

## "EQUALITY- REDUCING INEQUALITIES, ADVANCING HUMAN RIGHTS"

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### ABSTRACT

*Equality is a dynamic concept with many aspects and dimension and it cannot be 'cribbed, cabined, confined' within traditional and doctrinaire limits. To advance human rights, we must start at the roots of social issues and inequality and work to change unjust structures and systems. Our Indian Constitution has enshrined the equality to all its citizens irrespective of any discrimination under Article 14. It gives the equality before law and equal protection of laws to all. The title of this paper is theme of this year 2021- ie to reduce the inequalities throughout the world to promote the peace and harmony while celebrating the International Human Rights Day on 10th December of every year. To curb the violence against the vulnerable group such as Women as there are numbers of laws have been enacted but still she is not protected. Thus the main object is to propagate towards reducing and eliminating the inequalities in the world at large. This paper is an effort and appeal to all that WE all are humans irrespective of any discrimination like nation, colour, creed, sex etc. With humanitarian vision, we should work altogether for humanity. The following lyrics also appeals it beautifully:*

*"Na Hindu banooga na Muslman banooga, Insaan Ki aulad hoon Insaan Bannu Ga"*

*There is no need to talk about the nationality, religion, caste and creed that I am Indian, I am an American, I am Hindu, I am Christian, I am woman and I am Child and so on..... there is need to become a good HUMAN BEING.*


**KEY WORDS:** Rule of Law, Human Rights, Equality, Reducing, Advancing, Magna Carta, UDHR



### INTRODUCTION

"Human rights" are rights inherent to all human beings, regardless of nationality, residence, sex, sexual orientation and gender identity, national or ethnic origin, colour, religion, language or any other status. We are all equally entitled to our human rights without discrimination. Human rights are intrinsic and belong to everyone. There are no exceptions based on religion, caste, gender, class, sexuality, geographic location or any other factor. They are interconnected, indivisible and intersectional."

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The belief that everyone, by virtue of her or his humanity, is entitled to certain human rights is fairly new. Its roots, however, lie in earlier tradition and documents of many cultures; it took the catalyst of World War II to propel human rights onto the global stage and into the global conscience.<sup>1</sup>

### **HISTORICAL PERSPECTIVE**

After end of two wars, as we all are knowing as World War I<sup>2</sup> and World War II<sup>3</sup> (1939–1945), in which humans as witnessed how the rights of an individuals were wash out and peoples were buried with their inalienable rights, which was later on recognised as the Human Right by the States (countries). Since from 19th to 21st century human civilisation is growing and developing, and asking to the dignitary state to secure respective human right for their peoples. So, every country has codified this human right as a fundamental right under constitution as *lex fori*, and this codification shows that the state gives guarantee to secure these rights. By the change of circumstance, situations, nature of country, society, geographical conditions, and social, political and economic conditions, the nature and texture of Human Rights are changing. Today we have reached so far, to give advancement to Human Right. By adoption of the sustainable development doctrine human as learn to secure natural resources for their coming generation, same as we have to endeavour to reduce the inequalities from the society.

### **NATIONAL AND INTERNATIONAL SCENARIO**

All most every country of the world has established the machinery and codified the rights for their people which give them guaranteed right of equality, but the scenario is not good fortune. Today we are struggling to secure the Equality all over the globe. Albeit, Indian Constitution has the provisions related to equality. As the preamble of Indian Constitution shows that there is equality of status and opportunity and to promote among them all. And table given below exhibits the different articles which focused on establishment of equality within the country.

