

Human Rights : Peace, Equality, Dignity, Justice, Freedom

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Received: February 04, 2019

Accepted: March 21, 2019

ABSTRACT:

“Until justice rolls down like water and righteousness like a mighty stream”

- Martin Luther King Jr.

Article 1 of the Universal Declaration of Human Rights, 1948 states that “All human beings are born free and equal in dignity and rights.” This Article describes that fundamental rights are inalienable source of human beings and cannot be taken away from them under any circumstances, whatsoever.

Doubtlessly, Human Rights are a criterion of the educated, advanced, developed and civilized nation. These rights tend to comprise of the right to live; the right to exist; the right to quality; the right to freedom of speech; the right to expression; the right to residence, movement, association; the right to practice any profession; the right against exploitation; prohibiting all kinds of form of forced labour, child labour and trafficking, slavery etc, and; equal opportunity in matters of employment.

These rights are the most valuable and precious assets which are to be preserved at any cost otherwise life would become unbearable. The diminution of these rights would surely one day lead to humiliation and mortification of human existence.

Through the study and schooling of human rights as a way of life, could lend a helping hand to eradicate poverty, ignorance, prejudices, and discrimination based on sex, caste, religion, and disability etc amongst the people.

Key Words: Human Rights, Fundamental Rights, Exploitation, Most Valuable, Mortification, Human Existence.

GENERAL INTRODUCTION

The individual, however, had no identity of their own as the state was always given an utmost importance. As the society grew and evolved, “Human Rights” were proved to be of greatest significance. After the formation of United Nations Human Rights were universally originated and recognized. These rights are universal which means they belong to everyone and cannot be taken away from them. Human Rights tend to accept each and every individual’s talent and abilities and claim that no one is inferior or superior to another. These rights are described under three types – 1. The fundamental freedoms or classic civil liberties, 2. Ethnic and religious rights and, 3. Socio-economic rights.

The idea of equality before law implies that persons or groups must not be discriminated against without justification. These rights are not created by any legislature that is why Human Rights are considered to be “Natural Rights.”

There are total 6 features of Human Rights:

- **Universal:** These rights belong to everyone irrespective of their sex, caste, color, creed, race, religion, economic state and place of birth.
- **Inalienable:** These rights cannot be transferred from one person to another as no one gives these rights and an individual is entitled to these rights by birth. They are also termed as “birth rights.”
- **Inherent in nature:** These rights, being the birth right inherent in all the individuals irrespective of their caste, color or creed.
- **Natural Rights:** they are not created by any legislature so they assume the position of natural rights.
- **Interrelated and Indivisible:** These rights are categorized into - civil and political rights, economic, social and cultural rights. Every right depends on another and they cannot be practiced without other rights.
- **Fundamental for human’s existence:** They are the eternal part of the nature of human beings and are essential for the development of human personality and individual qualities.

HISTORICAL[PAST EVENTS] OF HUMAN RIGHTS

In, 539 BC, Cyrus the Great, subsequent to overcoming the city of Babylon, accomplished something absolutely sudden—he liberated all captives to return home. In addition, he announced individuals ought to pick their very own religion. The Cyrus Cylinder, a mud tablet containing his announcements, is the principal human rights statement ever.

The Magna Carta [1215]:

The Magna Carta, or "Incredible Charter," was seemingly the hugest early effect on the broad recorded procedure that prompted the standard of sacred law today in the English-speaking world.

In 1215, subsequent to King John of England abused various old laws and traditions by which England had been administered, his subjects constrained him to sign the Magna Carta, which counts what later came to be thought of as human rights. Among them was the privilege of the congregation to be free from legislative impedance, the privileges of every free native to possess and acquire property and to be shielded from over the top duties. It set up the privilege of widows who possessed property to decide not to remarry, and set up standards of fair treatment and fairness under the watchful eye of the law. It additionally contained arrangements precluding pay off and official unfortunate behavior.

Broadly saw as a standout amongst the most imperative authoritative reports in the advancement of current majority rules system, the Magna Carta was a urgent defining moment in the battle to set up opportunity.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

At the point when the organizers of the assembled countries met at San Francisco gathering in 1945 to draft the sanction of the unified countries, Latin American states specifically needed the meeting to examine a global bill of human rights.

