



FROM NATURAL RIGHTS TO UNIVERSAL HUMAN RIGHTS: A CRITICAL STUDY OF THE EVOLUTION OF HUMAN RIGHTS AT THE INTERNATIONAL AND NATIONAL LEVELS

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ABSTRACT

Human rights represent the fundamental freedoms, liberties, entitlements and conditions necessary for the dignity and development of every human being. Although the contemporary concept of human rights is strongly associated with the United Nations and the Universal Declaration of Human Rights, the historical development of human rights substantially predates the establishment of the United Nations. The evolution of human rights has been a gradual process shaped by philosophical thought, constitutional struggles, political revolutions, social reform movements, humanitarian initiatives and the experiences of war and oppression. Instruments such as the Magna Carta, Petition of Right, English Bill of Rights, American Declaration of Independence and French Declaration of the Rights of Man and of the Citizen contributed to the gradual transformation of individual liberty from a philosophical idea into a constitutional and legal principle.

The twentieth century marked a decisive transition from domestic protection to international recognition. The atrocities committed during the Second World War demonstrated the inadequacy of treating human rights exclusively as matters falling within domestic jurisdiction. The United Nations Charter of 1945 therefore introduced human rights into the framework of international cooperation, followed by the Universal Declaration of Human Rights, 1948, which established a common standard for the protection of human dignity. The subsequent adoption of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights transformed several principles into binding international obligations for States parties. Numerous specialised conventions subsequently strengthened the protection of women, children, persons with disabilities, racial minorities and other vulnerable groups. The UN recognizes the UDHR as a foundational instrument of international human rights law.¹

At the national level, India has developed a comprehensive constitutional and statutory framework for human rights protection. The Constitution of India guarantees Fundamental Rights, incorporates Directive Principles of State Policy and provides constitutional remedies. Judicial interpretation, particularly of Article 21, has considerably expanded the scope of human rights by incorporating dignity, livelihood, education, health, privacy, legal aid and environmental protection within constitutional jurisprudence. Institutions such as the National Human Rights Commission further strengthen the institutional framework.

This article examines the historical, international and national evolution of human rights and critically evaluates the continuing challenges in translating universal principles into effective protection at the domestic level.

KEYWORDS: Human Rights, United Nations, Universal Declaration of Human Rights, Fundamental Rights, Human Dignity

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1. INTRODUCTION

Human rights constitute the moral and legal foundation of a civilized society. They are based upon the inherent dignity and equality of every human being and are not merely privileges granted by governments. Contemporary international human rights law recognizes rights relating to life, liberty, equality, freedom, participation, social security, education, health, work and dignity.²

The development of human rights, however, was neither sudden nor exclusively the product of the United Nations. Human rights emerged through a long historical process in which philosophical concepts of natural justice gradually influenced constitutional government and legal institutions. The struggle against arbitrary governmental power, slavery, racial discrimination, colonial domination and social inequality contributed significantly to the modern understanding of human rights.

The development may broadly be understood at two interconnected levels. First, there was the pre-international or historical development, in which human rights principles emerged through philosophical traditions, constitutional documents and political revolutions. Secondly, there was the internationalisation of human rights, particularly after the Second World War, through the United Nations Charter, the Universal Declaration of Human Rights and subsequent international treaties.

Alongside international development, individual States developed domestic constitutional and statutory mechanisms. India provides a significant example because its Constitution combines enforceable Fundamental Rights with socio-economic objectives and constitutional remedies.

Thus, human rights have evolved from natural rights to constitutional rights and ultimately to internationally recognized human rights, while the contemporary system requires international norms and national institutions to operate together.

2. HUMAN RIGHTS BEFORE THE UNITED NATIONS CHARTER

2.1 Philosophical Foundations

The intellectual foundations of human rights can be

traced to ancient philosophical traditions. Concepts of justice, equality, liberty and human dignity appeared in different forms in Greek, Roman, Indian, Chinese and other philosophical traditions.

Stoic philosophy developed the idea that human beings share a common rational nature and therefore possess a form of universal moral equality. Roman jurisprudence subsequently contributed to the concept of *jus naturale* or natural law.

In India, concepts concerning dharma, justice, duties towards others and the welfare of society can be found in several ancient philosophical and legal traditions. Although these traditions should not be equated mechanically with modern human rights law, they demonstrate that ideas concerning human dignity, justice and social responsibility existed long before modern international instruments.

