



HUMAN RIGHTS: CONCERN OF EVERY HUMAN BEING

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(Mains Examination, General Studies Paper 2 : Indian Constitution, historical underpinnings, evolution, features)

Context:

- The government's **denial of democratic and human rights** to the ongoing farmer protests by construction of military grade barriers and shutdown of the internet at protesting sites drawn international attention and strong statements of support from numerous international celebrities.
- The official response of the government warned the concerned global voices that these matters of democracy and human rights, left unstated were India's 'internal affair'.
- But the belief that what India or any other nation does to its people is an 'internal matter', is a misdirected and undemocratic defence which is clear violation of human rights.

What are human rights?

- Human rights are not the gift or bounty of any political sovereign through legislation or any edict, but are rights inherent in human existence.
- '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 rights at least have six features which are basic to the concept of human rights are:

1. People have rights simply because they are human and these rights cannot be denied on the basis of caste, colour, religion and gender.
2. Human rights are universal, means People of all nations, colour, race, religion have same rights everywhere. The developed and developing countries in all continents of the world must guarantee same rights to all their citizens.
3. Human rights treat all people as equal. This principle follows the idea that “all human beings are born free and equal in rights and dignity” and therefore deserves the same opportunities and treatment, whilst simultaneously respecting their different cultures and traditions, political persuasion, sexuality, social origin, status etc.
4. These rights belong primarily to individuals which means that they are concerned with the relationship between an individual and the state. Consequently, it is for the government to create a society where each individual can enjoy and freely exercise his or her rights to the full.
5. Human rights encompass the fundamental principles of humanity which is basic requirement for the development of human personality and for the sake of human dignity.
6. The promotion and protection of human rights is not limited to national boundaries but rather stipulates certain ideals that apply the world over.

Are democratic and human rights violative of India’s sovereignty?

- As human rights are universal in nature so the belief that what India or any other nation does to its people is an ‘internal matter’, is a misdirected and undemocratic defence as the one a wife beating husband deploys with his neighbours that it is not their business.
- Being respected, not having their dignity violated and having a sense of security is what everyone, anywhere should get.
- **No government has immunity because it violates human rights in its jurisdiction which thought to be its ‘internal matter’.** Citizens of any country either it is Syrians, the Rohingya in Myanmar, Hindus in Pakistan or stateless refugees on a border in Mexico etc, will be ensured universal rights for citizens of different justification.
- Indian government is making all the more specious as its own immediate concern expressed, officially by its External Affairs Minister visiting Sri Lanka, on the Sri Lankan government needing to do more to safeguard Tamil lives belies this principle.
- When it comes to universal human rights and international attention, the premier example is of the liberation of Bangladesh which India led and shepherded by invoking these principles.
- That India chose to and continues to host the Dalai Lama, who attracts visible support from high-profile global celebrities, is a testament to New Delhi’s commitment to human rights.

- A democracy which does not ensure and secure universal rights for all is a democracy only in name.

India and the idea of human rights:

- India played a signature role in drawing the world together to oppose the apartheid government of South Africa, and it took till 1962 to override the sovereignty shield used by the government to continue oppressing the Black population.
- India stayed firm **from the 1950s** till a resolution was adopted and a United Nations Special Committee against Apartheid was set up by the United Nations.
- India's work, in consistently creating awareness and resistance against the demonization of Nelson Mandela via the Rivonia trial in 1963, checked the Apartheid regime from awarding him the death sentence.
- India was a member of the first Human Rights Commission, which was to draft the 'international bills of rights.
- The Charter of the **United Nations signed in San Francisco in 1945**, Indian freedom fighters did their best to influence it and make its brief wider and more effective.