After the assembled countries contract came into power, the most essential errand before the unified countries was the execution of the standards of the regard for Human Rights and central opportunities for all without refinement as to race, sex, language, or religion, as set down under article 55 of the U.N. Contract. In, 1946 the monetary and social board formally supported the view that the reason for the unified countries with respect to the advancement and perception of human rights could be satisfied just if the arrangement was made for a worldwide bill of rights and for its execution.

The General Assembly eluded this issue to the Economic and Social Council for concentrate by the commission on Human Rights was motivated by 'the craving to build up a far reaching framework for the advancement and security of human rights'. The Commission in January 1947 delegated a Committee known as Drafting Committee for the readiness of the draft of the Bill of Rights.

Preamble to Universal Declaration of Human Rights:

The seven paragraphs of the preamble set out the reasons or the destinations of the affirmation which is trailed by an announcement "broadcasting" the Declaration.

Para I: Asserts that the recognition of human dignity of all people is the foundation of justice and peace in the world.

Para II: Observes that disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind and that the four freedoms: freedom of speech, belief, freedom from want, and freedom from fear are "proclaimed as the highest aspiration" of the people.

Para III: States that people are not compelled to rebellion against tyranny; human rights should be protected by rule of law.

Para IV: Relates human rights to the development of friendly relations between nations.

Para V: Links the declaration back to the United Nations Charter which reaffirms faith in fundamental human rights and dignity and worth of the human person.

Para VI: Observes that "a common understanding" of rights and freedom is of "the greatest importance" for the full realization of that pledge.

VULNERABLE GROUPS AND HUMAN RIGHTS

1. Rights of women:

For a considerable length of time past, ladies everywhere throughout the world have not exclusively been denied full equity, social, financial, and political however as a "flimsier area" they have been utilized, mishandled, misused and afterward disposed of to lead indecent, road vagrant and down and out life till their passing. To battle socio-lawful viewpoint with respect to the rights identifying with ladies, presently endeavors are embraced both broadly and universally.

Ladies' rights are the principal human rights that were revered by the United Nations for each person on the planet about 70 years back. These rights incorporate the privilege to live free from viciousness, subjugation, and segregation; to be instructed; to claim property; to cast a ballot; and to win a reasonable and equivalent compensation.

To combat this, the national as well as international community has since ages tried to play a decisive role in protecting human rights of women. Various documents that have led to the protection of rights of women are as follows:

The Indian Penal Code itself contains many provisions pertaining specially to women. They are:

- SECTION 228A Punishment for disclosure of the identity of victim of certain offences like rape;
- SECTION 304B Dowry death;
- SECTION 354 Outraging the modesty of a woman;
- SECTION 361 Kidnapping from lawful guardianship;
- SECTION 363 Punishment for kidnapping;
- SECTION 366 Kidnapping, abducting or inducing women to compel her marriage etc.;
- SECTION 366A Procreation of minor girl;
- SECTION 366B Importation of girl from foreign country;
- SECTION 375 Rape;
- SECTION 494 Marrying again during lifetime of husband or wife;
- SECTION 489A Harassment and Cruelty;

2. Child Rights:

Adolescence can and should be protected. Children reserve the option to endure, create, be ensured and take an interest in choices that sway their lives. Children are natives in their very own right, qualified for the full range of human rights. The essential purpose behind insurance of privileges of youngsters is a direct result of the way that the kids are more helpless than grown-ups to the conditions under which they live. They are honest, trusting and brimming with expectation. In any case, for some kids, the truth of youth is by and large extraordinary. Directly through the history, children have been manhandled and misused. They experience the ill effects of yearning and uncovered destitute. They have worked in destructive conditions.

Article 24 of the International Covenant on Civil and Political Rights (ICCPR) provides:

“(1) Every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status of a minor on the part of his family, society and the State;

(2) Every child shall be registered immediately after birth and shall have a name;

(3) Every child has the right to acquire nationality.”