The philosophical theory of natural rights later became particularly influential in European political thought. Thinkers such as John Locke argued that individuals possess inherent rights to life, liberty and property which governmental authority should respect.³

3. MAGNA CARTA, 1215

The Magna Carta of 1215 is one of the most important historical landmarks in the development of constitutionalism and individual liberty. Although it was primarily a political settlement between King John and the English barons and did not establish universal human rights in the modern sense, it introduced important limitations on arbitrary royal authority.

The principle that governmental power should operate according to law gradually developed from such constitutional traditions. The famous protection against arbitrary imprisonment and the recognition of lawful judgment contributed to the later development of due process and the rule of law. The historical significance of the Magna Carta therefore lies not in its direct establishment of modern human rights but in its contribution to the principle that rulers are also subject to law.

4. PETITION OF RIGHT, 1628

The Petition of Right, 1628, strengthened the constitutional limitation on executive authority in England. It opposed arbitrary taxation, imprisonment without lawful justification and other exercises of royal power.

The document contributed to the development of the principle that governmental authority must have a legal basis. It consequently formed part of the historical movement towards constitutional government and protection against arbitrary State action.

5. ENGLISH BILL OF RIGHTS, 1689

The English Bill of Rights, 1689, further strengthened constitutional limitations on governmental authority. It addressed issues such as parliamentary sovereignty, freedom from excessive bail and cruel and unusual punishment.

Its significance lies in the development of a constitutional system in which individual liberties were protected through institutional limitations upon State power.

The English constitutional experience subsequently influenced constitutional developments in other parts of the world.

6. AMERICAN DECLARATION OF INDEPENDENCE, 1776

The American Declaration of Independence represented an important transformation of natural-rights theory into a political principle. It declared that human beings possess inherent rights and that legitimate government derives its authority from the consent of the governed.

The Declaration's emphasis upon equality, liberty and the pursuit of happiness profoundly influenced subsequent constitutional development.

The United States Bill of Rights, adopted through the first ten amendments to the Constitution, subsequently provided express protection for several civil and political liberties.

7. FRENCH DECLARATION OF THE RIGHTS OF MAN AND OF THE CITIZEN, 1789

The French Declaration of the Rights of Man and of the Citizen, 1789, constituted another major milestone. Influenced by natural-rights philosophy, it emphasized liberty, equality, popular sovereignty and protection against arbitrary authority.

The Declaration proclaimed that human beings are born free and equal in rights. It also recognized liberty, property, security and resistance to oppression.

The French experience demonstrated that human rights could be articulated as universal political and legal principles rather than merely privileges associated with a particular social class.

8. ABOLITION OF SLAVERY AND HUMANITARIAN MOVEMENTS

The abolitionist movement was another important stage in the development of human rights. Slavery represented a fundamental denial of human dignity and equality.

The nineteenth century witnessed increasing international opposition to slavery and the slave trade. The movement demonstrated that certain forms of human suffering could no longer be treated exclusively as internal matters of individual States.

Humanitarian movements concerning slavery, labour conditions and the treatment of prisoners contributed to the gradual internationalisation of human protection.

9. LEAGUE OF NATIONS AND THE INTERNATIONALISATION OF HUMAN RIGHTS

Following the First World War, the League of Nations introduced limited mechanisms concerning minorities, mandates and certain international humanitarian issues. The League's system was incomplete and lacked a comprehensive universal human-rights framework. The United Nations itself acknowledges that early League mechanisms were tentative and ultimately unsuccessful.⁴

Nevertheless, the League period was significant because it demonstrated the possibility of

international concern for the treatment of individuals within States.

10. INTERNATIONAL LABOUR ORGANIZATION AND SOCIAL RIGHTS

The establishment of the International Labour Organization in 1919 represented an important development in international protection of social and economic interests.

The ILO developed international labour standards relating to working hours, employment conditions, minimum age, maternity protection and other labour concerns.

The development of labour standards demonstrated that human welfare could not be separated from international peace and social justice.

11. SECOND WORLD WAR AND THE INTERNATIONALISATION OF HUMAN RIGHTS

The Second World War fundamentally transformed the human-rights movement. Massive violations of human dignity, genocide, racial persecution, forced displacement and systematic atrocities demonstrated the devastating consequences of leaving the protection of individuals entirely within domestic jurisdiction.

The creation of the United Nations in 1945 therefore represented a fundamental change. Human rights became an explicit concern of the international community.

