

HUMAN RIGHTS

INTERNATIONAL ORDERS
& PERSPECTIVES



Editors:

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CONTENTS

• Foreword	<i>v</i>
• Preface	<i>xv</i>
• About Grand Academic Portal	<i>xix</i>
• About Editors	<i>xxi</i>
• Acknowledgement	<i>xxiii</i>
• Abbreviation	<i>xxv</i>
• Contributors	<i>xxvii</i>
1. International Human Rights and UNO-Prescription and Enforcement after World War II up to Now — <i>Ms. Prakruti N. Jain & Dr. Bhavesh H. Bharad</i>	1
2. Modern Movements of Human Rights — <i>Dr. Sanjay Solanki</i>	28
3. Steps towards International standards of Human Rights — <i>Mr. Ranvirsinh M. Mahida & Dr. Rekha Kumari R. Singh</i>	59
4. Impact of UDHR on the constitution of the New States — <i>Mr. Nisarg Jain</i>	83
5. State and Individual Liberty — <i>Ms. Prakruti N. Jain & Dr. Bhavesh H. Bharad</i>	111
6. Rights-Inherent, inalienable, universal, indivisible — <i>Mr. Love Mevada</i>	134
7. Basic Values and Human Rights: Values - Dignity, Liberty, Equality, Justice, Unity in diversity — <i>Dr. Dipali A. Purohit</i>	150
8. Society, Economy, Polity, Religion and Culture — Their Interrelationship — <i>Ms. Anisha Biyala</i>	175

9. Duty to Respect the Rights of Others with reference to UDHR 1948- 2020		
	— <i>Dr. Rajesh Singh & Mr. Bineet Singh</i>	211
10. Human Rights Standard at UNESCO Declaration & Conventions	— <i>Dr. Rekha Pahuja</i>	227
11. Efficiency, Sustainability and Justice to Future Generations	— <i>Dr. Rekha Pahuja</i>	235
12. International covenant on Economic, Social and Cultural Rights - The Journey from 1966-2020		
	— <i>Dr. Ruchi Tiwari</i>	282
13. International covenant on Civil and Political Rights - The Journey from 1966-2020		
	— <i>Dr. Rajendra I. Parikh & Dr. Dipali A. Purohit</i>	308
14. Development, Under Development and Social Action		
	— <i>Ms. Mamta Karkar</i>	343
15. Aim of Groups and Organs of Society in Promotion and Protection of Human Rights		
	— <i>Ms. Neelam Vatsal Parikh</i>	383
16. Trade, Development, Globalization and Human Rights		
	— <i>Ms. Dharti Shah</i>	418
17. Need to Balance between Rights and Duties, Freedom and Responsibility	— <i>Mr. Nitu Sharma</i>	446
18. International Enforcement of Human Rights		
	— <i>Ms. Heena Suthar</i>	477
19. Human Rights and Indian Constitution		
	— <i>Dr. Dipali A. Purohit</i>	496
20. Constitutional Governance—	<i>Dr. Dipali A. Purohit</i>	536

STATE AND INDIVIDUAL LIBERTY

— *Ms. Prakruti N. Jain &
Dr. Bhavesh H. Bharad*

5.1 The changing Nature of State with Special References to the developing Countries :

States are the primary subjects of the International Law. They possess rights and duties under the International Law. State means a society of men occupying a territory, the members of which are bound together by the tie of common subjection to a government and which has capacity to enter into relations with other entities. Any entity which possesses even the smallest measure of these attribute may be termed as a State. According to Gerth and Mills (1948), "the state is a human community that successfully claims monopoly of the legitimate use of physical force within a given territory." It establishes own legislature to enact the laws, the bureaucracy to implement the governmental policies, the national security services to enforce the law and protect the state from prospective threats. The State also consists health and welfare services and education.

The role of the State is to create a healthy legislative environment enabling various departments of the state to achieve their endeavours having a high standard which can protect public interest. According to *Pacem in Terris*, "the role of the state is to attempt to solve all issues that may occur in a way that is both pleasing to their function as a state and to the complexity of the issue that was brought to light."

This may involve general changes in the legislative structure and changes in the moral principles and ethics of the state. However, in classical period it was believed contrarily and the role of the state was thought to be so narrow. The role of the state in modern societies or 'Human Community' is to address the issues and challenges of its people indifferent to regional, identical and cultural differences.

Due to strong and reliable interstate relationships, the role of the State has been changed in the global era. States were created to be sovereign but now, due to globalization the concept of sovereignty has evaporated. Globalization has changed the role of the state in many ways. Globalization is often seen to have lowered the importance of the State sovereignty. However, States have to adapt to various upcoming changes and challenges to compete and complement each other for their growth and development. There were only 60 member states in the United Nations by 1950.

Development aid was virtually non-existent except for the creation and financing of the United Nations Relief and Rehabilitation Agency and the International Refugee Organization to stabilize Europe after World War II, followed by U.S. aid to Greece and Turkey and of course the Marshall Plan. Even the World Bank, which opened its doors in 1946 as the International Bank for Reconstruction and Development, was funding post-war reconstruction, primarily through guaranteeing private investment. Only through competition with the Soviet Union throughout the 1950s did the United States, and then later Western Europe, get into the business of foreign aid. By the time the Cold War was coming to an end around 1990, global technology had advanced considerably and the era of colonialism had passed, with dozens of former colonies and protectorates gaining independence. Indeed, the United Nations grew to 159 members, with Namibia the most recent country to join following its independence from South Africa. But the 1950 global distribution of economic development remained largely consistent, with the exception of a handful of East Asian



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"Will must be stronger than the Skill" is the mantra, she has firmly believed and has demonstrated the same in being the founder and the first principal of Anand College of Legal Studies. She has also been awarded as the best research paper presenter in International and National Conferences. She is a social activist and has also rendered her services in different areas with the purpose of social development and giving back to the society and for this awarded as a distinguished service provider in the year 2019. She has imparted number of expert sessions and talks on Women Empowerment. She has presented a number of research papers at National and International Level and her research area comprises of Constitutional Law, Public Interest Litigation, Jurisprudence, Interpretation of Laws, Intellectual Property Rights and Legal Research Methodology.



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