinbefore but only two persons or nationals may be nominated by the each State member.¹⁵¹ Only one person or national of the same state may be included in the committee.¹⁵² The committee members shall be elected for four years they may be re-elected on the re-nomination. The elected nine members in the first election, their term (s) of office shall expire at the end of two years after the first election with immediate effect these nine members name shall be opted by lot by the meeting chairman as mentioned in the article 30 of this covenant.¹⁵³ This Committee conducts the procedure for the implementation of human rights mainly in four ways as:

¹⁴⁸ Article 21 of *ibid.*

¹⁴⁹ Dr. S.K.Kapoor: Human Rights under International Law and Indian Law: Central Law Agency, Allahabad: 5th edition page no.60-61 (2011).

¹⁵⁰ Article 28 of *ibid.*

¹⁵¹ Article 29 of *ibid.*

¹⁵² Article 31(1) of *ibid.*

¹⁵³ Article 32 of *ibid.*

- i. The Reporting Procedure/System
- ii. The Inter-State Communication System
- iii. The Conciliation Commission or Procedure System
- iv. The Individual Communication System

The Reporting Procedure/System

The state members to the covenant are undertaken for the submission of the report (s) in relation to the measures which have been adopted by the states member for effecting the rights as mentioned in the above said covenant and in respect of the progress conducted for the enjoyment of the rights above with in the period of one year from the date of entry into force¹⁵⁴ and on the request of the committee whenever.¹⁵⁵ With respect to this, all the reports shall be submitted to the U.N. Secretary General which shall be transmitted to the Committee for the consideration by the above said Secretary. The factors & difficulties if any shall be indicated regarding the affect of the implementation of the human rights as incorporated in the covenant.¹⁵⁶ In this connection, the report (s) & its relevant part (s) shall be transmitted to the Agency (ies) specialized respective for the consideration in accordance with the competence of the field by the U.N. Secretary General after consultation with the committee.¹⁵⁷ In relation to this, the study (ies) of the submitted report (s) of the states members shall be conducted by the committee. It shall furnish its report (s) & general comments as be considered appropriately to the state member (s) concerned. The obtained copy (ies) of report (s) from the state member (s) concerned to this covenant and the comments of the committee as above may also be transmitted to the Economic & Social Council.¹⁵⁸ The observation (s) on any of the comment (s) may be submitted to the committee by the state member (s) concerned that may be made in according to paragraph 04 of this article 40.¹⁵⁹

The Inter-State Communication System

The Inter-State Communication System has been mentioned under Part-04 article 41(1)(a) to 41(h)(ii) & its clause 02 of the International Covenant on Civil & Political Rights 1966 which provide the procedure or system, limitation and others connected things for the implementation of the rights of the above said covenant as follows:

The Declaration of State Member (s) to the Covenant in Respect of Recognizance & Competency of the Human Rights Committee and Regarding Claim (s) of a State Member (s) against another State Member (s) as to not Fulfilling the Obligation (s) of the Covenant

The state member of the covenant may declare in itself the recognizance & competency of the Human rights committee under this article 41 at any time for receiving & considering the communications to the effect. When any state member claims that the state member to this covenant is not performing its obligations under this international covenant. In this connection, the another state member who is such claiming may furnish the communications

¹⁵⁴ Article 40(1) of *ibid*.

¹⁵⁵ Article 40(1) (b) of *ibid*.

¹⁵⁶ Article 40(2) of *ibid*.

¹⁵⁷ Article 40 (3) of *ibid*.

¹⁵⁸ Article 40 (4) of *ibid*.

¹⁵⁹ Article 40 (5) of *ibid*.

to the Human rights committee and the committee shall receive such communications & consider the same as submitted by the state, subjecting to the aforesaid declaration in itself with respect to the recognizance & competence of the Human rights committee for the same. The committee shall not receive any communication (s) of the state member by which the above said declaration is not done. The received communication (s) under this article 41 shall be entertained in according to the procedure which is as under¹⁶⁰:

The Initial Written Communication (s) to the State Member by which the International Covenant not being given effect for Clarification

If a state member to the covenant has consideration in respect of other state member that the state is not providing the effect to the rights as mentioned in the aforesaid covenant on these basis a state member may confer the written communication (s) in the matters related for bring the attention of the state. On receipt of such written communication (s) within three months, the state member shall afford the same & furnish the written explanation or any other statement for the clarification (s) respective, with regard to appropriate & up to possible extension in reference to the taken domestic processes or remedies, pendency or availability in the matter.¹⁶¹