Table 1.1- Showing the Fundamental Rights

SR. NO	NAME OF THE RIGHT	ARTICLE RELATED
1	Right To Equality	14-18
2	Right To Freedom	19-22
3	Right Against Exploitation	23-24
4	Right To Freedom Of Religion	25-28
5	Cultural And Educational Right	29-30
6	Right To Constitutional Remedies	32-35

<sup>1</sup>Retrieved from: <https://humanrightsfunding.org/>. Visited on 06 Dec. 2021

<sup>2</sup> From 1914-1918

<sup>3</sup> From 1939-1945

Before discussing about Human Rights more there is one question strikes in everyone's mind that what is difference between Human Rights and Fundamental Rights? As earlier discussed that Human rights are the inherent rights means natural which all human avails from their birth but the fundamental rights are those rights which are guaranteed by Indian Constitution only that are shown above in table number 1.1. Now it is crystalclear out that state has endeavour to secure equality among all it's people. And there is judiciary which is amachinery to establish above rights. Equality is not static process, it is vibrant process which cannot be limits, confined, cribbed and cabined.<sup>4</sup>It expresses that the human right cannot be kept in limitations. Human right is a dynamic concept, which changes with living organism. Some of human right can be counted on finger but the reality is something else.

Human rights are countless,although it can be reasonably classified with intelligible differentia as social, political and economic rights. As these rights are recorded in different codes, for example: Magna Carta, UDHR,<sup>5</sup> ICCPR,<sup>6</sup> ICESCR,<sup>7</sup> Hindu Vedas, Babylonian Code of Hammurabi, Bible, Quran (Koran), and Analects of Confucius are of the oldest written sources which addresspeople's duties, rights, and responsibilities. In fact, all societies, whether in oral or written tradition, have had systems of propriety and justice as well as ways of tending to the equality and welfare of their members. It talks about KARMA, means to do your duty.

#### **HUMAN RIGHTS AND FUNDAMENTAL RIGHTS**

Although,the modern concept of our fundamental rights which was not always in this way. The belief that everyone, by virtue of her or his humanity, is entitled to certain human rights is fairly new and is something stemming from an evolution of the consideration of human dignity over the last centuries. Its roots lie in earlier tradition and documents of many cultures]<sup>8</sup>.The origins of Human Rights are ideally pinpointed to the year 539 BC. When the troops of Cyrus the Great conquered Babylon. Cyrus freed the slaves, declared that all people had the right to choose their own religion, and established racial equality. These and other principles were recorded on a baked-clay cylinder known as the Cyrus Cylinder, whose provisions served as inspiration for the first four Articles of the Universal Declaration of Human Rights<sup>9</sup>.

[Another cornerstone in Human Rights History is represented by the promulgation of the Magna Charta in 1215 which introduced a raw concept of "**Rule of Law**" and the basic idea of defined rights and liberties to all persons, which offers protection from **arbitrary prosecution and incarceration**. Before the Magna Charta, the rule of law, now considered as a key principle for good governance in any modern democratic society, was perceived as a divine justice, solely distributed by the monarch or the King. An evolution of the concepts expressed by the Magna Carta is represented by the English Bill of Rights. It was an act signed into law in 1689 by William III and Mary II, who became co-rulers in England after the overthrow of King James II. The bill outlined specific constitutional and civil rights and ultimately

<sup>4</sup> E.P. Royappa v. State of Tamil Nadu, AIR 1974 SC 555, quoted by Bhagwati J.

<sup>5</sup> Universal Declaration of Human Rights

<sup>6</sup> International Covenant on Civil and Political Rights

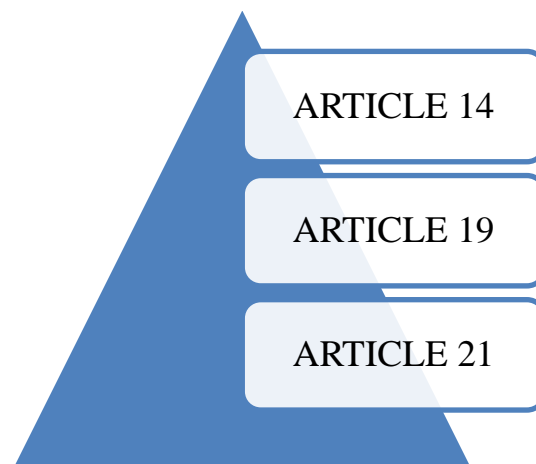
<sup>7</sup> International Covenant on Economic, Social and Cultural Rights

<sup>8</sup> Available at: <https://www.coespu.org/index.php/articles/human-rights-evolution-brief-history>, Visited on Dec 05,2021

<sup>9</sup>*Ibid*

gave Parliament power over the monarchy. Many experts regard the English Bill of Rights as the primary law that set the stage for a constitutional monarchy in England]<sup>10</sup>.

