

HUMAN RIGHTS

Synopsis: Every human being is entitled to human rights such as right to live and exist, right to freedom, freedom from exploitation, equality before law, to have adequate standard of living etc. The UN adopted Universal Declaration of Human Rights in 1948. Rights have their corresponding duties. Human rights presuppose a rule of law and equality. Violation of human rights is very common among totalitarian, theocratic, despotic states etc. Women, children and weaker sections of the society are often victims of discrimination and violation of human rights. Deaths in police custody, sex-apartheid, child-abuse, political killings are very common which have very much degraded the quality of human life. Violation and denial of human rights by states is very dangerous and often gives to revolutions. Violence against women is most pervasive. It needs to be tackled effectively. The massive violation of human rights throughout the world is a matter of great shame for the entire humanity.

Human rights are the rights to which an individual has a just right as a human being. Men, women and children collectively and individually have these by virtue of their birth as human beings. For the sake of convenience, human rights have been put into two categories: natural rights and civil rights. Under natural rights come such rights as right to live and exist and sustain life with food, shelter, clothing etc. Freedom from torture, cruelty and slavery, freedom of movement, the right to marry and have a family, freedom of thought and conscience and faith are some other fundamental natural rights. Right to work, freedom from arbitrary arrest and detention, right to a fair trial, equality before law, the right to a nationality, freedom of association and peaceful assembly, to have adequate standards of living, freedom from exploitation and discrimination, right to participate in elections etc. are important civil rights.

The UN General Assembly adopted Universal Declaration of Human Rights in 1948. The Declaration recognized the inherent dignity and equal and inalienable rights of all members of the human family. This Charter of Human Rights was mostly drafted by Rene Cassin, Noble Peace Prize winner of 1968. The Charter urged the right to political, economic social and cultural self-determination; the right to peace; the right to live in a healthful environment; and the right to share in the Earth's resources. It pledged the rights to life, liberty and security of a person –the basic human rights. Although these rights are not later on ratified by a couple of international conventions. Then there are political rights

which entitle a person to contest an election and to vote freely, without any fear for a candidate of his or her choice.

Human rights and their implementation, practice and protection are a benchmark of a truly developed, civilized and democratic society. In a democracy people enjoy the maximum number of human rights. But rights and duties go together. The human rights have their corresponding human duties. They are two aspects of a same coin, Liberty never means license. Human rights pre-suppose a rule of law where all the citizens follow a code of conduct and behaviour for the good of all irrespective of caste, creed, religion, sex, social status, region etc. It is the sense of duty, tolerance, mutual participation that lends meaning and sense to the rights. Rights have their existence on the principle of live and let live. For example, my right to speech and expression involves my duty to all others to enjoy the same of freedom of speech and expression. Human rights and human duties are inextricably inter-linked and interdependent. My rights become maintained between the two. Whenever there is an imbalance, there is violence of human rights leading to disturbance and chaos. Rights cannot survive without their corresponding obligations and duties.

Violation and denial of human rights are very common in totalitarian and despotic States. In theocratic States there is much persecution in the name of religion and the minorities and women suffer the most as we see in many fundamentalist Muslim countries. The women, children and the weaker sections of the society are victims of these transgressions, and violence.

The UN commission on Human Rights is mainly concerned in protecting and promoting human rights and freedom of the people of the world. In its various sessions held from time to time in Geneva, it adopts various measures to encourage worldwide observations of these basic human rights and freedoms. It calls on its members to give information regarding measures complied with the Universal Declaration of Human Rights whenever there is a complaint of violation of these rights. Then there are many voluntary human rights organisations throughout the length and breadth of the world but in most of the cases, they become a mere instrument of cheap publicity, propaganda, personal gains, popularity etc. in the hands of vested interests. For example, in India itself the Kashmiri Pandits etc. have been subject to terrorism, loot, rape, killings and displacement for many years but no human rights organisation has come forward to give voice to their sufferings or to protect their human rights. Similarly, in the western countries there prevail all sorts of discrimination and violation of human rights. In the U.S. churches of the black are being burnt and they are persecuted. In Pakistan and Afghanistan, women are being denied their basic rights and

freedoms. They are flogged and stoned to death publicly without any fair judicial trial on false and fabricated charges. They cannot marry men of their choice or seek an employment. In Cambodia under the dictatorship of Pol Pot of Khmer Rouge, millions of people were massacred systematically and nothing was done to check it or punish the men responsible for this mass genocide.

