

THE STRUGGLE OF MANKIND: HUMAN RIGHTS AND ITS FUTURE

PERSPECTIVE

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ABSTRACT

Human rights refer to the "basic rights and freedoms to which all humans are entitled." Rights are the external conditions necessary for the greatest possible development of the capacities of the personalities. Examples of rights and freedoms which have come to be commonly thought of as human rights include civil and political rights, such as the right to life and liberty, freedom of expression, and equality before the law; and economic, social and cultural rights, including the right to participate in culture, the right to food, the right to work, and the right to education. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Keywords: Human Rights, Freedom and Personality.

INTRODUCTION:

Human Rights are a non-binding declaration adopted by the United Nations General Assembly in 1948, partly in response to the atrocities of World War II. Although the UDHR (Universal Declaration of human Rights) is a non-binding resolution, it is now considered to be a central component of international customary law which may be invoked under appropriate circumstances by national and other judiciaries.

ORIGIN:

Historically, the evidence struggle of mankind for realization of human is available on 15 June 1215, when the king of Britain in relation to human rights issued a document which is known as "Magna Carta". After that in 1628, position of rights and in 1689 bill of rights, the documents in connection with human rights, were issued. The custom of inclusion of rights in constitution began after the French Revolution from 1789.

The U.S.A in 1791 by its first 10 amendments in the constitution gave its national basic rights. The human rights were included in the constitution of Ireland in 1921, Germany in 1933 and India in 1950. The expression “Human Rights” is relatively new, having come into prominence since the establishment of the United Nations in 1945. It replaces the phrase, “natural rights”, which fell into disfavor partly because the concept of national law had become a matter of controversy, and the later phrase, “the rights of men” which was not universally understood to include the rights of women.

The term “human rights” were mentioned in the United States Declaration of Independence in 1776. A bill of rights was embodied in the constitution of the United States of America. Later a declaration of human rights and duties was prepared by the Institute of International Law, New York (USA) in 1929. In the inter-American conference a resolution was passed seeking establishment of an international forum for the furtherance of human rights of mankind. It is true that on a number of occasions the great powers intervened in the Turkish Empire to prevent large scale atrocities, and that there was some support among writers for a right of collective humiliation intervention, but that was all so far as customary law was concerned.

The child is recognized, universally, as a human being who must be able to develop physically, mentally, socially morally, and spiritually, with freedom and dignity. However, neither the 1924 Geneva Declaration nor the 1959 Declaration of the Rights of the Child define when childhood starts and ends mainly to avoid taking a stand on abortion. Nonetheless, the preamble to the Declaration of the Rights of the Child highlights, children’s needs for special care and protection, “including appropriate legal protection before as well as after birth”.

It was, however, doubted that the said views did accurately express the actual practice of the states. Besides this, it was formally recognized that a state was entitled to treat both its national and stateless persons at its discretion and the way it treated them was not a matter with which international law concerned itself. This was however, subject to any obligations undertaken by a treaty. Certain rights such as equality of treatment were guaranteed to minority groups, that is, people of different race, religion or language from the majority groups within a state by minority treaties entered into in Albania, Finland and Poland. But these minority treaties were not

renewed after World War- 2. Yet another example of rights of a mankind or right of individuals is freedom from slavery.

ANALYTICAL STUDY OF PRESENT CONDITION:

The World Report 2012 documents human rights abuses worldwide, including: violations of the laws of war in Libya and Afghanistan; the plight of political prisoners in Vietnam and Eritrea; the silencing of dissent in China and Cuba; internet crackdowns in Iran and Thailand; killings by security forces in India and Mexico; election-related problems in Russia and the Democratic Republic of Congo; mistreatment of migrants in Western Europe; neglectful maternal health policies in Haiti and South Africa; the suppression of religious freedom in Indonesia and Saudi Arabia; torture in Pakistan and Uzbekistan; discrimination against people with disabilities in Nepal and Peru; and detention without trial in Malaysia and by the United States.