The Reference of the Matter by Notice to Human Rights Committee and the other State Member

If both the state members respective do not adjust the hereinbefore contained matter satisfactory within the period of six months after on the receipt by the receiving sate of the initial written communication (s), both or either the state shall have the right of referring the matter to the human rights committee by issuance of notice to the committee and the other state.¹⁶²

The Conditions to deal with the Matter by the Human Rights Committee: - In this regard, as above said the referred matter shall be entertained by the committee on the ascertainment of the facts as- the entire available domestic must be invoked & exhausted in the matter in accordance with the general recognized principles of the International Law. This rule shall not be applicable where the enforcement of the remedy (ies) is unreasonable with prolong.¹⁶³ The closed meetings shall be held by the committee, during the examination of the communication (s) under this article.¹⁶⁴

The Friendly Solution of Matter

The committee shall cause its good officials to avail to the states members respective in the view of the friendly solution on the ground of respect of human rights & fundamental freedoms as contained in the covenant.¹⁶⁵

¹⁶⁰ Article 41 (1) of *ibid.*

¹⁶¹ Article 41 (1) (a) of *ibid.*

¹⁶² Article 41(1) (b) of *ibid.*

¹⁶³ Article 41(1) (c) of *ibid.*

¹⁶⁴ Article 41(1) (d) of *ibid.*

¹⁶⁵ Article 41(1) (e) of *ibid.*

Call upon by the Committee

If the adjustment of the referred matter is not done satisfactory by the states members respective as mentioned in the sub clause (b) for furnishing the information relevant.¹⁶⁶

The Right of Representation of States Members Respective before the Committee

The Right of representation is available to the state members respective before the human rights committee in the procedure of the consideration (s) of the matter and also the rights regarding written and/or oral submission (s).¹⁶⁷

Submission of Report (s) by the Human Rights Committee

The report (s) shall be submitted by the committee within twelve months after on the receipt of the notice as above mentioned namely sub-clause (b) of clause (1) of article 41.¹⁶⁸ If the friendly solution is made by the state parities concerned the committee shall do the confinement its report to a concise statement of the facts & of the reached solution.¹⁶⁹ If the resolution or solution amicably or friendly as placed hereinbefore is not done by the States members as a result the committee shall conduct its report with a brief statement of the facts, written submission & oral submission (s) record of the State members respective. All the same shall be accompanied by the report. Above said all the matter & the report shall be communicated to the State members respective.¹⁷⁰

Regarding Declaration of the State Members to the Covenant under Article 41(1)¹⁷¹

In this connection, to enforce this article, minimum ten states member to the covenant are required for making declaration (s) under the Article 41(1) the aforesaid declaration (s) in respect of the recognizance & competence of the human rights committee by the state (s) member shall be deposited to the U.N. Secretary-General. The copy (ies) of such declaration (s) shall be furnished to the state (s) member to the Covenant. The aforesaid made declaration (s) may be withdrawn at any time, notifying to the U.N. Secretary-General. Such withdrawal of the declaration (s) shall not give the effect prejudicially to the matter (s) which are pending for consideration (s) which already have been submitted to the committee. In this regard further after such withdrawal no communication (s) shall be received by the committee by any of state (s) which has been received by the U.N. Secretary-General but after the withdrawal, the State (s) member respective may make the new declaration further with regard to the heretofore mentioned.¹⁷²

The Conciliation Commission or Procedure

The articles 42 and 43 of the International covenant deal with it. If the referred & transmitted matter to the human rights committee is not solved satisfactory between the state (s) members respective then further **An Ad hoc Conciliation Commission** may be appointed by the

¹⁶⁶ Article 41(1) (f) of *ibid.*

¹⁶⁷ Article 41(1) (g) of *ibid.*

¹⁶⁸ Article 41(1) (h) of *ibid.*

¹⁶⁹ Article 41(1) (h) (i) of *ibid.*

¹⁷⁰ Article 41 (1)(h) (ii) of *ibid.*

¹⁷¹ The International Covenant on Civil & Political Rights (1966).

