

VIII B.

6. Human Rights

For

BA Part-III POLITICAL Sc.(Hons.)

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Major Issues in the realm of Human Rights

- What are human rights and why they are so significant?
- How the doctrine of Human Rights evolved?
- What are humanitarian interventions?
- Why it has, at times, been criticized?
- And there are host of other issues surrounding the Human Rights Pedagogy but due to time constraint it is urgent to have the basic sensibility about the very idea of Human Rights.

Human Rights :meanings

- Broadly speaking, human rights are rights to which people are entitled by virtue of being human.
- The ancestry of Human rights can be traced from the Natural Rights, which are understood to be the God-given rights, fundamental to human beings and hence inalienable(can not be given away).

Features of Human Rights

- **Universal:** they belong to and are enforceable by everyone-no matter what their race, religion, caste, sex, social or economic status, disability, age or place of birth is. They are also called universal because their core ideas are common to all major religions, faiths and moral codes and cross national and cultural boundaries. Further that they belong not only to individuals but also to communities.
- **Interconnected:** because the fulfillment or violation of one right affects the fulfillment of all other rights. No right can really be put into practice without other rights. For e.g., the right to education is classified as social right but it would be impossible for all people to get that right if there was no right to equality or if there was no court to uphold that right.

Features of Human Rights

- **Indivisible:** as no right can be treated in isolation. No one right is more important than another.
- **Non-discriminatory:** in that human rights should be respected without distinction, exclusion, restriction, or preference based on race, colour, age, national or ethnic origin, language, religion, sex, or any other status, which has the purpose or effect of impairing the enjoyment of human rights and fundamental freedoms.

Definitions of Human Rights

- The **Protection of Human Rights Act, 1993** defines human right as, “rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by the courts in India.”.
- The philosophy of Human Rights had already occupied a place of prime importance in Indian Society. In India, the ***Dharma*** of the Vedic period and in China, the Jurisprudence of Laotze and Confucius protected rights. The philosophers of Vedic ages endeavoured to define human rights as those rights which were inherent in our nature. They considered human right as based on mankind’s increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.

Classification of Human Rights

- ***First generation rights*** which include civil and political rights.
- ***Second generation rights*** such as economic, social and cultural rights.
- ***Third generation rights***, also referred as ***Solidarity rights*** which cannot be exerted only by an individual, but only collectively such as the right of self-determination, right to peace, right to development, the right to humanitarian assistance, the rights of sexual minorities, ethnic, religious, linguistic etc.

Classification of Human Rights

- ***Fourth generation rights***, euphemically referred as rights of future generations, included the rights related to the common assets of the whole humanity.
- Examples are rights related to genetic engineering, studying the human genome, genetic manipulation, in vitro fertilization, experiences with human embryos, euthanasia and eugenics are activities that can generate complicated legal issues, ethical, moral and even religious, reason for which public opinion has led States to deal with regulation of these issues.

Evolution of Human Rights

- **Magna Carta** signed by King John of England on June 15, 1215 formed the basis for all modern democracies, human rights declarations and natural principle of justice. Among the rights declared were the rights of the church to be free from governmental interference, the rights of all free citizens to own and inherit property and to be protected from excessive taxes. It established the right of widows who owned property to choose not to remarry, and established principles of due process and equality before the law. It also contained provisions forbidding bribery and official misconduct.

Evolution...

- **The United State Declaration of Independence,1776 :**

The unanimous Declaration of the thirteen united States of America that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. The new nation will be called the United States of America and will have no further connections with Great Britain. The new government will reserve the right to levy war, make peace, make alliances with foreign nations, conduct trade, and do anything else that nations do

Evolution of...

- **The French Declaration of the Rights of Man and the Citizen, 1789:**The Declaration of the Rights of Men and the Citizen was adopted on 26 August, 1789 by the representatives of the French People in the National Assembly.
- **United State Bill of Rights, 1689-**John Somers drew the Declaration of Rights which was assented to by King William. The said Declaration became the Bill of Rights of 1689.

Evolution of

- **Universal Declaration of Human Rights (UDHR), 1948:** Adopted by the General Assembly of the United Nations on December 10, 1948, which formed the basis for the preparation of other documents on human rights. Since then 10th December is celebrated as 'Human Right Day' all over the world.
- **International Covenant on Civil and Political Rights (ICCPR)** The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted by the United Nations General Assembly on December 16, 1966, and in force from March 23, 1976. It commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. The Covenant compels governments to take administrative, judicial, and legislative measures in order to protect the rights enshrined in the treaty and to provide an effective remedy. The Covenant was adopted by the U.N. General Assembly in 1966 and came into force in 1976. As of December 2018, 172 countries have ratified the Covenant.

Evolution of Human Rights

- **International Covenant on Economic, Social and Cultural Rights (ICESCR)**

The International Covenant on Economic, Social and Cultural Rights is composed of 31 Articles which are divided into five parts. Part 1 deals with the people's right to self-determination as provided in Article 1 of the Covenant.

The ISCESR also requires state parties to submit reports on their implementation of the Covenant.

- Thanking You.