

HUMAN RIGHTS AND LEGAL RESPONSIBILITIES

Freedom is fragile and evanescent. Man has known so little of it in his entire history. The American Civil War was born of the conviction that a nation cannot remain half slave and half free. But the world continues to remain more than half slave and less than half free. Nearly four-fifths of the 160 members of the United Nations do not permit freedom of the press. In half of the countries of the world people are incarcerated for speaking their minds, often after trials that are no more than a sham. Torture- mental, physical, and emotional- is regularly practised by a third of the world's governments, notwithstanding the Declaration Against Torture and Degrading Treatment issued by the United Nations in 1975. In several states, dissenters who are inconvenient to the authorities suddenly disappear and are never seen again. This vanishing act continues to remain widely popular. More millions have died at the hands of their own governments than in war. Human rights violations have created more deaths and more human misery than have all the weapons of mass destruction.

With our incredible scientific progress, we have reached a stage when the only threat to man, left to be met, is man himself. In the zoo at Lusaka, there is a cage where the notice reads, 'The world's most dangerous animal.' Inside the cage there is no animal but a mirror where you see yourself.

It is difficult to measure whether repression worldwide is increasing or decreasing. But awareness of that repression has undoubtedly increased, since the human rights movement started as a world movement with the launching of Amnesty International in May 1961. The shifting hem lines of international atrocities are faithfully recorded in the annual reports of that body.

The oldest human rights organization—the Anti-Slavery Society—was founded in 1839. It is still in business, because slavery is still in business. Slavery was abolished in the British Empire only in 1833 and in the United States in 1862; but bonded labour still prevails in parts of India. The Anti-Slavery Society's latest publication, 'A Pattern of Slavery: India's Carpet Boys,' shows how millions of small children are pressed into bonded labour in India under conditions so abject as to make the distinction between their lot and conventional slavery a matter of semantics.

No doubt it is still a world of brutalities. But the historical perspective would make us realize that ours is a perfecting world, though its progress is painfully slow, sometimes by the millimetre.

There are two gleams of hope. The concept of human rights—the new gospel—has worked its way through the subsoil of human consciousness with speed and strength, and has become one of the great driving forces of our time. But we must be reconciled to the inevitability of gradualness. The slow drip of Amnesty International has begun to work. More and more people the world over realize, and realize more clearly, that there should be increased human rights inspections and

publicizing of abuses because, as President Mitterrand said, 'Silence nourishes oppression.' Secondly, there is a growing solidarity among the nations of the world who believe in freedom. The human rights record of a state has become the legitimate concern of the international community. Today the human rights movement is genuinely worldwide. There is, as Jerome Shestack observed, 'a moral inevitability to human rights.'

To attempt to define human rights definitively would be, merely to illustrate how the human mind tries, and tries in vain, to give a more precise definition than the subject-matter warrants. Human rights may be summed up in one word—Liberty. But Isaiah Berlin noted that there are more than 200 definitions of liberty; and, as Abraham Lincoln observed, the world has never had a good definition of liberty.

In the Third World today, governments which are most successful economically are authoritarian ones and veneration for human rights promises to be a cult of slow growth. That is because human rights cannot exist in a cultural and economic vacuum. Their chances of being understood—and respected—improve as the economic and educational level of society rises. It is a noble maxim that it is better for a man to go wrong in freedom rather than go right in chains; but it sounds like empty rhetoric to people who live in economic chains below the minimum subsistence level.

The categories of human rights are never closed. But we must guard against the devaluation of human rights by proliferation. It is good to increase the currency, but not at the cost of depreciating it. In the verbal haze in which we live today, secondary concepts have taken the place of primary ones; relative terms have pushed over absolute ones; and the peripheral has been given the same status as the crucial. Let me illustrate.

The primary idea of human rights involves rights against the government. Modern liberalism has expanded the idea to include rights to be satisfied by the government. 'Human rights should be distinguished from 'human needs'. Clarity of thought and a sense of priorities would suggest that the essence of liberty which comprises rights *against* the state should not be confused with claims or entitlements which fail to be satisfied *by* the state. Various resolutions and declarations of the United Nations list—as human rights—benefits like full employment, vacations with pay, maternity leave, and free medical care. Such broadbanding enables leftist ideologues to make a specious claim that even totalitarian States respect human rights. They contend that while free democracies have a better record in certain areas of human rights, totalitarian States have a superior record in other areas. It was such depreciation of the currency of human rights which emboldened Lenin to proclaim that the Soviets represent a 'higher form of democracy' and Hitler to claim to be an 'arch democrat'; and which enables States that practise torture and ruthless repression at home to pay pious lip service to human rights at international forums.