The UN Charter affirmed faith in fundamental human rights, human dignity and the equal rights of men and women.⁵

12. UNITED NATIONS CHARTER, 1945

The United Nations Charter marked the beginning of the modern international human-rights system.

Although the Charter did not contain a comprehensive catalogue of individual rights, it repeatedly referred to human rights and fundamental freedoms. Articles 1(3), 55 and 56 are particularly significant.

Article 1(3) identifies international cooperation in

promoting and encouraging respect for human rights and fundamental freedoms as one of the purposes of the United Nations.

Article 55 requires the United Nations to promote universal respect for and observance of human rights and fundamental freedoms.

The Charter therefore transformed human rights from a predominantly domestic concern into a legitimate subject of international cooperation.

13. UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948

The Universal Declaration of Human Rights was adopted by the UN General Assembly on 10 December 1948 through Resolution 217 A (III). It represented a historic statement of the rights and freedoms belonging to all human beings.⁶

The UDHR contains 30 Articles covering civil, political, economic, social and cultural rights.

Article 1 recognizes equality in dignity and rights. Article 3 recognizes the right to life, liberty and security. Articles 4 to 21 principally address civil and political rights, while Articles 22 to 27 deal extensively with economic, social and cultural rights. The Declaration established universality as a central principle of human rights.

Its importance is particularly significant because it provided a common standard of achievement for all peoples and nations.⁷

Although the UDHR is a declaration rather than a treaty, its influence upon national constitutions, international treaties and judicial interpretation has been enormous.

14. INTERNATIONAL BILL OF HUMAN RIGHTS

The UDHR was subsequently supplemented by legally binding international instruments.

The International Covenant on Civil and Political Rights, 1966 (ICCPR) protects rights including life, liberty, fair trial, freedom of expression, religion, association and political participation.

The International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR) addresses rights relating to work, social security, health, education, adequate living conditions and cultural participation. Together with the UDHR, these instruments are commonly referred to as the International Bill of Human Rights.⁸

The international system subsequently developed specialised conventions concerning racial discrimination, discrimination against women, torture, children's rights, migrant workers and persons with disabilities.⁹

15. REGIONAL HUMAN RIGHTS SYSTEMS

International human-rights protection has also developed through regional systems.

The European human-rights system, Inter-American human-rights system and African human-rights system have established regional mechanisms for protecting individual rights.

These systems demonstrate that human rights protection operates at multiple levels: international, regional and national.

16. DEVELOPMENT OF HUMAN RIGHTS IN INDIA: THE NATIONAL PERSPECTIVE

India's contribution to human-rights development must be examined independently rather than merely as an extension of international developments.

Indian constitutionalism emerged from the freedom struggle, the experience of colonial rule and the commitment of the Constituent Assembly to liberty, equality, justice and dignity.

The Constitution of India, adopted in 1949 and brought into force on 26 January 1950, created one of the most comprehensive constitutional frameworks for rights protection.

The Preamble promises Justice, Liberty, Equality and Fraternity, while Fundamental Rights provide enforceable guarantees against unconstitutional State action.

17. FUNDAMENTAL RIGHTS UNDER THE INDIAN CONSTITUTION

Part III of the Constitution contains Fundamental Rights.

Important rights include:

Article 14 – Equality before law and equal protection of laws;

Article 15 – Prohibition of discrimination;

Article 16 – Equality of opportunity in public employment;

Article 17 – Abolition of untouchability;

Article 18 – Abolition of titles;

Article 19 – Protection of specified freedoms;

Article 20 – Protection in respect of conviction for offences;

Article 21 – Protection of life and personal liberty;

Article 21A – Right to education;

Article 22 – Protection against arbitrary arrest and detention;

Articles 23 and 24 – Protection against exploitation; and

Articles 25–28 – Freedom of religion.

Article 32 provides the constitutional remedy for enforcement of Fundamental Rights.

Dr B.R. Ambedkar famously described Article 32 as the heart and soul of the Constitution because it enables individuals to approach the Supreme Court for enforcement of Fundamental Rights.

18. DIRECTIVE PRINCIPLES AND SOCIAL HUMAN RIGHTS

Human rights cannot be confined to civil and political liberties. Social and economic conditions are equally important for human dignity.

The Directive Principles of State Policy therefore play an important role in India's human-rights framework. Article 38 requires the State to promote social, economic and political justice. Article 39 contains principles concerning adequate livelihood, equal pay and protection of workers and children. Article 41 concerns the right to work, education and public assistance in certain circumstances. Article 42 concerns humane conditions of work and maternity relief. Article 45 concerns early childhood care and education.

