

Revitalizing the Struggle for Human Rights: Indian Perspectives

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ABSTRACT

Human rights in India are an issue complicated by the country's large size and population as well as its diverse culture. The struggle to promote, protect and preserve human rights changes and holds continuity in every generation in our society. 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. The paper focuses on the fundamental principles of humanity which is basic requirement for the development of human personality and for the sake of human dignity. The paper highlights the Human rights violations frequently worsen in crisis zones, putting citizens stuck in the conflict in dangerous situations

Keywords: Human, Rights, Violation, Humanity, Participation, Protection, Development And Principles

INTRODUCTION

Human rights are not the gift or bounty of any political sovereign through legislation or any edict, but are rights inherent in human existence. The groundbreaking document, adopted by the United Nations General Assembly on 4 December 1986, first proclaimed this inalienable right, declaring that everyone is "entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental. It is through these broad-reaching approaches to development that the Convention will become a reality on the ground and in the daily lives of individuals. The right to development aims at the constant improvement of human well-being through national and international development policies which support an enabling environment for development and an order in which all human rights and fundamental freedoms can be fully realized

The wide concept of right to development is reflected in the UN. "Declaration on the Right to Development" dated 4th December 1986 which recognizes: "That development is a comprehensive economic, social cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting there from." (Brown, Gordon 2016)

The Supreme Court has explained the concept of distributive justice as a means of removing economic inequalities and remedying the injustices resulting from social inequality writ large. In *Lingappa Pochanna Appelwar & Ors V. State of Maharashtra* the Court stressed this aspect: "Law should be used as an instrument of distributive justice to achieve a fair division of wealth among the members of society based upon the principle 'From each according to his capacity, to each according to his needs'.

Distributive justice comprehends more than achieving lessening of inequalities by differential taxation, giving debt relief or distribution of property owned by one too many who have none by imposing ceiling on holding both agricultural and urban or by direct regulation of contractual transactions by forbidding certain transactions and perhaps by requiring others. It also means that those who have been deprived of their properties by unconscionable bargains should be restored their property. All such laws may take the form of forced distribution of wealth as a means of achieving a fair division of material resources among the members of society or there may be legislative control of unfair agreements.

Even environmental protection and unemployment elimination are part of constitutional justice (vide Art. 48A and 51A(g). The Supreme Court, in a case which came before it on a number of occasions, while upholding the fundamental duty about the protection of environment, laid down: "We are not oblivious to the fact that the natural resources have got to be tapped for the purpose of social development, but one cannot forget at the same time that tapping of resources have to be done with requisite attention and care so that ecology and environment may not be affected in a serious way. It has always to be remembered that these are not permanent assets of mankind." (Robertson QC, Geoffrey 1999)

Striking at the inequalities and contradictions between our political democracy on the one hand and social and economic democracy on the other hand, Dr. B. R. Ambedkar expressed his apprehensions in these words, "On the 26th January, 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradiction? How long shall we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up."(Tayal, B. B.; Jacob, A. 2005)

Granville Austin has pertinently stated "The Fundamental Rights and Directive Principles have their roots deep in the struggle for independence. And they were included in the Constitution in the hope and expectation that one day the tree of true liberty would bloom in India. Rights and Principles thus connect India's future, present and past, adding greatly to the significance of their inclusion in the Constitution and giving strength to the pursuit of the social revolution in India"(Glendon, Mary Ann 2002)

Ambedkar's apprehensions have been substantiated by Mahatma Gandhi in these words: "The contrast between the rich and the poor today is a painful sight... A non-violent system of Government is clearly impossibility so long as the wide gulf between the rich and hungry millions persists. The contrast between the palaces of New Delhi and the miserable hovels of the poor laboring class nearby, cannot last one day in a free India in which the poor will enjoy the same power as the richest in the land... A violent and bloody revolution is a certainty one day, unless there is voluntary abdication of riches and the power and sharing them for the common good"(Tayal, B. B.; Jacob, A. 2005)

Gandhi further strengthens his view point in these words: "All humanity is one undivided and indivisible family, and each one of us is responsible for the misdeeds of all the others. I cannot detach myself from the wickedest soul." (Tayal, B. B.; Jacob, A. (2005)

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The horizon of human rights expands when judicial illumination brightens. The right to shelter is part of the right to life. When shelter less humans are sought to be thrown out, the *Olga Tellis v. Bombay Municipal Corporation* case will come to the rescue. The judgment in the *Prabhakaran Nair vs State Of Tamil Nadu* Case emphasized the need for a National Housing Policy and observed that "after all, shelter is one of our fundamental rights."(Basu, Durga Das 2003) Still later, in the *Shantistar Builders v Narayan Khimalal Totame* Case the Court observed: "Basic needs of man have traditionally been accepted to be three food, clothing and shelter. The right to life is guaranteed in any civilized society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in. The difference between the need of an animal and a human being for shelter has to be kept in view. For the animal it is the bare protection of the body; For a human being it has to be a suitable accommodation which would allow him to grow in every aspect - physical, mental and intellectual..." (Basu, Durga Das 2003)

We must remember that Art. 25(1) of the Universal Declaration of Human Rights, 1948, specifically mentions "Housing" as one of the rights relating to 'life. It is true that certain earlier rulings, have not had the sympathetic imagination to include 'livelihood' as implicit in the right to life, but in *Olga Tellis v. Bombay Municipal Corporation* case Chief Justice Chandrachud did say: "Deprive a person of his right to livelihood and you shall have to deprive him of his life" Gaur, K. D. 2002).