However, this is not to say that economic and social rights evolved by present-day liberalism are irrelevant or unimportant. Rights of men are not only against the government but against the people collectively. Humanity is one enormous extended family, with all the obligations of family membership. One of the basic rights is the right to decent living embodied in Article 25 of the Universal Declaration of Human Rights, 1948. Paul Sieghart, who died two years ago, pointed out that the test of rights is not whether the prosperous, with access to the law courts, are well protected, or whether living standards for the majority are improving, but whether the weak are helped by the strong. 'The ultimate measure of whether a society can properly be called civilized; he concludes, 'is how it treats those who are near the bottom of its human heap.'

Violations of economic needs occur from negligence, such as the failure to save large numbers of people from famine or floods. But mostly they occur when governments -wedded to the eighth deadly sin, ideology pursue economic policies which deprive the poor of employment and education, nutrition and health care.

-Nani A. Palkhivala

About the Lesson

In this essay Palkhivala establishes the importance of human rights and affirms that they must not be confused with human needs. The primary idea of human rights involves rights against the government and, therefore, the kernel of liberty which comprises rights *against* the state should not be confused with claims or rights which the state fails to satisfy. The concept of Human rights basically carries with it the idea of freedom but unfortunately the world continues to remain more than 'half slave and less than half free'. Working its way through the deeper layers of human consciousness, it has become one of the most impelling forces today.

The essayist Nani A. Palkhivala (1920-2002) was a reputed Indian jurist and economist.

GLOSSARY

evanescent	:	of a fleeting or transitory nature
incarcerated	:	locked up in prison
sham	:	something intended to deceive
hemlines	:	the edges
subsoil	:	the lower level of soil
proliferation	:	rapid increase

Activity 1: COMPREHENSION

A. Tick the correct alternative:

1. The vanishing act Palkhivala writes about is the-
 - (a) removal of poverty.
 - (b) disappearance of inequality.
 - (c) removal of corruption.

- (d) disappearance of dissenters, discrimination.
2. The greatest threat to humanity is--
 - (a) natural calamity.
 - (b) disease.
 - (c) man himself.
 - (d) nuclear weapon.
 3. The primary idea of human rights involves-
 - (a) rights of the government.
 - (b) rights for the government.
 - (c) rights formulated by the government.
 - (d) rights to operate against the government.

B. Answer to the following questions should not exceed 10-15 words each:

1. What has caused more deaths than all the weapons of mass destruction?
2. How many members of the United Nations do not permit freedom of the press?
3. What is the justification given for the argument that totalitarian governments respect human rights?
4. Name the oldest human rights organization.

C. Answer to the following questions should not exceed 30-40 words each:

1. Why does the author say that human rights cannot function in a cultural and economic vacuum?
2. How has the concept of human rights found its way ?
3. What is the difference between human rights and human needs?
4. 'It is better for a man to go wrong in freedom rather than go right in chains.' Bring out the underlying meaning of the sentence.
5. What, according to Paul Sieghart, is the ultimate measure of whether a society is civilized or not?

D. Answer to the following questions should not exceed 60-80 words each:

1. Why does Palkhivala say that the world continues to be 'less than half free'?
2. Write a note on the concept of human rights as one of the greatest driving forces of our times.

E. Say whether the following statements are True or False. Write T for true and F for false in the bracket:

1. Whether a society is civilized or not can be measured through its material progress. []
2. The definition of human rights can be summed up in one word-freedom. []
3. The main reason for the serious economic problems of the majority is their ignorance. []
4. There is a growing solidarity among the nations of the world who believe in freedom. []

Activity 2: VOCABULARY

- (a) There are a number of words which seem to be similar in their meaning. However, they do not convey the same idea. Read the following words and state their difference of meaning –
independence, freedom, liberty
- (b) Human rights are meant to put an end to the forces of oppression and herald an era of Human Dignity and Freedom. Prepare a list of the words related to human dignity and freedom.

Activity 3: GRAMMAR

Study the following sentences:

- (i) I shall meet him tomorrow.
- (ii) They will go to college today.
- (iii) Manisha will attend the seminar.

