



HUMAN RIGHTS-FROM RHETORIC TO REALITY

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Introduction

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organisation and resources of each state, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality. There is always a difference between the politics of Human Rights and politics for Human Rights. As Mary Robinson argues, "How do we move on from proclaiming the rights of people and the obligations those rights give rise to, on the part of states and the international community, towards the realization of those rights and obligations? How do we use the great steps that have been taken to date, both to define rights and commit states to those definitions, into truly effective collective action at national and international levels to secure those rights for everyone in our world, without distinction? "

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Evolution of Human Rights

The concept of Human Rights is located in the notion of "natural rights" propounded by John Locke in the seventeenth century, for whom certain rights are 'natural' to all the human beings as they are existed in the 'state of nature', much before the advent of nation-states. And, these modern nation states are merely the guarantor of these rights and not their source. Human rights, therefore, is an evolutionary concept, which has seen and registered various facets of living in respect of humans. It may thus not be an incorrect statement that the concept of Human Rights as we understand today has evolved out of the experiences and the thoughts and is an idealistic thought process to expand a 'state' where the co-human beings are treated with dignity have me

right to the life and liberty, have the freedom of speech, belief and faith and are not compelled to a situation of tyranny and oppression and equality of the right of men and women and the better standard of life to all and in this process to create a structure based upon the freedom, justice and peace in the world.

Amartya Sen argues that there is something very appealing in the idea that every person anywhere in the world, irrespective of citizenship, residence, race, class, caste or community, has some basic rights which others should respect. Demand for justice for all or the respect for the fights of the co-human started with American Declaration of Independence (1776), which declared that everyone had certain inalienable rights. It reads: "we hold these truths to be self-evident, 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 - that to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, - that whenever any form of government becomes destructive of these ends, it is the Right of the people to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their safety and Happiness." The next fillip to the development of Human Rights happened with the French Revolution of 1789, where the status of natural rights was elevated to legal rights. And then afterwards series of movements and the sociopolitical circumstances in the world made it possible for the present form of umbrella of legislations related to Human Rights at International, National, Local and Regional levels.

The universal declaration of Human rights (UDHR), 1948 has a noble thought for humanity and to scars of the world wars as also to bring in a peaceful state of affairs in the world. The visionaries for protection of Human Rights had intended to constitute a dossier of what ought to be the key factors for protection of Human Rights and to spread the message through the Declaration. Human Rights in their rhetoric form are available in UDHR, where it provides first⁶ generation and second¹ generation rights. First generation rights in short, provide civil and political rights which demand independence from coercive act by the state against individual, whereas, second generation rights necessitate state to provide certain basic needs to an individual. With the passage of time, fraternity related 'Third Generation Rights'* were born, which provide relationship between individuals, collectivity and the state. The Universal Declaration of Human Rights was indeed followed by the international covenant on civil and political rights and the

international covenant on Economic, Social and Cultural Rights, which were adopted by the United Nations General Assembly on 16-12-1966. Whereas, the international covenant on civil and political Rights aims at providing the right of self determination, the avoidance of a situation of discrimination based upon race, colour, sex, language, religion, political or national or social religion as well as to provide the equality to men and women, to ensure protection of their civil and political rights and to terminate torture as also the freedom of thought, conscience and religion.

Transcendence of Human Rights:

In India, Human Rights were not a result of such prolonged social and political struggles and social churning as happened in the western countries. These rights were imported from the west by our modern-minded constitution-makers and then transplanted from the above on our backward, semi-feudal society. The result is that while these rights exist in the statute-book, many of them are ignored in many parts of our country, and that is why there was no long-drawn social struggle and social churning in our country for obtaining these rights. In addition, the Directive Principles of state policy provide for the promotion of welfare of the people and employment as well as other relatable opportunities and promotion of educational and economic interest of weaker section and the provision of education (which has now also become a fundamental right in terms of article 21A of the constitution of India). The desire of this nation to provide the life of dignity to its people was further strengthened with the protection of Human Rights Act, 1993 whose enactment is meant for providing the rights relating to the life, liberty, equality and dignity of the individuals as guaranteed by the Constitution as also those embodied in the International Covenant on Civil and Political Rights as well as the International Covenant on the Economic, Social and Cultural Rights and also further provided for the formation of the state-level and National level Commission and the Human Rights Codes to safeguard the Human rights.

Development of Human Rights

The idea of development means different things to different people and its meaning changes within the change in nation and society. The meaning of development in developed society is different from that in developing society. By protecting civil and political rights on one hand and to give economic, social and cultural rights on the other to the individual in a given society by a state is known as development in its bare sense. Everywhere the growth and evolution of Human

Rights is different But, UDHR has done universalisation of human rights therefore, in this context, the bridge of development, democracy and human rights is easy to make After 1948. universalisation of Human Rights was done international level This is also known as 'Planned Social Change'. The first step from rhetoric to reality is a worldwide implementation of UDHR. The of democratic institutions such as Legislature, Executive and Judiciary provide , reality to the implementation of UDHR in its true sense, hi India, Legislature the arena of Human Rights, by providing pro-development legislations in to provide real implementation to the idea of development Remedies by ; pool procedures, protecting consumer rights, establishment of quasi-judicial institution such as a National Human Rights Commission (NHRC), National Commission for Women, National Commission for Women, National Commission for Scheduled Tribe, National Commission for Safai Karamcharis, etc., Gender Women, Environment and Sustainable Development in India are among few themes by which the development of right to development is happening in India.

Birth of New Issues

Terrorism is the other issue which is the off-shoot of the uncanny idea of development, it is unemployment. An unemployed man has only two choices- to starve or to become a criminal or terrorist. Hence, the root cause of crime and terrorism is unemployment and therefore, crime and terrorism can only be eradicated by creating a social order where everyone can get employment and a decent life. While the international community can provide assistance and valuable recourses population, which has no "exit strategy," has the greatest commitment sustainable peace. It is, therefore, essential to draw on the assets, dedication at the local level and among all sectors of society.

Conclusion

Reality requires something more than mere rhetoricism fear of imprisonment, fear of torture, fear of death, fear of losing friends, family, property or means of livelihood, fear of poverty, fear of isolation, fear of failure. A most insidious from of fear is that which masquerades as common sense or even wisdom, condemning as foolish, reckless, insignificant of futile the small daily acts of courage which help to preserve man's self respect and inherent human dignity. It is not easy for people conditional by fear under the iron rule of the principle that might is right to free

themselves from the enervating miasma of fear. Yet even under the most crushing State machinery courage rises up again and again for fear is not the natural state of civilized man.

1. Article 22 Universal Declaration of Human Rights (UDHR)
2. Bazi, Upendra Human Rights in a Post-Human World. 2007, Oxford.
3. Robinson Mary, "from Rhetoric to Reality: Marking Human Rights Work" London School of Economics and Political Science, 23 October, 2002.
4. Sen, Amartya, 'The Idea of Justice',p. 355, 2009, Alien Lane.
5. The American Declaration of Independence,1 776.
6. First Generation Rights are enshrined in Article, 3 to 21 of the Universal Declaration of Human Rights.
7. Articles 22 to 27 in detail contain second Generation Rights.
8. Third Generation Rights include Rights to development, Right to use the common heritage of mankind, etc.
9. For detail discussion on Politics of Human Rights and Politics for Human Rights read Baxi, Upendra 'The Future of Human Rights, Third Edition,2009,Oxford.
10. Articles 51- Promotion of international peace and security.