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Human Rights in India

Introduction

Human Rights should ensure that an individual is guaranteed certain rights and freedoms. Among the most important are civil and political rights, freedom of speech and assembly, and the order to provide safety and equality to every individual. A major development towards Human Rights took place by the United Rights took place by the United Nations in 1948. A thirty page outline was adapted to declare a Universal Declaration on Human Rights. Injustices and violations occur everywhere but not as severe in Western civilizations. Third World Countries like India and in Asian cultures such as China believe in abiding by much stricter rules and regulations.

Meaning of Human Rights

Human beings are born equal in dignity and rights. These are moral claims which are inalienable and inherent in all individuals by virtue of their humanity alone, irrespective of caste, colour, creed, and place of birth, sex, cultural difference or any other consideration. These claims are articulated and formulated in what is today known as human rights. Human rights are sometimes referred to as fundamental rights, basic rights, inherent rights, natural rights and birth rights.

Definition

Dr. Justice Durga Das Basu defines “Human rights are those minimal rights, which every individual must have against the State, or other public authority, by virtue of his being a ‘member of human family’ irrespective of any consideration. Durga Das Basu’s definition brings out the essence of human rights.

The Universal Declaration of Human Rights (UDHR), 1948, defines human rights as “rights derived from the inherent dignity of the human person.” Human rights when they are guaranteed by a written constitution are known as “Fundamental Rights” because a written constitution is the fundamental law of the state.

The Evolution of Human Rights

The evolutions of human rights have taken place over centuries. Man had to struggle hard in order to achieve the ultimate goal – living with dignity – which still has to be realized in various societies. India itself is an example where women, children, dalits, bonded labourers, etc, is trying hard to be a part of mainstream. In spite of all these, the world recognized the U.N. Charter of 1945 which states that human rights are inalienable aspect of mankind. The origin of human rights may be traced to the theory of Natural Rights derived from the concept of Natural Law, as propounded by ancient Greek Stoic Philosophers and further developed by Thomas Hobbes and John Locke. The American and French Revolution gave further impetus to the struggle of human rights. The evolution and development of human rights in the international context can be traced to the Magna Carta and the English Bill of Rights followed by the French Declaration and the American Bill of Rights. The twentieth century witnessed the crystallization of the philosophy of Human Rights when the United Nations adopted the UN Charter, 1945, The Universal Declaration of Human Rights, 1948 and the International Covenants on Human Rights with further emphasis to protection of rights of Women,

Abolition of Slavery, Racial Discrimination, Civil and Political Rights, Economic, Social and Cultural Rights and most importantly the Rights of children. 5 In India the drafters of Constitution took care to incorporate Human Rights for its own citizens as well as for the aliens.

Characteristic

- Human rights imply that everyone should have them. People do not enjoy them as the member of a particular nation or of a community, rather as the member of the human society. Human rights are universally applicable to all without any discrimination on the grounds of caste, class, color, sex, religion etc.
- Human rights, as a comprehensive whole, include socioeconomic, civil, political, cultural rights which are deemed to be essential for the human beings to lead a life of dignity.
- Human rights are justiciable. They cover legal rights protected by the law of the state. They also cover fundamental rights as incorporated in the constitution of the land and they enjoy judicial enforcement.
- Human rights are not absolute. Like all rights, they may also be restricted in the interest of public peace, social decency, political security and the like.
- Human beings cannot stay without the enjoyment of human rights. All of them possess these rights as the members of the human society. Since some people are ignorant of these rights, they must be taught about these opportunities. They only can lead a life of peace, security and dignity with the growing consciousness of these rights.

Types of Human Rights:

The Universal Declaration of Human Rights has guaranteed a number of rights which can be classified as follows:

(a) Social or Civil Human Rights:

- **All human beings are entitled to:**
- The right to life, liberty and security of persons
- Right to freedom from slavery and servitude
- Right to freedom from torture or cruel, inhuman or degrading treatment or punishment
- Right to freedom from arbitrary interference with privacy, family, home or correspondence
- Right to marry and have family and right to property.

(b) Political Human Rights:

- **To take part in the political process, all human beings are provided with some rights such as:**
- Right to nationality
- Right to equality before law and equal protection of law
- Right to judicial remedies, fair trial and freedom from arbitrary arrest, detention or exile
- Right to freedom of thought, expression, belief, faith, conscience and religion
- Right to freedom of peaceful assembly and association
- Right to take part in government affairs and equal access to public service
- Right to equal suffrage
- Right to freedom of movement and right of asylum etc.

(c) Economic Human Rights:

To ensure the economic interest of the human being, UNO also provides certain economic rights, such as:

- Right to social security
- Right to work and the right to equal pay for equal work
- Right to form trade unions
- Right to rest and leisure
- Right to food, health and adequate standard of living.

(d) Cultural Human Rights:

- For the protection of the various types of cultures, traditions and customs of the human being, the Declaration of Human Rights also provides certain rights, such as:
- Right to participate in the cultural life of the community,
- Right to enjoy the art and to share in the scientific advancement and its benefits
- Right to the protection of the moral and material interests resulting from any scientific, literary and artistic production of which the individual is the author
- Right to a social and international order in which the human rights as provided in the Universal Declaration can be fully realized.

Future ahead

The assertion by rising powers of alternative domestic and regional conceptions of human rights and their pursuit of different understandings of moral and political legitimacy could increasingly bring into question the extant human rights regime. The future of human rights in a changing global order is of a wider significance that goes far beyond the travails of Western policymakers struggling with the notion that their era of dominance in world affairs may be coming to an end. For human rights advocates around the world, as well as for rights-bearing people worldwide, understanding the present and future evolution of human rights constitutes one of the key challenges of 21st Century.

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