Human rights and Indian freedom struggle:

- Mahatma Gandhi issued a press statement in April 1945 which was directed at participants of the San Francisco conference and he extensively quoted from the All India Congress Committee resolution of August 8, 1942.
- "The AICC the Committee is of opinion that the future peace, security and ordered progress of the world demand a world federation of free nations-Thus the demand for Indian independence is in no way selfishness"
- **The Vijaya Lakshmi Pandit** who becomes the first woman President of the UN General Assembly, powerfully advocated Mahatma Gandhi and Nehru's ideas and emphasized their universality and the indivisible nature of rights that all human beings must enjoy.
- **Scholars agreed that Vijay Lakshmi Pandit's alliance with Eleanor Roosevelt, black activists and other forged at the time, subsequently helped push for a more comprehensive adoption of the universal declaration of human rights in 1948.**
- The work of Indians like Hansa Mehta, Minoo Masani and Lakshmi Menon conveyed the message as being the same as that of the freedom movement of freedom from oppression for all human beings.
- **Sarvepalli Radhakrishnan** says on "**the Objectives Resolution**" that the endeavour was "a fundamental alteration in the structure of Indian society, to abolish every vestige of despotism, every heirloom of inorganic tradition."

- The triad of '**Liberty, Equality and Fraternity**' engraved in the Preamble, drew significantly from the slogan which had proved influential following the French Revolution.
- To quote B.R. Ambedkar who on the eve of the adoption of the Preamble explained how Liberty, Equality and Fraternity were connected and locked into each other firmly:
- "Without equality, liberty would produce the supremacy of the few over the many. Equality without liberty would kill individual initiative. Without fraternity, liberty would produce the supremacy of the few over the many.
- And "Without fraternity, liberty and equality could not become a natural course of things. It would require a constable to enforce them."

Indian constitution on human rights:

- The Constitution of India duly recognizes the importance of human rights and guarantees certain under fundamental rights and directive principle of state policy.
- Fundamental Rights in Part-III which include the 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.
- Part-IV of the Indian Constitution contains Directive Principles of State Policy which are the principles fundamental in governance, to be observed by the State in the formulation of its policies.
- These principles include the duty of the State to secure a social order for the promotion of the welfare of the people, social justice, right to work, to education and social security, provision for just and humane conditions of work, promotion of interests of the weaker sections, duty to raise the level of nutrition and the standards of living and to improve public health, protection and improvement of environment, ecology and wild life etc.
- In addition, the Fundamental Duties of every citizen covering a wide range to strengthen the guarantee of Fundamental Rights are in Article 51A (Part IVA of the Constitution).

Statutory provisions on human rights:

- **Indian parliament enacted the Protection of Human Rights Act, 1993 (TPHRA) under which National Human Rights Commission was given statutory basis.**
- The **National Human Rights Commission (NHRC) of India** is a Statutory public body constituted on 12 October 1993 under the Protection of Human Rights Ordinance of 28 September 1993. It was given a statutory basis by the Protection of Human Rights Act, 1993 (PHRA).

- The NHRC is the National Human Rights Commission of India, responsible for the protection and promotion of human rights, defined by the Act as “rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants”.

Recent controversies on human rights:

- India made human rights of citizens of other countries its business was in 2019 when the Citizenship (Amendment) **Act**, offered a home for certain persecuted citizens of three foreign countries.
- The human rights situation in Jammu and Kashmir (J&K) after dilution of Article 370
- **Atmanirbhar** as a counter to international concerns about freedoms, equality and the right to dissent amounts to hiding behind the flimsy excuse of sovereignty to escape the bitter truth of the slithering slope of democratic rights India appears to be going down.
- Home ministry’s direction to social media companies to block accounts of those expressing a point of view contrary to that of the government.
- Arrest of environmental activist, Disharavi for amplifying the farmers protest internationally.

Way forward:

- The core values of our constitutional philosophy indicated in the Preamble and in the chapter on Fundamental Rights to the Constitution of India are ‘dignity of the individual’ and ‘unity and integrity of the nation’. These represent both the social and individual aspects of human rights.
- Universal declaration on human and civil rights consists of 30 articles detailing an individual's "basic rights and fundamental freedoms" and affirming their universal character as inherent, inalienable, and applicable to (Universal) all human beings.
- Global concerns about democratic rights in India cannot be dealt with by arresting messengers, bullying ‘amplifiers’ or shutting down social media accounts.
- Thus Indian need is to adhere to best democratic practices inside which become a durable solution for the democratic and humane government.

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