People and political parties talk of human rights but in practice there are flagrant violations of them. Death in police custody and fake encounters is an example of such violations. The police often take the law in their own hands and kill the so-called criminals instead of subjecting them to due process of law. No investigations are held as to whether the deceased had committed any offence. In the capital city of Delhi, the police shot dead two innocent businessmen and seriously wounded their companion and then placed a revolver etc in their car to prove it an encounter. The violation of human rights by the police, the very protectors of law and order, are too numerous to count. They harass, maltreat, humiliate, tyrannize and lacerate and people in the name of interrogation and investigation.

In China, a Communist State, the denial and transgression of human rights are too many frequent. It is estimated that in the year 1995-96 itself 3,500 people were executed under the so-called strike-hard anti-crime campaign, which is being continued vigorously. In Tibet the followers of Dalai Lama are being persecuted for many years. Similarly, the Xinjiang, the autonomous region, the followers of Islam are tortured and harassed. In 1989, thousands of people were killed and 10,000 people, mostly students, were shot dead in Tiananmen Square, outside the Great Hall of the People in Beijing because they staged a demonstration for their democratic rights and freedoms. These examples of flagrant violations of human rights are just the proverbial tip of the iceberg. The actual violation of human rights is on a far more vast scale throughout the world. Women, children, weaker sections of the societies, minorities and other ethnic groups are the common victims of such violations.

Till recently in South Africa apartheid was being practiced, the native Africans were denied their just and legitimate human rights. Then there are other forms of apartheid being blatantly practiced worldwide. In Myanmar (Burma) there prevails terrorism and military dictatorship and the masses are being denied their basic democratic rights. Sex-apartheid is most rampant. Women are subject to various kinds of abuses and exploitations. The children too are being abused and exploited. Sexually they are assaulted and exploited, sold and bounded for labour. Their limbs are sometimes amputated to make them earn for the mafias as beggars.

Thus, the present state of affairs in respect of human rights is disappointing. Their denial, curtailment and violation have further degraded the quality of human life. Human rights may be reshaped and redefined to some extent according to the political needs but they should not be distorted out of shape. Such tendencies are totalitarian, inhuman and savage and should be resisted. The awareness of the sanctity of human rights and basic freedoms should be spread to more and more people of the world. They should be united into very effective case of transgression and violation of human rights, the individuals should be compensated suitably and it should be ensured that these are not repeated.

Violation of human rights gives rise to various other evils such as terrorism, extremism, alienation, frustration, separatism, etc. In many cases, the governments controlled by self-seeking, over ambitious and narrow-minded people use repressive, unconstitutional and savage means and spread violence and terror to command the obedience from the masses. But State terrorism, violence, transgression of people's rights is a very dangerous strategy and often boomerangs. In the background of all world revolutions there has been this strategy. Whenever there has been systematic and widespread State persecution and violation of human rights, there broke out rebellions and revolutions and history repeats itself.

Half the world is that of women and yet the violence against them may be the most pervasive and least recognized human rights abuse in the world. Gender violence, sexual harassment, discrimination, denial of economic, sexual and reproductive rights etc. are in practice unlimited. The remedy lies in widespread legal reforms, better enforcement of existing laws, new procedures to document violations, education about human rights and close alliance between organisations concerned with their rights. According to a U.N. report the cases of rape are on the rise and in courts rape victims are often stigmatized and their testimony and integrity impugned.

Child prostitution, dowry deaths and dowry-related crimes are other areas of concern. In India thousands of women die because of dowry-related crimes. Girl-children are often held in bondage in brothels. The marked preference for boys over girls, sex selective abortions etc. are also matters of much concern and should be effectively tackled. These massive violations of human rights, taking place across the world, are a great stain on the face of entire humanity.

Essay No. 2

Human Rights

Human rights are those rights which are fundamental for the human life. These rights recognize the basic human needs and demands. It is expected that every civilized state will incorporate these rights in its constitution and try to ensure that its citizens enjoy them. In the present day, world there is a lot of concern about the protection of human rights. The United Nations has adopted a Charter of Human Right and it asks the governments to respect these rights of their citizens. The Universal Declaration Human Rights , which the UN adopted on 10 December , 1948 enumerates some important basic rights of humans. These are right to life, liberty and security of person, right to freedom of speech , judicial remedy, freedom to movement, right to take part in the governance of one's country. The second type of rights are economic and social rights. The rights included in this groups are also very important. These are : all members should have the right to work, to have a good standard of living, right to rest and leisure, right to education and equal pay for equal work. The UN has taken a great deal of interest in the abolition of discrimination against women. One of the most serious cases of violations of human rights is the case of racial discrimination.