One welcome advance was the adoption of an international treaty to protect the rights of domestic workers, Human Rights Watch said. Domestic workers are especially vulnerable to abuse, but many countries exclude them from labor laws and other protections. The new treaty guarantees the basic rights of millions of migrants who work in private homes as nannies, housekeepers, and caregivers. Western policy towards Arab countries traditionally has been one of containment, backing an array of Arab autocrats to guarantee “stability” in the region even as democracy spread in other parts of the world. Human Rights Watch said the reasons so many democratic governments make an “Arab exception” include fear of political Islam and terrorism, the need to keep oil supplies flowing, and a longstanding policy of reliance on autocracies to maintain Arab Israeli peace and to help stifle migration to Europe. “The events of the past year show that the forced silence of people living under autocrats should never have been mistaken for popular complacency,” Roth said. “It is time to end the ‘Arab exception’ and recognize that the people of the region deserve respect for their rights and freedoms as much as anyone else.”

The repercussions of the Arab Spring have been felt around the world, Human Rights Watch said. Leaders in China, Zimbabwe, North Korea, Ethiopia, Vietnam, and Uzbekistan seem to be living in fear of the precedent of people ousting their autocratic governments. But even

democracies such as India, Brazil, and South Africa have been reluctant to support change. Relying on outmoded views of human rights promotion as imperialism and ignoring the international support that their own people historically enjoyed when seeking their rights, these democracies often failed at the United Nations to stand with people facing repression.

China and Russia have been even more obstructionist, vetoing efforts at the UN Security Council to build pressure on Syria to stop killing thousands of demonstrators. Their ostensible reason –avoiding a Libya-like military intervention – rings hollow when the modest resolution they vetoed could not possibly be read to authorize military action.

Human Rights Watch said the international community could play an important role in fostering the growth of rights-respecting democracies in the Middle East and North Africa. Rather than refusing to countenance the rise of political Islam, as sometimes occurred in the past, democratic governments should recognize that political Islam may represent a majority preference, Human Rights Watch said. However, the international community should insist that Islamist governments abide by international human rights obligations, particularly with respect to women's rights and religious freedom, as with and government.

In the Middle East and North Africa, the United States and the European Union were strongest in standing up to repression in Libya and Syria, whose leaders were considered unfriendly to the West, Human Rights Watch said. They were slow to challenge Egypt's President Hosni Mubarak, a perceived bulwark of regional "stability," until his fate was virtually sealed. They failed to oppose immunity for Yemen's President Ali Abdullah Saleh for his responsibility in the killing of protesters – despite the signal sent that more killings would be cost-free – because he is seen as a defense against al Qaeda in the Arabian Peninsula. They applied no real pressure on Bahrain as it crushed its democracy movement, out of deference to Saudi sensibilities, fears of Iranian influence, and a desire to protect a US naval base. The United States and some European allies could make an enormous contribution to ending torture in the Arab world by

coming clean about their own records of complicity in torture as part of their fight against terrorism. Western governments should punish those responsible for ordering or facilitating torture and end the use of diplomatic assurances as a fig leaf to justify sending suspects to countries where they risk torture. Member countries of the Arab League, which historically sought to defend each other from any form of human rights criticism, have become more constructively engaged during the Arab Spring, Human Rights Watch said. The Arab League endorsed pressure to end Gaddafi's repression in Libya, and they implemented sanctions against Syria and deployed observers in a so-far unsuccessful effort to curb Bashar al-Assad's killing in Syria. By contrast, the African Union (AU) has been wary of the Arab Spring, even though the AU was ostensibly created to support democracy and freedom. Transitional governments in Tunisia, Libya, and Egypt need help revising their repressive laws and building the governing institutions that autocrats deliberately left weak and underdeveloped, above all national justice institutions, Human Rights Watch said. Until security forces and government officials have a reasonable expectation that their misconduct will land them in court, the temptation to resort to abuse, violence, and corruption will be hard to resist. The same is true of the complementary role played by international justice. "Rights-respecting governments should support international justice regardless of political considerations. It's misguided to believe that allowing countries to sweep past abuses under the rug will somehow avoid encouraging future atrocities," Roth said. "As we mark the first anniversary of the Arab Spring, we should stand firmly for the rights and aspirations of the individual over the spoils of the tyrant."