3. Disabled Persons:

In excess of 500 million people 10 percent of the total population, an expected 80 percent of them living in the creating World, experience the ill effects of either mental or physical disability. Of these, 300 million are in the creating and developing nations and something like 100 million of those are accepted to be in India. A handicap is regularly characterized as the failing, aggravation or misfortune in the typical working of physical, mental or mental procedures or a trouble in the capacity to learn, or alter socially which meddles with an individual's ordinary development and advancement. While a handicap is a difficulty experienced by a person because of the nature of the environment in which he finds herself.

The British Council defines disability as “the disadvantage or restriction of activity caused by a society which takes little or no account of people who have impairments and thus excludes them from mainstream activities”

Declaration on the Rights of Disabled Persons (1975)

On December 9, 1975, the General Assembly adopted, the Declaration on the Rights of Disabled Persons where the term ‘disabled person’ was defined as ‘any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and or social life.’

It primarily proclaims the following rights of the disabled persons:

- Equal civil and political rights of disabled persons, the inherent right to respect for their human dignity.
- The same fundamental human rights whatever the origin, nature and seriousness of their

handicaps and disabilities as their fellow citizens, including the right to a decent life (both economically and socially) as normal and full as possible.

- Right to live with their families or with foster parents.
- Right to protection against exploitation or discriminatory, abusive or degrading treatment.
- Right to qualified legal assistance to protect their rights, and for legal procedures to take their condition fully into account.

4. Indigenous People:

Indigenous individuals or native individuals are the individuals who were living on their properties before pilgrims originated from somewhere else. At the end of the day, people who occupy a land before it was vanquished by frontier social orders (known as colonials) who view themselves as particular from the social orders right now overseeing those domains are called Indigenous People or first individuals or tribal people, additionally aboriginals. they structure at present non-overwhelming divisions of society and are resolved to protect, create, and transmit to future ages their hereditary regions, and their ethnic personality, as the premise of their proceeded with presence as individuals, as per their own social examples, social establishments and legitimate frameworks.

Indigenous individuals keep up conventions that have been pursued for ages. They have made through attack and colonization while as yet keeping up their traditions. They have a distinct culture, social institutions and religions.

DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE:

There are 46 Articles, or rules, in the Declaration, including:

- Indigenous peoples are free and equal to all others and have the right to be free from any kind of discrimination, including discrimination based on their Indigenous origin or identity (Article 2).
- Indigenous people have the right to live in freedom, peace and security.
- They must be free from genocide and other acts of violence including the removal of their children by force (Article 7).
- Indigenous peoples have the right to practice and revitalize their cultural traditions and customs (Article 11).
- Indigenous peoples shall not be removed from their land by force. Where they agree, they should be provided compensation, and, where possible, have the possibility to return (Article 10).
- Indigenous peoples must not be discriminated against in matters connected with employment (Article 17).
- Governments shall consult properly with Indigenous peoples before adopting laws and policies that may affect them. They must use the principles of free, prior and informed consent – which means giving Indigenous peoples all the facts needed to make decisions (Article 19).
- Indigenous peoples have the right to own, use and control their lands, waters and other resources. Governments shall recognize and protect these lands, waters and resources (Article 26).

5. Prisoner's Rights:

Prisoner's Rights Law deals with the rights of inmates while behind bars. Many of these laws relate to fundamental human rights and civil liberties.

Prisoners and detainees are additionally qualified for rights to some degree as a typical individual when they are behind the jail. These rights are given under the Constitution of India, the Prisons Act, 1894 and so forth. Prisoners tend to have a few rights and they don't lose their fundamental constitutional rights. Prison walls do not keep out fundamental rights. The Supreme Court has emphasized that a prisoner, whether a convict, under-trial or detenu, does not cease to be a human being and, while lodged in jail, he enjoys all his fundamental rights guaranteed by the Constitution of India including the right to life guaranteed by the Constitution.

The provisions of the document which we are concerned with rights now are as follows:

- Article 14 of the Constitution of India says that the State shall not deny to any person equality before law or the equal protection of laws within the territory of India.
- Article 19 of the Constitution of India guarantees six freedoms to the all citizens of India. Among these freedoms certain freedoms cannot be enjoyed by the prisoners because of the very nature of these freedoms.
- Article 21 of the Constitution of India says that No person shall be deprived of his life or personal liberty except according to procedure established by law.