¹⁷² The International Covenant on Civil & Political Rights(1966) Article 41(2).

committee with the previous consent of the state (s) member for the purposes of amicable resolution of the matter (s) on the ground of the respect for human rights in this relation, the good officials/ offices shall be caused available to the state (s) member of the covenant.¹⁷³

The Composition of the Commission

This commission shall be consisted with the five persons which accepted by the state (s) member. If the state (s) member is failed in respect of the agreement or no agreement on the aforesaid composition of the commission within three months consequently the above said persons for the commission shall be elected by 2/3 majority vote of the committee from among its members by the secret ballot.¹⁷⁴ Such elected persons or persons of commission shall do the service in their personal capacity.¹⁷⁵

Disqualifications of the Persons of the Commission

Such persons shall not be national (s) of the state (s) member respective or of the State (s) which is not a party of the covenant or the State (s) which has not done declaration under article 41 of this covenant.¹⁷⁶

The Chairman, Rules, and Procedure & Meetings of the Commission

The Chairman of the commission shall be elected by the commission and the rule for procedure also shall be adopted by this commission.¹⁷⁷ The meetings of the commission shall be conducted generally in the headquarter of the U.N.O. or in the office of United Nations in Geneva and also may be conducted on the any convenient place as determined by the commission with consultation of U.N. Secretary General & the state (s) member respective.¹⁷⁸

Call upon the State (s) Member Respective by the Commission

The Piece (s) information or information as received & collected by the committee shall be caused available to the commission and the state (s) member respective may be called upon by the commission to furnish any other relevant information.¹⁷⁹

Limitation of the Commission for the Consideration the Matter & the Amicable Resolution of the Matter

After the fully consideration of the matter by the not more than 12 months commission after seizure of the matter, it shall be submitted to the Chairman of the Human rights Committee, a report for the communication (s) to the state (s) member respective.¹⁸⁰ If the commission does not able to complete the consideration of the matter within 12 months, a brief report of the consideration relating to matter shall be confined.¹⁸¹ If the amicable resolution on the ground of respect for human rights is done by the state (s) member respective, in consequences of the same, the commission shall confine the concise report regarding statement & reached solution (s) concerned.¹⁸²

¹⁷³ Article 42(1)(a) of *ibid.*

¹⁷⁴ Article 42(1)(b) of *ibid.*

¹⁷⁵ Article 42(2) of *ibid.*

¹⁷⁶ Article 42 (2) of *ibid.*

¹⁷⁷ Article 42 (3) of *ibid.*

¹⁷⁸ Article 42 (4) of *ibid.*

¹⁷⁹ Article 42 (6) of *ibid.*

¹⁸⁰ Article 42 (7) of *ibid.*

¹⁸¹ Article 42 (7) (a) of *ibid.*

¹⁸² Article 42 (7) (b) of *ibid.*

If the Matter is not Resolved Amicably

In this relation, if the matter is not solved/ resolved amicably, the commission shall mention all the findings in connection with all the questions of facts relevant with the issues between the state (s) member respective & the views with respect to the possibilities of the resolution/ solution amicably of the matter. This report shall also include the written submission (s) & a record (s) of the oral submission (s) which were produced or raised by the state (s) member respective to the Covenant.¹⁸³

The Acceptance or not of the Aforesaid Report by the State (s) Member Respective

In this regard, the state (s) member respective to the Covenant shall notify to the Chairman of the Human rights committee within 03 months from the date of receipt of the hereinbefore mentioned & submitted report by the commission, whether the aforesaid States provide their acceptance on the content of the report of the commission or not?¹⁸⁴ The provisions of this article are without effecting prejudicially to the responsibilities of the committee.¹⁸⁵

The Expenditure (s) of the Commission

The U.N. Secretary- General shall provide the estimate (s) of all the expenditure (s) of the members of the commission which shall be shared equally by the state (s) member respective.¹⁸⁶ In this respect, the U.N. Secretary- General shall be empowered for the payment of the expenditure (s) of the commission's members if it is found necessary prior to the reimbursement by the state (s) member respective in according to clause 09 of the article 42.¹⁸⁷

The Facility (ies), Privilege (s) & Immunity (ies) of the Member (s) of the Ad Hoc Conciliation Commission and Human Rights Committee

With regard to this, the Member (s) of the Ad Hoc Conciliation Commission and Human Rights Committee as appointed under the article 42 shall have the entitlements to the facility (ies), privilege (s) & immunity (ies) of the expert (s) on mission of U.N.O. as prescribed in relevant section (s) of the convention in respect of the privilege (s) & immunity (ies) of United Nations.¹⁸⁸