In *Merchant of Venice* Shakespeare elegantly poetized poignant jurisprudence: "You take my life when you take the means whereby I live."(Gaur, K. D. 2002)

Justice Krishna Iyer substantiates Shakespearean jurisprudence in these words: "The right to work is a matter of great moment in a country of poverty and unemployment. Otherwise starvation becomes the rule of life."(Basu, Durga Das 2003 "Freedom is not enough. You do not wipe away the scars of centuries by saying: Now you are free to go wherever you want, do as you desire... "It is not enough just to open the gates of opportunity. All our citizens must have the ability to

walk through these gates ... We seek not just equality as a right and a theory but equality as a fact and as a result.”(Basu, Durga Das 2003)

Ingersoll luminously claimed: what light is to the eyes - what air is to the lungs - what love is to the heart, liberty is to the soul of man. Jefferson linked life and liberty together. Franklin D. Roosevelt inspired the world by his address where he said we would rather die on our feet than live on our knees. And Mahatma Gandhi gave the call: ‘Do or die’: when he started his final struggle to overthrow the imperial yoke. But this supreme value of personal or people's liberty is not a free gift. Eternal vigilance is the price of liberty.

The Universal Declaration in Art. 3 proclaim that everyone has the right to life, liberty and security of person. But between rhetoric and reality there is a gaping gap. To bridge the gap between rhetoric and reality the words of Mikhail Gorbachev really hold great significance “The world we have inherited belongs to present and future generations and this demands that primacy be given to universally accept human values. The right of every nation and every person to life, freedom, peace and the pursuit of happiness must be recognized. The use or threat of use of force must be abandoned. The right of every people to make their own social, political and ideological choices must be respected. Policies that seek to establish domination by some over other must be renounced. The expansion of nuclear arsenals and the development of space weapons undermine the universally accepted conviction that a nuclear war should never be fought and can never are won.”(Alston et all, Phillip 2005).

Human life must be recognized as supreme: It is only man’s creative genius that makes progress and development of civilization possible in a peaceful environment. Non-violence should be the basis of community life: Philosophies and policies based on violence and intimidation, inequality and oppression and discrimination on the basis of race, religion or colour, are immoral and inadmissible. They spread intolerance, destroy man’s noble aspirations and negate all human values. Resources being spent on armaments must be channeled towards social and economic development.

So to conclude, the words of Kofi Annan are really a clairvoyant prognosis of human rights:

“It is the universality of human rights that gives them their strength. It endows them with the power to cross any border, climb any wall, defy any force.” (Tayal, B. B.; Jacob, A. 2005)

The struggle for universal human rights has always and everywhere been the struggle against all forms of tyranny and injustice against slavery, against colonialism, against apartheid. It is nothing less and nothing different today. Young friends all over the world, “You are the ones who must realize these rights, now and for all time. Their fate and future is in your hands, Human rights are your rights. Seize them. Defend them. Promote them. Understand them and insist on them. Nourish and enrich them. They are the best in us. Give them life.”(Tayal, B. B.; Jacob, A. 2005)

CONCLUSION

Human rights are inalienable fundamental rights that everyone has, regardless of their nationality, race, religion, or any other distinguishing characteristic. Article 22(122) provides that: All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind. The right to development aims at the constant improvement of human well-being through national and international development policies which support an enabling environment for development and an order in which all human rights and fundamental freedoms can be fully realized. Human rights include the fundamental principles of humanity which is basic obligation for the development of human personality and for the sake of human dignity.

REFERENCES

- [1]. Alston et all, Phillip (2005). *Human Rights and Development Towards Mutual Reinforcement*. Oxford: Oxford University Press
- [2]. Brown, Gordon (2016). *The Universal Declaration of Human Rights in the 21st Century: A Living Document in a Changing World*. Open Book Publishers.
- [3]. Basu, Durga Das (2003). Shorter Constitution of India (13th ed.). Nagpur: Wadhwa & Co. p. 1972. Glendon, Mary Ann (2002). *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights*. Random House.

- [4]. Gaur, K. D. (2002). *Article – Law and the Poor: Some Recent Developments in India* (Book – Criminal Law and Criminology). New Delhi:
- [5]. McBeth et al, Adam (2011). *The International Law of Human Rights*. Oxford: Oxford University Press.
- [6]. Williams, Paul (1999). *The International Bill of Human Rights. United Nations General Assembly*. Entwistle Books.
- [7]. Robertson QC, Geoffrey (1999). *Crimes Against Humanity*. Oxford: Oxford University Press
- [8]. Tayal, B. B.; Jacob, A. (2005). *Indian History, World Developments and Civics*. Avichal Publishing Company.