

*A Perspective***Human Rights Commitment and Practice*****Fahad Imtiaz**

* Advocate, Delhi High Court, New Delhi.

Article information**ABSTRACT****Volume: 2****Issue: 1 (January-March)****Page No: 79-82****Received: 30.12.2024****Accepted: 06.01.2025****Published: 28.01.2025****DOI No.:****Corresponding Author:**

Mr. Fahad Imtiaz
 Advocate, Delhi High Court,
 New Delhi,
 Email:
fahadimtiaz11@gmail.com

Mobile:- 9643196995

Keywords:

Human Rights, Universal Declaration
 of Human Rights, Business and
 Human Rights, UN Guiding
 Principles, Constitutional Rights,
 Social Justice, Civil Liberties, Legal
 Enforcement, Corporate
 Responsibility, International Law

Human rights represent the fundamental freedoms and protections to which all individuals are inherently entitled. This article explores the concept of human rights from both a legal and practical standpoint, emphasizing the global commitment initiated by the United Nations through the Universal Declaration of Human Rights (UDHR) in 1948. The perspective acknowledges the pivotal role that various international instruments such as the International Covenants on Civil, Political, Economic, and Social Rights and the International Labour Organization's Fundamental Conventions, have played in shaping the modern human rights framework. Special attention is given to the United Nations Guiding Principles on Business and Human Rights (UNGPs), which outline the responsibilities of businesses to respect and remedy rights-based harms. The discussion addresses the practical enforcement of human rights through constitutional mandates, national human rights institutions, and judicial oversight. Despite these robust frameworks, the article argues that there remains a significant gap between commitment and implementation. Issues such as lack of awareness, institutional apathy, and systemic inequalities continue to hinder the full realization of human rights. Claiming rights, as noted by Fienberg, is a powerful act that transforms theoretical freedoms into lived realities.

INTRODUCTION

Human rights are the inalienable rights and freedoms to which every person is entitled by virtue of being human. These rights underpin dignity, equality, and respect for individuals and communities alike. Since the adoption of the UDHR, the global community has made significant progress in codifying and advocating for human rights, although their violations remain a persistent concern.

Defining Human Rights

The term "human rights" encompasses a wide array of civil, political, economic, social, and cultural rights. These include the right to life, liberty, equality before the law, education, freedom of expression, and protection against torture, among others. As stated in the UDHR, human rights are universal and should be enjoyed by all without discrimination.

“The rights of man are literally the rights that one has because one is human.” — Fienberg, 1980:150

These rights are not just legal or constitutional declarations—they are moral claims that shape the social and legal fabric of democratic societies.

Global Commitment to Human Rights

Universal Declaration of Human Rights

The **Universal Declaration of Human Rights (UDHR)**, adopted on December 10, 1948, marked a monumental milestone. It

asserts in its preamble that “every individual and every organ of society shall strive... to promote respect for these rights and freedoms.”

KEY INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

Instrument	Year	Purpose
Universal Declaration of Human Rights (UDHR)	1948	Outlines fundamental human rights globally
International Covenant on Civil and Political Rights	1966	Ensures rights to freedom, equality before law, and political voice
International Covenant on Economic, Social & Cultural Rights	1966	Guarantees rights to work, education, health, and culture
ILO Core Conventions	1919–1999	Focuses on labour rights such as child labor, discrimination

Table 1: Major International Human Rights Instruments

These instruments form the backbone of international human rights law and influence national constitutions, including India's.

NATIONAL COMMITMENT AND ENFORCEMENT

India has enshrined human rights into its Constitution through Fundamental Rights (Articles 14–32), enforced by its judiciary.

E-ISSN: Applied

The National Human Rights Commission (NHRC) is a statutory body that monitors and addresses violations.

Category	Articles	Description
Right to Equality	14–18	Equality before the law and non-discrimination
Right to Freedom	19–22	Freedom of speech, movement, and association
Right against Exploitation	23–24	Prohibits trafficking and child labour
Right to Freedom of Religion	25–28	Ensures religious freedom

Table 2: Fundamental Rights in the Indian Constitution

HUMAN RIGHTS AND BUSINESS RESPONSIBILITY

Human rights are not solely the responsibility of governments. The **UN Guiding Principles on Business and Human Rights (UNGPs)**, endorsed by the Human Rights Council in 2011, outline a "Protect, Respect and Remedy" framework. These principles emphasize that businesses have a responsibility to respect human rights and avoid contributing to human rights abuses.

Corporate Responsibility

Companies are increasingly expected to:

- Conduct **human rights due diligence**
- Prevent and mitigate **human rights risks**
- Establish **remediation mechanisms**

This approach ensures that commercial activities do not come at the cost of individual dignity and freedoms.

Pillar	Focus Area
Protect	State duty to prevent abuses
Respect	Corporate responsibility to respect rights
Remedy	Access to grievance mechanisms

Table 3: Business Responsibilities under UNGPs

Companies must conduct due diligence, assess risks, and ensure their operations do not cause or contribute to violations.

CHALLENGES IN HUMAN RIGHTS PRACTICE

Despite strong normative frameworks, the **gap between commitment and practice** remains significant. Common challenges include:

E-ISSN: Applied

- **Lack of awareness** among marginalized communities
- **Ineffective implementation** of legal protections
- **State apathy** or complicity in violations
- **Corporate negligence** in supply chains and labor rights

Addressing these issues requires a multi-stakeholder approach involving governments, NGOs, businesses, and citizens.

CLAIMING RIGHTS: A CALL TO ACTION

As noted by Fienberg (1980), “*Claiming a right makes things happen.*” Rights are not passive entitlements—they must be actively claimed, respected, and enforced. Societies that empower individuals to assert their rights. Awareness, education, and legal literacy are fundamental in this process.

"Those rights must be exercised; must be given respect, must be enjoyed by everyone and at last must be enforced in every organ of the society."

CONCLUSION

Human rights are the cornerstone of a just and fair society. While legal and international frameworks provide the foundation, true

realization lies in consistent practice, education, and advocacy. Every individual, institution, and company shares the moral and legal obligation to uphold human dignity. Strengthening human rights commitment and practice is not just a legal duty - it is a societal imperative.

ACKNOWLEDGEMENTS

I am thankful to my colleagues for their assistance and guidance during my work.

CONFLICT OF INTEREST

The authors declare no conflicts of interest

REFERENCES

1. Constitution of India. Part III – Fundamental Rights.
2. Fienberg, J. (1980). *Rights, Justice, and the Bounds of Liberty: Essays in Social Philosophy*. Princeton University Press.
3. Government of India. *The Constitution of India*, Part III – Fundamental Rights.
4. International Labour Organization (ILO). *Fundamental Conventions*.
<https://www.ilo.org>
5. United Nations Human Rights Council. (2011). *Guiding Principles on Business and Human Rights*.
6. United Nations. (1948). *Universal Declaration of Human Rights*.
<https://www.un.org/en/about-us/universal-declaration-of-human-rights>
7. United Nations. (1948). *Universal Declaration of Human Rights*.
<https://www.un.org/en/about-us/universal-declaration-of-human-rights>