The problem about human rights varies from society to society. In some societies, political and civil rights are not given or guaranteed to all its citizens. In other societies, economic and social rights are not enforced. The importance of the human rights movement is that it tells people that one cannot call a society a good and a just society until all its citizens enjoy these human rights. The basic idea behind human rights is that human beings should try to end all kinds of unjust discrimination. One of the most unjust discrimination is the discrimination on the basis of race. South Africa, for example had for quite some time practiced a policy called Apartheid. It meant that the black people, who were in majority in South Africa had no political rights. The country was ruled by a minority regime of whites. The UN passed resolution to condemn its racist policy. Most countries of the non-aligned movement including India, did not have diplomatic relations with South Africa.

Fortunately South Africa after a long struggle has undergone a significant change. For the first time in its history the people of South Africa have an elected Black President, and political rights have been extended to all the people of South Africa irrespective of race, colour and creed.

There are many cases of violation of human rights in different parts of the world. For the prosperity and happiness of human beings every nation must create such conditions in which the Human Rights are ensured to its citizens. We are lucky. We have democracy. India being a democratic country, provides such rights to its

citizens and allow them freedom of expression. These rights, which are called 'Fundamental Rights' form an important part of the Constitution of India.

These rights are fundamental in three different ways. Firstly, these are basic human rights. As human beings we have the right to enjoy these rights. Secondly, the Constitution gives us these rights and guarantees them because it believes that these rights are necessary if citizens are to act properly and live democratically. Thirdly, effective procedure for the enforcement of these Fundamental Rights have been guaranteed in the Constitution itself. A citizen has the right to go to the court of law if she/ he is denied these rights. The Constitution is there to safeguard her/ his rights.

The constitution guarantees to us six Fundamental Rights. The six Fundamental Rights as mentioned in our Constitution are :

i) Right to Equality ii) Right to Freedom iii) Right Against Exploitation iv) Right to Freedom of Religion v) Cultural and Educational Rights vi) Right to Constitutional Remedies.

There are many cases of violation of human right in different countries of the world. There can be no permanent and regular prosperity of human beings unless every country or nation creates such conditions in which human rights are enjoyed by its natives

Essay No. 03

Human Rights and India

Right has many definitions. The simple one is a reasonable claim to freedom in exercise of certain activities." The legal base of modern concept of human rights is the slogan, "Liberty, Equality and Fraternity" and Universal Declaration of Human Rights by the UNO. Our Constitution includes almost all rights envisaged in the Declaration. Implementation of provisions should be ensured. Women are the first casualties of violation of human rights. Police flouts the fundamentals; Observations of Amnesty International are relevant. Role of police in terrorist infested states has been lauded. Steps taken by the Government have not improved the situation... National Human Rights Commission has been constituted but it has no effective powers.

"Right" according to New Webster's Dictionary is a just claim or title, whether legal, prescriptive or moral. Rights according to the Logician Dictionary of Contemporary English, are the political, social and other advantages to which one has a just claim, morally or legally. Wilde defines

right as a reasonable claim to freedom in exercise of certain activities. According to Laski rights are those conditions of social life without which no- man can seek, in general, to be himself at his best. Bosanquet says that

a right is a reasonable claim recognized by the society and enforced by the state. Thus the idea of the basic rights of human beings has been postulated differently by different- thinkers, politicians and philosophers during the last few centuries.

The legal base of the modern concept of human rights is, however, the conduit slogan, "Liberty, Equality and Fraternity" of the French Revolution as also the Charter of the United Nations, and a Universal Declaration of Human- Rights adopted on. December 10, 1948. Almost all, the rights envisaged in the Universal Declaration are enshrined in the Indian Constitution either as "Fundamental .Rights" or as "Directive Principles". The Preamble to the Constitution mentions the essential individual rights as "freedom of thought, expression, belief, faith and worship". and these are guaranteed against-all .authorities of State, subject, of course, .to the implementation of the Directive Principles and Fundamental Duties.

Guaranteeing of certain rights to each individual would be meaningless unless all inequality is banished from social structure and each individual is assured of equality of status and opportunity for the development of the best in him and the means for the enforcement of the rights guaranteed t o him. While in theory, we try to guarantee almost all human rights, in reality, human rights are denied to several citizens in the context of sever al economic and socio-cultural situations.