The underlined words in the sentences above express futurity (i.e. simple futurity). There are several ways of expressing futurity. In the use of 'shall', 'should', 'will', and 'would', a distinction is made particularly in British English between 'Volitional future' and 'Simple Futurity'. Volitional future is related to the several shades of meaning such as willingness, desire, determination, intention etc. Simple futurity is expressed by the use of 'shall' with the first person (singular or plural) and 'will' is used with the second and third persons (singular or plural). What is expressed in the sentences above is simple futurity and no volition is intended.

You should know that American usage recognises 'will' for all persons. This, however, is not true about British English.

Look at the following sentences:

- (iv) I will drown myself, and no one shall save me.
- (v) I will be late for school today.

The above sentences do not convey what is intended. The intended meaning of sentence (iv) and (v) each is as follows:

- (a) I shall drown myself and no one will save me.
- (b) I shall be late for school today.

The several shades of meaning expressed by 'shall' and 'will' are as follows:

Will

- | | |
|---------------------------|--|
| 1. Intention | I will go and meet him today. |
| 2. Promise | I will give you the book tomorrow. |
| 3. Willingness | I will be glad to write a letter to you. |
| 4. Plans and Arrangements | The college will reopen on 7th July. |
| 5. Instruction | You will do as I tell you. |

6. Prediction Teaching will always be a challenging job.

Shall

- | | |
|---------------------|---|
| 1. Suggestion | Shall I talk to the clerk concerned? |
| 2. Request | Shall we sit here for some time? |
| 3. Legal obligation | The student shall abide by the rules of the school. |
| 4. Moral injunction | You shall be punished if you do the wrong. |

In indirect speech 'shall' is changed to 'should' and 'will' to 'would'. The distinction between the volitional use and the simple future is also applicable to 'should' and 'would'.

- (a) He said that he would go to receive (Simple Future)
him at the station.
- (b) He wondered whether he should go (Volitional use)
to receive him at the station.

Other ways of expressing futurity

(i) **Simple Present** expresses scheduled action

- a. The last bus for Jaipur leaves at six O' clock.
b. My examination commences on 17th March.

(ii) **Present Continuous** expresses future planning

- a. We are going to Ajmer tomorrow.

(iii) **'going to'** expresses intention:

- a. What are you going to do now?

(iv) Other modals also express futurity

- a. I may visit him tomorrow.
b. I must visit him tomorrow.

(v) **Future Continuous**

The future continuous form is used if the future action is thought of in its continuity. The future continuous can also indicate some activity at some point in the future.

- a. This time next month we shall be living in Mumbai.
b. We shall be travelling by the train this time tomorrow.

(vi) **Future Perfect**

The future perfect form is used to denote the activity that may start in the past but it terminates only in the future. It is usually used with time expressions introduced by 'before', 'at', 'when', 'on', etc.

(a) He will have read at least one chapter of the book by that time.

(vii) **Future Perfect Continuous**

The future perfect continuous form is used to stress the duration of an action that takes place before another future event.

(a) We have been living here for five years. Next year we shall have been living here for six years.

Exercise:

1. 'See' and 'hear' used in future continuous have special meanings. There are other stative verbs also which belong to their category. Read the following sentences and point out their meanings.
 - a. I will be seeing him tomorrow.
 - b. You will be hearing from me.
 - c. They shall be having a nice time next week.
 - d. I shall be feeling fine then.
2. Fill in the blanks in the following sentences, choosing one of the four auxiliaries - shall, will, should, would.
 - (i) How long.....he take?
 - (ii) When.....we see you next time?
 - (iii) you pass me that book, please ?
 - (iv) They.....have a holiday next week. That is a promise made by the Principal.
 - (v) You..... not leave until you apologise.
 - (vi)you like a ticket for the evening show?
 - (vii)you object if I were to open the door?
 - (viii) We asked him again and again; he.....never give us a definite answer.
 - (ix) People who live in glass houses.....not throw stones.
 - (x) One.....always be kind to others.

Activity 4: SPEECH ACTIVITY

Organize a Classroom Symposium on the idea ' Is Freedom fragile and evanescent ?'

Activity 5: COMPOSITION

- (i) Conduct a survey of the areas adjacent to your school and prepare a report of the cases of the violation of human rights.
- (ii) Organize a camp in one of the villages adjacent to your school and suggest measures to the villagers as to how they can put an end to the violation of human rights.