India, the world's most populous democracy, continues to have a vibrant media, an active civil society, a respected judiciary, and significant human rights problems. Custodial killings, police abuses including torture, and failure to implement policies to protect vulnerable communities marred India's record in 2011 as in the past. Impunity for abuses committed by security forces also continued, particularly in Jammu and Kashmir, the northeast, and areas facing Maoist insurgency. New state controls over foreign funding of NGOs led to restrictions on legitimate

efforts to protect human rights. However, killings by the Border Security Force at the Indo-Bangladesh border decreased dramatically.

Social unrest and protests deepened in resource-rich areas of central and eastern India, where rapid economic growth has been accompanied by rapidly growing inequality. Mining and infrastructure projects threaten widespread displacement of forest-dwelling tribal communities. The government has yet to enact comprehensive laws to protect, compensate, and resettle displaced people, although a new land acquisition law has been drafted.

Despite repeated claims of progress by the government, there was no significant improvement in access to health care and education.

An anti-corruption movement erupted into public view in August and brought the government to a standstill, with widespread street protests and sit-ins demanding legal reform and prosecutions. Activists working with two prominent efforts to address poverty and accountability—India's rural employment guarantee scheme and right to information laws—came under increasing attack, facing threats, beatings, and even death. India has yet to repeal laws or change policies that allow de jure and de facto impunity for human rights violations, and has failed to prosecute even known perpetrators of serious abuses.

The Indian defense establishment resisted attempts to repeal or revise the Armed Forces Special Powers Act (AFSPA), a law that provides soldiers in “disturbed” areas widespread police powers.

Jammu and Kashmir-

Thousands of Kashmiris have allegedly been forcibly disappeared during two decades of conflict in the region, their whereabouts unknown. A police investigation in 2011 by the Jammu and Kashmir State Human Rights Commission (SHRC) found 2,730 bodies dumped into unmarked graves at 38 sites in north Kashmir. At least 574 were identified as the bodies of local Kashmiris. The government had previously said that the graves held unidentified militants, most of them Pakistanis whose bodies had been handed over to village authorities for burial. Many Kashmiris believe that some graves contain the bodies of victims of enforced disappearances.

The government of Jammu and Kashmir has promised an investigation, but the identification and prosecution of perpetrators will require the cooperation of army and federal paramilitary forces. These forces in the past, have resisted fair investigations and prosecutions, claiming immunity under the Armed Forces Special Powers Act (AFSPA) and section 197 of the Criminal Procedure Code.

Maoist Insurgency-

Maoist insurgents, also known as Naxalites, operate in 10 states and claim to fight for the rights of the marginalized tribal, Dalit, and landless communities. Governance has often been weak in regions where the Maoists have found popular support, with economic-development-related corruption and illegal mining severely limiting the revenue available for public services and infrastructure in many of the areas. With government oversight and regulation of the mining sector often wholly ineffective, irresponsible mine operators also pollute vital water supplies, destroy farmland, wreck roads and other public infrastructure, and create other serious health and environmental hazards.

Maoist forces continue to engage in killings and extortion, and target government schools and hospitals for attacks and bombings. At this writing the Naxalites had killed nearly 250 civilians as well as over 100 members of the security forces in 2011. Government officials assert that security forces killed more than 180 Naxalites between January and November 2011, though local activists allege that some of these were civilians.

Despite court rulings, the government has yet to properly implement a directive preventing security forces from using schools during counterinsurgency operations. Human rights activists seeking accountability for abuses such as arbitrary arrests, torture and other ill-treatment, and killings have come under threat from both Naxalite forces and security agencies.

In a welcome decision, the Indian Supreme Court ruled unconstitutional the use of Special Police Officers—inadequately trained militias—by the Chhattisgarh government in operations against the Maoists. SPOs have been implicated in many abuses.

Killings by the Border Security Forces at the Bangladesh Border-

After a human rights report found that Border Security Force (BSF) personnel operating at the Bangladesh border had indiscriminately shot and killed over 900 Indians and Bangladeshis in the last 10 years, the government in March 2011 ordered restraint and issued BSF personnel rubber bullets. Killings dropped dramatically after the change in policy, but still continue. In their effort to contain illegal activities including the smuggling of cattle and narcotics, some BSF soldiers have continued to harass and beat border residents. No BSF soldier has been prosecuted for any of the killings or other abuses.