Women are the first casualties of violation of human rights. A woman is subjected to rape, molestation and brutal killing. The recent gruesome tan, door murder case in Delhi is a shocking instance in this context. Dowry deaths are the culminating point of violence. Despite anti-dowry measures, thousands of girls are being harassed and ill-treated by their spouses and greedy in-laws for more dowry. Discrimination in the choice of child resulting in female infanticide accounts for about three million, deaths in India. This problem has invited the wrath of the National Human Rights Commission and social organizations. In this context Mrs. Clintons remarks at the World Women's Conference in Beijing, that the violation of women's rights should be viewed as infringement on human rights, are also quite relevant.

The police, said to be the custodian of law, expected to maintain public peace and protect life and property. itself flouts the fundamentals of human conduct, Police custody deaths have become so common that it does not stir any longer the mind of the public as it should. Other violations by the police include disappearances, fake encounters, molestations, rape, parading of woman naked, etc. These have been mentioned in the reports of Amnesty:

International and Asia Watch. A study undertaken by the regional branch of Indian Institute of Public Administration- on Custodial Deaths at the instance of Delhi Government concluded that the inadequacy of the criminal justice system gives rise to temptation amongst policemen to use methods which are not strictly in accordance with law.”

The latest assessments show that despite the advance in civilization and the frequent pleas by Amnesty International abuse of human rights including political killings by democratic governments have been increasing in 1990s. Governments profess commitment to a New World Order and establish institutions to protect human rights but security forces have been carrying out thousands of disappearances and political murders. This is stated in the Amnesty's report titled Getting away with Murder, Political Killings and Disappearances. “This report contains several examples of human rights abuse in countries of Asia, Africa and Latin America. The report states that deliberate killings are a matter of policy in some Indian states, like Punjab. Amnesty International, however, acknowledges that anti-nationalist. And secessionist groups are increasingly using violent. means to challenge the power of the government and have committed numerous human rights abuses in many states including Jammu and Kashmir, Punjab and Andhra Pradesh. Iii Punjab, armed separatists have deliberately killed thousands of civilians. In Jammu and Kashmir, civilians have been taken hostages. and captured and killed, women have been raped in their custody. In Andhra Pradesh, they have killed or mutilated alleged “informers”. There might be some truth in the statement of the Amnesty International about some Indian .States but in the circumstances stated by themselves in regard to Punjab and Jammu and Kashmir, the police and Para-military forces had to deal :with the terrorists with ruthless methods. This was the only way out to :contain the killings. This has been able to bring about the desired results

as is indicated by elections in Punjab. and Jammu & Kashmir and restoration

of popular governments there. Thus the position of human rights violation in India is not as bad as brought out by the Amnesty International, compared to other countries of Asia and Africa.

Between 1990 and 1992 as many as 258 rapes in police custody were reported from all over the country Surprisingly seldom any such case ends in conviction. It is, therefore, imperative that those guilty of custodial - rape should be awarded severe punishment. In all cases of custodial deaths

and rapes, there should be mandatory enquiries. Besides this, some remedial

measures at micro : and macro levels should be taken on priority. These may include attitudinal -changes in policemen of all ranks, insulation of police from political control, improvement in supervision of investigation, prompt formalization of arrests and time-bound completion of enquiries and adequate punishment to guilty officers.

The government has made some efforts to put end to violation of human rights by police. A number of police commissions, Punjab Police Commission (1961-62), U.P. Police Commission, (1970-71), the Shah Commission and the National Police Commission have gone into the, human rights issues relating to police and have stressed the need to make the police accountable.

The constitution of National Human Rights Commission on Nov. 1, 1993 is a landmark in the crusade, to safeguard human rights. But some human rights groups were skeptical about the constitution of the commission which has some flaws. They included: absence of involvement of civil liberty groups non-cooperation of state governments; absence of its own independent investigating agency its being largely a commendatory body only and absence of follow up powers. What is needed is a constitutional commission with activist membership appointed by a proper collegium which have investigative and prosecution powers over all violations. The commission should also act to end discrimination and promote socio-economic justice for all. The most important aspect for successfully tackling the problem of human rights violations is that in the democratic set-up the police should function in a more transparent manner and involve the representatives of the public in setting up priorities for the police in different areas. Transparency in functioning is sine qua non for credibility and confidence.