- Right of inmates of protective homes,[7]
- Right to free legal aid,[8]
- Right to speedy trial,[9]
- Right against cruel and unusual punishment,[10]
- Right to fair trial,[11]
- Right against custodial violence and death in police lock-ups or encounters,[12]
- Right to live with human dignity,[13]
- Right to meet friends and consult lawyer,[14]
- Rights against solitary confinement, handcuffing & bar fetters and protection from torture,[15]
- Right to reasonable wages in prison.[16]

COLLECTIVE RIGHTS

Universal agreement on common and political rights and global contract on monetary, social and social rights set out various rights to people which might be delighted in by them separately by ethicalness of their being human. Both the agreements while giving rights to individuals have utilized the words in various Articles, for example, 'each one', 'each individual' and 'all people's who infer that rights referenced in the pledges vest in them. These rights for comfort might be alluded to customary rights. Notwithstanding those rights, there is another sort of rights which is alluded to as aggregate rights.

EXAMPLES OF COLLECTIVE RIGHTS:

- The right to speak one's native language and educate children in that language; the right to cultural preservation.
- The rights of indigenous peoples to land and resources held collectively, and the right to pass land and resources down through the generations.
- Environmental rights to clean air, water, and land.
- The right to national self-determination.
- The right to development.
- The right to autonomous self-government for minority groups.
- The right to restitution for lands stolen from the collective.

HUMAN RIGHTS AND NON-GOVERNMENTAL ORGANISATIONS

The humanitarian concept of protection and care of the people and particularly the underprivileged is an important issue of international concern and had been well-established in the thinking of the eminent jurists. In the initial stages, for achieving this goal the International Human Rights Organizations were founded by League of Nations and United Nations. London based Anti- Slavery Society for Human Rights in 1938, the International Committee for Red Cross in 1963, the French League for Human Rights in 1898. A large number of Non- Governmental Organization (NGO) at national, regional and local level emerged after 1970.

Article 71 of the UN Charter provides that the Economic and Social Council (ECOSOC) may make consultative arrangements with NGOs. The number of NGOs having consultative status has grown steadily since the creation of the UN Charter.

- Agenda: Right to receive the provisional agenda of ECOSOC or its subsidiary bodies and to propose the inclusion of new agenda items.
- Attendance: NGOs are entitled to attend public meetings of ECOSOC and its subsidiary bodies.
- Written Statements: NGOs may submit statements and have them circulated to ECOSOC and its subsidiary bodies.
- Oral Interventions: Depending on their category, NGOs have the right to make oral statements before ECOSOC.

IMPLEMENTATION OF HUMAN RIGHTS

Human Rights Commission in India:

Since the formation of the United Nations the world has been sensitive and responsive towards its duty regarding the handling of the human rights. India was also aware to react to the most needful aspect of human life. This is very much apparent as the rights incorporated in the Universal Declaration of Human rights were made a part of the Constitution of India either in the form of Fundamental Rights or the Directive Principles of State Policy.

In pursuance with the protection of the Human Rights Act of 1993 the first National Human Rights Commission of India was constituted on 29 September 1993, with Shri Ranganath Mishra, the ex-chief justice of India as its first chairperson.

National Human Rights Commission (NHRC):

National Human Rights Commission (NHRC) of India is a self-ruling open body in charge of the insurance and advancement of human rights, characterized by the Act as "rights identifying with life, freedom, uniformity and poise of the individual ensured by the Constitution or epitomized in the International Covenants".

Chapter II of the Act deals with the Constitution of the National Human Rights Commission. Section 3 provides for the setting up of a body by the Central Government known as the National Human Rights Commission. The following shall be the constitution:

- *Chairperson:* former Chief Justice of the Supreme Court.
- *Other Members:* a sitting or required judge of the Supreme Court, a serving or a retired Chief Justice of the High Court, two prominent persons having knowledge or practical experience in the sphere of human rights.
- The Chairpersons of the National Commission for Minorities, the Scheduled Castes and Scheduled Tribes and women shall be members for certain specified functions.

The Commission shall have a secretary-general who will discharge his functions keeping with the powers delegated to him.

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