Right to Information Law-

Citizens and activists have increasingly been using the Right to Information Act (RTI), passed in 2005, to expose official corruption and promote transparency and accountability. In a sad testament to the rampant corruption that exists in India, at least 12 RTI activists have been killed and several others assaulted over the past two years, according to the Asian Centre for Human Rights.

PROBLEMS AND ISSUES IN ENFORCEMENT OF RIGHTS:

The history of mankind has been firmly associated with the struggle of individuals against injustice, exploitation and discrimination. The recognition first at national and later at international level, of human rights is one of the most remarkable manifestations of this struggle. Recognition, protection and implementation of human rights is a very important and complicated issue. The constitution of India has been an outstanding document for protecting the rights and interest of its citizen. The children are no exception to as various provisions, right from the Fundamental Rights and Directive Principles of State Policy to the present day judicial activism, our constitution has been trying its best to protect the interest of the children. However, in spite of the entire constitutional, legal and institutional provisions rights of children are being violated in India.

FUTURE PRESPECTIVES OF THE HUMAN RIGHTS :

The wealth of the nation is not so much in its of economical and natural resources but it lies more decidedly in the kind and quality of the wealth of its children and youth. It is they who will be the creators and shapers of a nation's tomorrow. The children of today will be adults of tomorrow. Their quality and personality will determine the kind of destiny that beckons the nation. Human behavior has bio-socio-culture base .Behavioral development is primarily based on genetic maturation, learning, and socialization pattern. Child is active and interactive with his environment during various development phases, which makes dynamic understanding of large number of issues centered on mental health of a child, a very difficult task.

It is not surprising that very little work has been done for the health of the children in the world more so in India. Varied expressions of the same may be "Child is the discovery of the century, "Biggest Discovery is our knowledge of extent of our ignorance" .India presents a unique case in terms of its large population and 50% of them are children and adolescents; characterized by heterogeneity in respect to physical, economical, social and cultural conditions. India's population of 1050 millions makes 16% of the world population, 68% of which is living in the villages

India is secular with various languages, cultures and religions. It has 179 languages, 544 dialects and 1942 mother tongues; with 148 medium of instruction at school level. This kind of complex and multifaceted country makes formulation of national policies programming, and planning very difficult. The nation's children are our supremely important assets. Their nature solitude is our responsibility. Children programme should find a prominent part in our nation plans for development of human resources, so that our children grow up to become competitive citizens. Equal opportunities of development to all children during the period of growth should be our aim, for this would serve our larger purpose of reducing inequality and ensuring social justice. It shall be the policy of the state to provide adequate services to children, both before and after birth and through the period of growth to ensure their full physical, social and mental development. States shall progressively increase the scope of the services, so that, within a reasonable time, all children in the enjoy optimum condition for their balanced growth.

Rights are violated not only by unjust acts but also national and international structures; therefore, we can no longer limit ourselves to research and debate on the number of disappearances and the number tortured. Today the issue is clearly linked to the problem of the right to development. Consequently our quest for justice become more than that of combating instances of injustice, it should also seek to change structures that exploit and discriminate against us. We thus face the challenges of redefining our approach to the question of human rights within the framework of the social transformation process so as to simultaneously dispense with the particular power relations in our societies. Human rights should be developed as way of life and not limited to slogan. The human rights contribution would be made through establishing standards, implementing these standards and giving publicity to them. The government must make some programme to enable the people to live in dignity and respect, improve and social values of the people and make a sense of realization of the human rights in the mind of the people. The people themselves realize about their maintenance and violations of rights.

Non-discrimination and Participation are the key principles - rights are ensured without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or opinion, national, ethnic or social origin, property, disability, birth or other status.

Children who are capable of forming his or her own views have the right to express those views freely in all matters affecting the child the views of the child being given due weight in accordance with the age and maturity of the child.

The final affirmation of children's rights, which would ensure the world a prosperous. Future can be achieved only through international cooperation, that is to say the sound implementation of the rights to development. Let us remember the child of the today will be the future of our country. So the investment made on children will be an investment in the future of our country. We are guilty of many crimes and errors but our worst crime is abandoning our children. Human Rights have been a matter of serious all over the world in the present day-to-day life. In all the societies it has been observed that people treat each depending upon their motivation, may be of love, gratitude, hatred, greed etc.

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