Although, equality means non-discrimination among alike. If there is discrimination it should be protective discrimination. For establishing social equilibrium, its indeed to adopt doctrine of reasonable discrimination. This social equilibrium mechanism has advanced the human rights in different forms. As the Article 14 of Indian Constitution states that the state shall not deny any person equality before the law or the equal protection of the laws within the territory of India. And Article 14, 19 and 21 is a triangle which gives the parameter of reasonableness.



On the other hand, for reducing inequalities Indian Judiciary has well-founded in many cases and has established the pyramid of guideline for establishing equality within the country. Plethora of cases<sup>11</sup> has been decided by Indian Judiciary which particularly talks to reduce the inequality for enhancing human rights:

#### **NATIONAL HUMAN RIGHTS COMMISSION**

Although, beside judiciary there is, *National Human Rights Commission (NHRC) of India*, which is a statutory public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by the Protection of Human Rights Act, 1993 (PHRA). The NHRC is responsible for the protection and promotion of human rights, defined by the act as "Rights Relating to Life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the international covenants and enforceable by courts in India".

<sup>10</sup>*Ibid*

<sup>11</sup>*National Legal Services Authority v. Union of India*, AIR 2016 SC 3506 at p.3519 – Third Gender Right; *E. P. Royappa v. State of Tamil Nadu*, AIR 1974 SC 555- Equality is antithesis to arbitrariness; *Maneka Gandhi v. Union of India*, AIR 1978 SC597 – The principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non-arbitrariness, pervades Article 14 like a brooding omnipresence; *Justice K. Puttaswamy v. Union of India*, AIR 2017 SC 4161.- The right to privacy is an intrinsic part of the right to life and personal liberty and as a part of the freedom; *Union of India v. Mudrika Singh* LL 2021 SC 705 – Right against sexual harassment is a fundamental right; *Randhir Singh v. Union of India*, AIR 1982 SC 311- Equality to have equal pay for equal work; *National Human Right Commission v. State of Arunachal Pradesh*, (1996) 1 SCC 742 {Chakmas Migrants} – The supreme court has held that the state is bound to protect the life and liberty of every human being whether he is citizen or non-citizen. It is the constitutional duty of the state to safeguard the life, health and well-being of chakmas, etc.

***The Protection of Human Rights Act mandates the NHRC to perform the following function for advancing human rights:***

- 1: Proactively or reactively inquire into violations of human rights by government of India or negligence of such violation by a public servant.
- 2: The protection of human rights and recommend measures for their effective implementation.
- 3: Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- 4: To study treaties and other international instruments on human rights and make recommendations for their effective implementation
- 5: Undertake and promote research in the field of human rights.
- 6: Engage in human rights education among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means.
- 7: Encourage the efforts of NGOs and institutions that work in the field of human rights voluntarily.
- 8: Considering the necessity for the protection of human rights.
- 9: Requisitioning any public record or copy thereof from any court or office)<sup>12</sup>

Though, there are lots of laws related to secure rights of people which are recognised as a human right at global sphere, we have promised to give respect to it. All the countries of the world have secured it under their constitution.

**CONCLUSION:**

Yes, we are human which has inherent rights, which cannot be vanished by anyone. As nature has given it to every human being as soon it takes existence in his/her mother womb, it does not need any recognition by any state authority, it is a natural right which should be remain with humans. Since we study about it when we get to class 4 or 5, we learn what it is but we could not realise it as it should be. We talk about it at tea shops, but we did not inbuilt it in ourself. It should be inbuilt in one self as a rule of humanity from the very beginning, which should be started from the family. For advancing human rights it essential to give chance to youth at schools, colleges and universities for the realisation, through which the growing and developing country could decrease the degree of inequality.

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<sup>12</sup>[https://en.wikipedia.org/wiki/National\\_Human\\_Rights\\_Commission\\_of\\_India](https://en.wikipedia.org/wiki/National_Human_Rights_Commission_of_India), Visited on 06 Dec.2021

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