

HUMAN RIGHTS AND JUDICIAL PRONOUNCEMENTS

10 Dec | Human Rights Day



RIGHT TO SLEEP IS A BASIC HUMAN RIGHT

"An individual is entitled to sleep as comfortably and as freely as he breathes. Sleep is essential for a human being to maintain the delicate balance of health necessary for its very existence and survival. Sleep is, therefore, a fundamental and basic requirement without which the existence of life itself would be in peril. To disturb sleep, therefore, would amount to torture which is now accepted as a violation of human right."

Ramlila Maidan Incident vs. Home
Secretary, Union of India (UOI) and Ors.
(MANU/SC/0131/2012)



MANDATORY REGISTRATION OF FIR

- Registration of FIR is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.
- If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether cognizable offence is disclosed or not.

Lalita Kumari vs. Govt. of U.P. and Ors.
(MANU/SC/1166/2013)



GENDER EQUALITY IS A HUMAN RIGHT

"Gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognised basic human right."

Vishaka and Ors. vs. State of Rajasthan and Ors.
(MANU/SC/0786/1997)



RIGHT OF CHOICE IS A HUMAN RIGHT

"Right of choice given to an individual is an inseparable part of human rights. If democracy is based on the recognition of the individuality and dignity of man, as a fortiori we have to recognize the right of a human being to choose his sex/gender identity which is integral to his/her personality and is one of the most basic aspects of self-determination, dignity and freedom."

National Legal Services Authority vs.
Union of India (UOI) and Ors.
(MANU/SC/0309/2014)



HANDCUFFING ONLY IN EXCEPTIONAL CASES

"To prevent the escape of an under-trial is in public interest, reasonable, just and cannot, by itself, be castigated. But to bind a man hand-and-foot, fetter his limbs with hoops of steel, shuffle him along in the streets and stand him for hours in the courts is to torture him, defile his dignity, vulgarise society and foul the soul of our constitutional culture."

Prem Shankar Shukla vs. Delhi Administration
(MANU/SC/0084/1980)