Article 47 directs the State to improve public health. Thus, the Indian Constitution adopts a holistic

conception of human rights.

19. JUDICIAL EXPANSION OF ARTICLE 21

Article 21 provides that:

“No person shall be deprived of his life or personal liberty except according to procedure established by law.”

Initially, Article 21 was interpreted relatively narrowly. However, the Supreme Court substantially expanded its meaning.

In *Maneka Gandhi v. Union of India*,¹⁰ the Supreme Court held that the procedure depriving a person of life or personal liberty must be fair, just and reasonable.

This decision transformed Article 21 into a broad constitutional source of human dignity.

Subsequently, the Supreme Court recognized several rights as components of Article 21, including:

- right to live with dignity;
- right to livelihood;
- right to health;
- right to legal aid;
- right to speedy trial;
- right to a clean environment;
- right to privacy;
- protection against custodial violence; and
- various dimensions of personal autonomy.

20. RIGHT TO LIVELIHOOD

In *Olga Tellis v. Bombay Municipal Corporation*,¹¹ the Supreme Court recognized the close relationship between livelihood and the right to life.

A right to life cannot be understood merely as protection against physical death. It must include conditions necessary for meaningful human existence.

This approach reflects the interdependence of civil and socio-economic rights.

21. RIGHT TO SPEEDY TRIAL AND LEGAL AID

In *Hussainara Khatoon v. Home Secretary, State of Bihar*,¹² the Supreme Court recognized speedy trial as an essential element of Article 21.

Similarly, the Court emphasized access to legal assistance for persons unable to afford legal representation.

These decisions demonstrate that procedural justice is an essential component of human dignity.

22. PROTECTION AGAINST CUSTODIAL VIOLENCE

In *D.K. Basu v. State of West Bengal*,¹³ the Supreme Court laid down safeguards concerning arrest and detention.

The Court recognized that custodial violence is inconsistent with constitutional guarantees of life and dignity.

The decision illustrates the judiciary's role in translating constitutional human-rights principles into practical safeguards.

23. WOMEN'S RIGHTS AND HUMAN DIGNITY

In *Vishaka v. State of Rajasthan*,¹⁴ the Supreme Court addressed sexual harassment of women at the workplace.

In the absence of comprehensive domestic legislation at that time, the Court relied upon constitutional principles and international norms to formulate guidelines.

The decision illustrates the relationship between international human-rights standards and domestic constitutional interpretation.

24. ENVIRONMENTAL HUMAN RIGHTS

Environmental protection has increasingly become part of India's human-rights jurisprudence.

In *M.C. Mehta v. Union of India*,¹⁵ the Supreme Court developed important principles concerning environmental protection and State responsibility. A clean and healthy environment is essential for the meaningful enjoyment of life and dignity.

The environmental dimension of human rights has therefore expanded the traditional understanding of Article 21.

25. RIGHT TO PRIVACY

The right to privacy represents one of the most significant developments in contemporary Indian constitutional law.

In Justice K.S. Puttaswamy (Retd.) v. Union of India,¹⁶ a nine-judge Bench of the Supreme Court unanimously recognized privacy as a constitutionally protected right emerging from Article 21 and the freedoms guaranteed under Part III.

The judgment connected privacy with dignity, autonomy, liberty and individual choice.

This represents the continuing evolution of human rights in response to technological and social changes.

26. RIGHTS OF TRANSGENDER PERSON

In NALSA v. Union of India,¹⁷ the Supreme Court recognized the constitutional rights and dignity of transgender persons.

The Court emphasized equality, dignity and protection against discrimination.

The judgment demonstrates the expanding constitutional understanding of equality beyond traditional classifications.

27. LGBTQ RIGHTS AND CONSTITUTIONAL DIGNITY

In Navtej Singh Johar v. Union of India,¹⁸ the Supreme Court emphasized dignity, autonomy, equality and constitutional morality while examining Section 377 of the Indian Penal Code.

The judgment represented an important development in the constitutional protection of personal autonomy and equality.

28. NATIONAL HUMAN RIGHTS COMMISSION

The Protection of Human Rights Act, 1993 established the National Human Rights Commission of India.

The Act defines human rights in relation to life, liberty, equality and dignity guaranteed by the Constitution or embodied in international covenants and enforceable by courts in India.

The National Human Rights Commission has functions including inquiry into human-rights violations, intervention in court proceedings with permission, inspection of custodial institutions and review of constitutional and legal safeguards.

