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Chougala Ravindra Bapuji, Bachelor of Arts,
Karnataka Arts College,
automobile race organizer,
proprietor for lubricants distributor firm R.B.C. Lubes,
Dharwad, Karnataka, the Republic of India
Myronets O.M., PhD in Law, Assoc.Prof. of the department,
National Aviation University, Kyiv, Ukraine

SOME ASPECTS OF HUMAN RIGHTS PROTECTION IN INDIA

Law in every country may be fair and effective only if it understands a human as the highest value. This process may take much time in the historical dimension; however, it has consequences in ordered stable life, reliable legislation, and real human rights implementation and protection as well.

Human Rights are those minimal rights which every individual must have against the State or other public authority by virtue of his being a “member of the human family”, irrespective of any other consideration. The concept of human rights is as old as the ancient doctrine of “natural rights” founded on natural law, the expression “human rights” is of recent origin, emerging from (post-Second World War) international Charters and Conventions [1].

According to the National Human Right Commission of India, Human Rights as the 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 [2].

The Indian Constitution is a document rich in human rights jurisprudence. This is an elaborate charter on human rights ever framed by any State in the world. Part III of the Indian Constitution may be characterised as the “Magna Carta” of India [3].

Human Rights as Incorporated in Indian Laws: Indian Constitution incorporated several provisions of human rights...Directive Principles of State Policy from Articles 36 to 51... Some Other Related Laws and Policies in India: - The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006); - The Right to Fair Compensation

and Transparency in Land Acquisition, Rehabilitation and Resettlement Act (2013); - The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act (2014); - Jan Dhan Account; - Ujjwala gas connections; - Pradhan Mantri Awaas Yojana; - Triple talaq; - National Portal for Transgender Persons, Garima Greh [2].

We can acknowledge the practical relevance of law, reason, and social fact in bringing economic and social rights into reality via the human rights framework. In view of their normative focus on individual freedom and dignity, as well as their common conceptual approach of the state, constitutional and human rights are interchangeable terms. International human rights and constitutional rights may be linked via judicial communication, borrowing, similar patterns of reasoning, and transnational movements [4].

Libman A., Herrmann-Pillath C., and Yadav G. claim that if facing a choice between the advancements of democracy and economic well-being people could decide to “sacrifice” human rights. Therefore in rich countries, where this trade-off is absent, democracy has higher chances of survival. In poor countries, on the other hand, democratic consolidation will face significant difficulties, as will the mobilization for democracy in fast-growing and/or rich autocracies. Once again, democratic transition could be caused by the bargaining and fighting over rents and resources rather than “prefer-ences” for democracy (as it has been quite often observed in oligarchic societies “slowly” moving towards enfranchising the majority of population and establishing better protection of property rights – the constitutional history of several European countries could serve as an example) and therefore be independent of preferences of individuals. However, the stability of these transitions may be questionable, and their voters may be more prone to support populist anti-democratic movements [5, p. 27].

Notwithstanding this, with changing national and international contexts as a result of globalization, a serious threat to human rights has arisen. One of the ways by which this threat could be met is by bringing human rights education at all levels of education. Through the learning of human rights as a way of life, fundamental change can be brought about to eliminate or eradicate poverty, ignorance, prejudice and discrimination based on sex, caste, religion and disability. Human rights education cannot be reduced to a single introduction of human rights content. Such education brings about a profound reform which touches upon curriculums for in-service and pre-service training, textbooks, methodology, classroom management and organization of the education system at all levels. Human rights education serves as a means of understanding and embracing principles of human equality, dignity and commitment to respect and protect the rights of all. An attitudinal change in human behavior is required so that knowledge of human rights is disseminated [6, p. 38].

The positive side is that it is now well-acknowledged by social work educators and curriculum experts that collective analysis and solidarity will facilitate the transformation of social work education in India into an effective discipline with a human rights perspective [7, p. 16].

We have to conclude that India is on its way to modernizing its policy concerning human rights protection, thus, reasonable state programs and the civil society's institutes consolidation in the mentioned issue may have tremendous results in the future.

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