

Lesson 25

Human Rights

Summary -

'Human rights' in practice have been defined to include all aspects of dignified human existence which make every human being an equal member of the human family. Human dignity is the essence of human rights. It is the wide understanding of this aspect and appreciation of the range of dignity of the individual which defines the true scope of human rights.

Basic Concept of Human Rights -

Classical - These have been defined to include civil and political rights and generally restrict the powers of the state in respect of actions affecting the individual.

Fundamental and Basic Rights

- ✚ With the recent increase in the number of human rights, a concern has arisen that some rights will become watered down.
- ✚ Consequently, the term fundamental rights tend to be used to indicate more importance of certain rights.

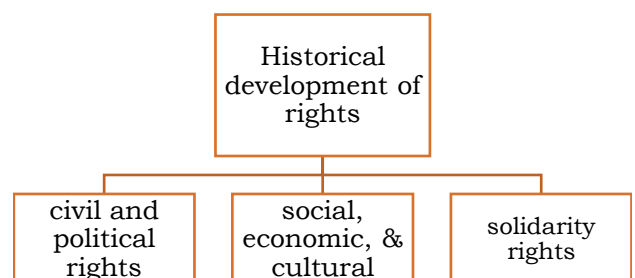
Collective and Individual Rights

- ✚ In general, most human rights relate to the individual. It will become apparent that some of them can only be exercised by groups.

First, Second & Third Generation Rights

This classification follows the historical development of rights.

1. First are the civil and political rights.
2. Second are the social, economic, and cultural ones.
3. Third generation of rights which are solidarity rights.



Features of Human Rights

People have rights simply because they are human

Human rights are universal

Human rights treat all people as equal

These rights belong primarily to individuals

Human rights encompass the fundamental principles of humanity

Major Landmarks in the Development of Human Rights -

- ✚ 1215 Magna Carta.
- ✚ 1776 American Declaration of Independence and Bill of Rights.
- ✚ 1787 Constitution of the United States.
- ✚ 1789 French Declaration of the Rights of man.
- ✚ 1946 UN Commission on Human Rights.
- ✚ 1948 Universal Declaration of Human Rights.
- ✚ 1949 Geneva Conventions.
- ✚ 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms.
- ✚ 1961 European Social Charter.

- ✚ 1966 International Covenant on Economic, Social and Cultural Rights (ICESC).
- ✚ The International Covenant on Civil and Political Rights (ICCPR), The (First) Optional Protocol to the Covenant on Civil Inhuman or Degrading Treatment or Punishment (UNCAT).
- ✚ 1993 Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights.

Human Rights in the Indian Constitution -

- ✚ The Constitution of India duly recognizes the importance of human rights and guarantees certain Fundamental Rights in Part-III,
- ✚ It includes:
 - Right of equality,
 - Right to freedom,
 - Right against exploitation,
 - Right to freedom of religion, cultural and educational rights, and
 - The right to constitutional remedies.
- ✚ Article 32 gives the right to constitutional remedy in the form of original jurisdiction of the Supreme Court of India for the enforcement of these Fundamental Rights.
- ✚ This is the protection of individuals against invasion of their human rights.

National Human Rights Commission –

The Protection of Human Rights Act, 1993 was enacted in India to provide for the constitution of a National Human Rights Commission.

State Human Rights Commissions in States for better protection of human rights and for matters connected therewith or incidental thereto.

- + Human rights are defined in Section 2(1)(d) of the Act to mean the rights relating to life, liberty, equality, and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.
- + The functions of the Commission are enumerated in Section 12 which include a wide area to enable the Commission not only to enquire into the violations or negligence in prevention of violation of human rights but also to promote the human rights culture and perform any function necessary for the promotion of human rights.

Role of Non - Governmental Organizations (NGOs) –

- + The impact of human rights has brought about a profound change on the notions of State sovereignty.
- + Today, no nation can say that the way it treats its citizens is purely a domestic concern.
- + Globalisation of human rights with the modern concept of a global village has resulted in the human rights situation anywhere in the world becoming a matter of international concern.

Evaluate yourself –

1. Define the Human Rights in your own words.
2. The universalization of Human rights has provided the human safety in the world, discuss with suitable example.
3. The connection between Human rights and Fundamental rights is very strong, about the statement write your views.