The Submission of the Report of the Human rights Committee

The annual report of the committee on its activities shall be submitted to the U.N. General Assembly through the Economic & Social Council.¹⁸⁹

The Relevant Case Laws Concisely

The relevant and important case laws briefly are as- *Case of Netto, Ambrosini case, Ewardo Dante Santullo Valcada case, Lovelace case, Maurition women's case, vuolamne V. Finland case and etc.*¹⁹⁰

¹⁸³ Article 42 (7) (c) of *ibid.*

¹⁸⁴ Article 42(7)(d) of *Ibid*

¹⁸⁵ Article 42(8) of *Ibid*

¹⁸⁶ Article 42(9) of *Ibid*

¹⁸⁷ Article 42(10) of *Ibid*

¹⁸⁸ Article 43 of *Ibid*

¹⁸⁹ Article 45 of *Ibid*

¹⁹⁰ Dr. S.K.Kapoor: *Human Rights under International Law and Indian Law*: Central Law Agency, Allahabad: 5th edition Page no.71-75 (2011).

The Individual Communication System

In this connection, the Individual Communication System has been placed in the First Optional Protocol to the International Covenant in relation to the Civil and Political Rights, 1966. This system has been considered in the protocol for the implementation of the human rights as contained in the International Covenant on Civil and Political Rights, 1966 & also for getting the achievements with regard to the purposes of the covenant. This protocol in the view of appropriation enables the human rights committee as mentioned in the Part -04 of the covenant for receiving & considering the communication (s) from individual (s) who are claiming to be victim (s) of violations of any of the human rights embodied in the above said Covenant.¹⁹¹ The required details of the protocol have been elaborated hereinbefore in this chapter therefore the repetition is not convenient over here. The Individual Communication System is as under:

The Party of the Covenant & this Protocol and the Recognizance & Competence of the Human Rights Committee

The State (s) member must be the party of the aforesaid International Covenant and this Protocol to avail this Individual Communication System; such a State (s) member will provide the recognizance & competence of the Human rights committee for receiving & considering the communication (s) from individual (s) under its jurisdiction who claims to become the victim (s) of violation (s) of human rights by that the State party for any rights of the Covenant but the Committee shall not receive any communication (s) of the State (s) member which is not the party of this Protocol and the Covenant.¹⁹²

In Respect of Domestic Remedies

under the aforesaid provisions, the Individual (s) who are the claimant (s) of the violation of human right (s) of the Covenant, the Individual (s) must have availed all the available domestic remedies, namely the domestic remedies must be exhausted consequently such Individual (s) as a claimant (s) may submit the communication (s) in writing to the committee for the consideration.¹⁹³

Inadmissibility of the Communication (s) by the Committee

The communication (s) shall not be considered by the Committee and shall be inadmissible as if the communication (s) is anonymous or if the communication (s) is the abuse of the rights of the submission or the communication (s) is irrelevant to with the provisions of the Covenant.¹⁹⁴

The Attention of the State (s) Member

Under the provisions of article 03, the committee shall bring any aforesaid communication (s) as submitted to it under this protocol to the attention of the State (s) member imposed allegations of the violation of the rights as contained in the covenant.¹⁹⁵

¹⁹¹The First Optional Protocol to the International Covenant in relation to the Civil and Political Rights, The Preamble (1966).

¹⁹²Article 01 of *ibid*.

¹⁹³Article 02 of *ibid*.

¹⁹⁴Article 03 of *ibid*.

¹⁹⁵Article 04 (1) of *ibid*.

The Clarification(s) with Regard to the Matter by the Receiving State (s) Member

In this connection, the Receiving State (s) member shall provide the clarification (s), in writing by the explanations or the statements by submission as to the matter & remedy if any which may have been taken by the state member within six months.¹⁹⁶

The Consideration by the Committee

In this respect, the received communication (s) under this protocol shall be considered by the committee on the basis of all the written pieces of information which were produced and caused to available by the Individual (s) & the state (s) member.¹⁹⁷

The Condition (s) of the Committee for Consideration of the Matter or Communication (s)

The Committee before Consideration of the matter or Communication (s) of Individual (s) shall ensure or ascertain that the same the matter or Communication (s) is not pending or sub-judiced for examination before any International Investigation or Settlement Institution & the Individual (s) has availed all the domestic remedies which are now exhausted and the application for remedies is not unreasonable prolonged.¹⁹⁸ With regard to this, the closed meetings shall be held by the committee when the matter or communication is under examination, subjecting to this protocol.¹⁹⁹