The establishment of the Commission strengthened India's institutional human-rights framework.

29. RELATION BETWEEN INTERNATIONAL AND NATIONAL HUMAN RIGHTS LAW

The contemporary human-rights system cannot be understood through a strict separation between international and national law.

International instruments provide universal principles, while domestic constitutions and courts provide mechanisms through which individuals can enforce rights.

India has frequently referred to international human-rights principles while interpreting constitutional guarantees.

However, international law does not automatically override domestic constitutional provisions. Its application within India depends upon constitutional principles, legislation and the nature of the relevant international obligation.

Article 51(c) directs the State to foster respect for international law and treaty obligations, while Article 253 empowers Parliament to make laws for implementing international agreements.

The relationship is therefore complementary rather than entirely hierarchical.

30. CONTEMPORARY CHALLENGES TO HUMAN RIGHTS

Despite substantial progress, human rights continue to face serious challenges.

These include:

30.1 Poverty and Inequality

Economic inequality can prevent meaningful enjoyment of formally recognized rights.

30.2 Gender Discrimination

Women continue to face discrimination, violence,

unequal opportunities and barriers to participation.

30.3 Digital Surveillance and Privacy

Technological development creates new questions concerning privacy, personal data and surveillance.

30.4 Artificial Intelligence

Artificial intelligence raises concerns relating to discrimination, employment, privacy, accountability and algorithmic decision-making.

30.5 Environmental Crisis

Climate change, pollution and ecological degradation increasingly threaten the enjoyment of life, health, food and livelihood.

30.6 Vulnerable Communities

Children, persons with disabilities, migrants, indigenous communities and economically disadvantaged persons require effective legal and institutional protection.

31. CRITICAL ANALYSIS

The history of human rights reveals an important paradox. The international community has developed an extensive legal framework, yet violations continue throughout the world.

The principal difficulty is therefore not the absence of legal standards but the gap between recognition and implementation.

International treaties depend significantly upon State cooperation. National constitutional rights may similarly become ineffective where institutions are weak, justice is inaccessible or socio-economic inequalities prevent individuals from exercising their rights.

The Indian experience demonstrates the importance of an independent judiciary, constitutional remedies and human-rights institutions. At the same time, judicial recognition alone cannot solve structural problems such as poverty, discrimination and social exclusion.

Human rights therefore require a combination of:
constitutional guarantees;
effective legislation;
independent institutions;

accessible courts;
international cooperation;
human-rights education;
accountable governance; and
social and economic development.

32. FUTURE OF HUMAN RIGHTS

The future of human rights will increasingly depend upon the ability of legal systems to respond to emerging technological, environmental and social challenges.

Artificial intelligence, biotechnology, digital surveillance, climate change and migration require the traditional human-rights framework to be continuously developed.

The central principle, however, remains unchanged: technological and economic progress must serve human beings rather than diminish human dignity. Human rights must therefore remain dynamic and capable of responding to new forms of vulnerability.

33. CONCLUSION

The evolution of human rights is a long historical journey from philosophical ideas of natural justice to constitutional guarantees and finally to an international legal framework.

The development began long before the establishment of the United Nations. The Magna Carta, Petition of Right, English Bill of Rights, American Declaration of Independence and French Declaration of the Rights of Man and of the Citizen contributed to the gradual limitation of arbitrary governmental power and the recognition of individual liberty.

The twentieth century transformed this historical movement into an international legal project. The United Nations Charter of 1945 established human rights as an objective of international cooperation. The Universal Declaration of Human Rights of 1948 then articulated a universal catalogue of rights and became a foundational reference point for subsequent international human-rights law. The ICCPR, ICESCR and specialised conventions subsequently strengthened the international framework.¹⁹

At the national level, India developed a constitutional

model combining Fundamental Rights, Directive Principles, constitutional remedies and independent judicial review. The Supreme Court's expansive interpretation of Article 21 has transformed the Constitution into a powerful instrument for protecting dignity, liberty, privacy, livelihood, health, environment and personal autonomy.

The future of human rights, however, depends not merely upon the existence of international treaties or constitutional provisions. It depends upon effective implementation, institutional accountability, access to justice and social awareness.

Ultimately, the history of human rights demonstrates that human dignity is not a gift of the State but a principle that the State is constitutionally and internationally required to respect and protect. The continuing task of human-rights law is therefore to convert universal ideals into effective rights enjoyed equally by every person.

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