

Human Rights

Democracy, as Lincoln defined it, is a government of the people, for the people and by the people. It allows every citizen some basic human rights to pursue his career, express his views and pursue his happiness. **Thomas Jefferson remarks,**

“We hold these truths to be sacred and undeniable; that all men are created equal and independent, that from that equal creation they derive rights inherent and undeniable, among which are the preservation of life and liberty, and the pursuit of happiness.”

Basic human rights have been the corner-stone of every civilized society and democratic set-up for centuries, though it is only during the past one or two decades that there is so much talking about them in the national and international fora. How these rights are respected in a democratic country is evident from the remark of a British M.P. who felt quite offended by the words of an opponent:

“ I absolutely disagree with the gentleman but I will defend until my death his right to say so.”

Thus the people who do not enjoy such rights and liberties are scarcely better than slaves. Abraham Lincoln opposed slavery system in America and put efforts to abolish slavery system. He was of the view:

“ Just as I would not like to be a slave, so I would not like to be a master.”

Keeping this fact in view, the United Nations General Assembly came out with its historic Universal Declaration of Human Rights on December 10, 1948 and expected these rights to be respected and honoured by all member States. The preamble of Universal Declaration of Human Rights reads as:

“ The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all people and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.”

The basic human rights enshrined in the Universal Declaration are the foundation of justice, peace and freedom in the world and the recognition of the individual's dignity and equality with his fellow citizens. According to this declaration, every human being has a right to lead a life of dignity and respect. He is free to follow any political ideology; and to express it freely in speech and writing. He is free to choose his trade or

profession and to realize his potential through hard and honest means. He has a right to food, health, shelter and other basic necessities of life.

India, like other countries of the world, is a signatory to the Universal Declaration of Human Rights. It is, perhaps, because of this reason that Part III of our Indian Constitution covers 24 articles (Articles 12 to 35) and deals with the Fundamental Rights of Indian Citizen. In fact, this Part III of Indian Constitution is also known as Indian Declaration of Human Rights. These Fundamental Rights are –

- (i) Right to Equality (Art. 14 to 18)
- (ii) Right to Freedom (Art. 19 to 22)
- (iii) Right against Exploitation (Art. 23 and 24)
- (iv) Right to Freedom of Religion (Art. 25 to 28)
- (v) Cultural & Educational Rights (Art. 29 to 30)
- (vi) Right to Property (Art. 31)

The right to property has now ceased to be a Fundamental Right, with the passing of the 44th Amendment Act 1978 (with effect from 20.06.1979). Right now, it is only a legal right.

These Fundamental Rights are justifiable, which means, in case of encroachment of these rights by the State, the citizen has the right to move the Supreme Court. The judiciary has the power of interpreting the Fundamental Rights. The Rights, however, are absolute and can be curtailed during an emergency.

Besides Human Rights, the inclusion of Directive Principles, Fundamental Duties, Fundamental Rights in Indian Constitution strengthen the continuous guard and vigil of Human Rights Administration.

In an interview given in December 1991, the then Prime Minister, Shri Narsimha Rao said that India's commitment to basic human rights is well-known. This has been followed by the establishment of National Human Rights Commission (NHRC).

Several steps have been taken to protect human rights. To enforce the Universal Declaration of Human Rights from the National Governments, the assembly of United States were asked to prepare two covenants in 1951 and with several years, efforts, these were accepted and implemented on 16th December 1966.

(i) Covenants of Citizen and Political Rights, 1966

It includes mainly citizen and political rights of the declaration of 1948 but there were some additions also.

- (1) Right to property.
- (2) To take shelter in any other country due to suppression.
- (3) Right to nationality.
- (4) Right to self-decision

- (5) Right of humanization during arrest
- (6) Right to have legal protection etc.

(ii) Covenants for Economic, Social and Cultural Rights, 1966

It deals with many economical, social and cultural rights and also includes measures to implement it.

(iii) Covenants of Civil and Political Rights, 1966

It deals with the reorganization of the Human Rights Committee which investigates the violations of these rights.

Declaration of 1948 and Oath of 1966 has a great importance and they are also termed as “**International Bill of Human Rights**”

National Human Rights Commission (NHRC) has been activated during the last few years and it is raising a voice against violations of human rights. The recent example of Taj Heritage Project is the victory of NHRC. The NHRC has also forced The Government to shift factories and industries far away from residential areas in Delhi and other cities.

In conclusion, we can say that though Indian Citizen do enjoy basic human rights, the violations of such rights do take place at times, both from the Government agencies and private agencies. But two wrongs do not make one right. Every individual will have to keep in mind that the limit of his rights ends where the rights of others start. The need is to ensure that neither the Government agencies nor private entities deprive innocent people of their basic, inalienable rights.