The Views of the Committee

In relation to this, the Views of the Committee shall be forwarded to the State (s) member and the Individual (s) respective.²⁰⁰

Conclusion

In the conclusion of all aforesaid, it can be said that the conception of human rights is one most significant & part and parcel branches of the International Law as recognized globally without the same, the International Law is incomplete, insignificant & fruitless. Human rights are the fundamental & basic rights for all without having any kind distinctions. The human rights came in to the existence after the unlimited struggles, contributions & sacrifices. The human rights have gone down the history in worldwide for the welfare of world human being, living creatures and this creation. In this regard, many instruments with regard to the human rights have been adopted by U.N.O. which is highly worth appreciating. In today's world, the United Nations are functioning & playing the vital & crucial role for protection, promotion respect, observance & preservation of human rights and the fundamental freedoms. The International enforcement system for the implementation of human rights is also available. With regard to this, the United Nations Organization, its agencies or special agencies and The International enforcement system of human rights mainly function & base on the principle of sovereignty equality of all State (s) Member.²⁰¹ The Universal declaration of human rights

¹⁹⁶ Article 04 (2) of *ibid.*

¹⁹⁷ Article 05 (1) of *ibid.*

¹⁹⁸ Article 05 (2) of *ibid.*

¹⁹⁹ Article 05 (3) of *ibid.*

²⁰⁰ Article 05 (4) of *ibid.*

²⁰¹ The U.N. Charter Article 02(1).

(U.D.H.R., 1948) is the recognition, reaffirmation, consideration, specialization of the U.N. charter by which the charter with special reference to human rights has been specialized with the help of this declaration.

The charter of United Nation is also one of the authoritative & written documents of the Human rights. This declaration is also the extension or explanation or clarification of the charter as to human rights which provide the common standard of achievement (s) for all persons & Nations for life. Moreover, in this respect, the international Covenant on Civil & Political Rights 1966 (I.C.C.P.R., 1966) & the international Covenant on Economic, Social & Cultural Rights, 1966 (I.C.E.S.C.R., 1966) these both Covenants are specialized form, explanation, clarification, specific extension of the aforesaid U.D.H.R., 1948. The human rights which as contained in the declaration which considered, recognized, realized in the both above said Covenants also with the specific view (s) of The U.N. charter. The aforesaid U.D.H.R., 1948 evidently reveals that, this declaration is salient in respect of the International Enforcement system with specialization according to the classification of the mentioned various rights in it due to its universal nature & other connected things but in both the Covenants, the International enforcement system has been placed as described hereinbefore. On perusal of the International Bill of human rights which shows that some rights are not found in the Covenants in accordance with the U.D.H.R., 1948 & some rights also are not found in the U.D.H.R., 1948 which as mentioned under both the covenants. It is highly worth praising that the human rights have been covered with in the main purposes and principles of the United Nations Organization it is also a matter of pride for all. The International enforcement system of human rights is not as empowered as required in according to the time, circumstances, necessities, people and other connected things with this therefore it is highly required for the more empowerment in the interest and welfare of all worldwide.

In today's era, the conditions of human rights are the worst at the international level in despite of the existence of the International enforcement system of human rights & other related things, the deprival from life and personal liberty of human can easily be seen even openly or broad day light, subjecting to the exceptions, criticisms, time, circumstances, situations and other relevant things along with it hence many reasons or causes are behind the same. The terrorism & other similar things has destructed the human, humanity and human rights openly, fiercely; most seriously, unlimited violations seriously of human rights are being and have been seen at the international level or worldwide which have given or are giving the untold sorrows, pains & other unlimited & unexpressed serious things to whole mankind or human being which cannot be expressed by any of the languages or words. In despite of all still, the absolute denials in respect of the protection, promotion, respect, preservation and others similar things of human rights cannot be accorded or accepted in any case, subject to exceptions but the implementation, protection and development of human rights are not found as required as in accordance with the necessities, requirements of people & Nations, need of hour, situations time circumstances and other things for the interest & welfare of world human, living creatures and this creation beyond all kinds of distinctions, discriminations and biases to save human, humanity & the natural creation of God at the International level or worldwide. In the solution & prevention of all the placed facts hereinbefore, we namely all

nations of world must come forward collectively with the integral unity to take all steps & measures in the protection, development & preservation of human rights in the whole worldwide because now the same is need of hour for the interest of all the nations to save human & humanity.