

Evaluation and Development of Human Rights on National and International Levels

Rabia Siddika¹, Dr. Saraswati²

¹Research Scholar, Political Science Dept., Sunrise University, Alwar, Rajasthan

²Supervisor, Political Science Dept., Sunrise University, Alwar, Rajasthan

Abstract

One of the perennial issues of politics has been the problem of striking a right balance between the rights of the individual and the authority of the State. While authority or sovereignty of the State is essential to maintain order and stability in the nation State (which is benevolent to its each and all individual citizens), the rights of the individuals are essential for enabling them to develop their personality and to lead a happy and prosperous life enjoying their human rights. “Rights” and “authority” are not opposed to each other. In other words, human rights complement the authority of the State. In fact, they shape each other’s nature, importance and the content. Thus human rights can find better protection in an orderly and stable political system.

The relationship that exists between individuals and their governments, at a given point of time, determines the very nature and content of human rights. Also, the type of political system a country has determines the extent of human rights protection available. Therefore, most modern political systems are generally labelled as democratic or authoritarian depending on the degree and kind of human rights guaranteed to the citizens. In an ideal democratic political system, the individual’s personal liberties and restraints, or rights and duties would be so organized that the rights and duties of others are not jeopardized. In other words, in such apolitical system, every individual should enjoy the maximum freedoms to do as he pleased, compatible with the rights of others to do the same. In authoritarian political system, the individual political rights are compromised, allegedly to serve the collective or social human rights of the nation.

There are many reasons why governments are created by human beings. Social and political theorists and politicians have answered this perennial issue. Among the many useful functions that governments serve in modern times many of them are concerned directly or indirectly with promoting and protecting human rights of the individuals. Governments serve many functions, such as community and nation building, protecting property and other rights, promoting economic efficiency and growth, promoting other public goods like public parks, roads, light houses, etc., protecting environment, ensuring national defense and advancing social justice. Modern governments promote social justice by redistributing wealth and other resources between citizens. Some states like India have established a huge corpus of protective discrimination laws.

REVIEW OF LITRATURE

The concept of human rights though is central to political science, it is poorly understood. There is no agreement on its meaning, nature, and content. It is a concept very much contested not only between East (representing former socialist States) and West (representing liberal-democratic States) but also

between developed and developing countries. Each group of nations has a different perception of human rights.

The so-called first world countries of the West believed in the supremacy of the individual, while the communist countries of East focused allegedly on the community and the unconditional priorities of deprived class interest. Hence, the individual benefited from these group rights, as his/her rights were better provided for, within the community. The former communist States gave priority to economic, social and commune rights and insisted that they could not be separated from the class character of society in which they existed, while the liberal-democratic States asserted the primacy of civil and political rights. This debate of priority of one set of rights over another continued to occupy the agendas of national and international governance during major part of the 20th century.

The then newly emerging States of the Third World, while adopting the Eastern or Western model of human rights paradigms in their constitutions, or a combination of both, focused on solidarity or group rights such as right to self-determination of peoples, including sovereignty over their natural resources, the right to development, the right to a healthy and ecologically balanced environment, the right to peace and the right to ownership of the common heritage of mankind. Although they insist on interdependence and indivisibility of all human rights – be they civil, political, economic and social, they aim to achieve economic development and eradication of poverty at the cost of freedom and civil liberty.

Meaning and Definition of Human Rights: In short, despite variances, the ideal modern concept of human rights is comprehensive in its nature and content. It includes three types of rights: civil and political, economic, social and cultural and the emerging collective or group rights. Different political systems try to legitimize their rule according to some / and or all dimensions of human rights. That is there one sees a spectrum whereby different degrees of human rights are observed by different States. In fact, the catalogue of human rights is expanding every day. Moreover, it must be noted that no catalogue elaborating specific human rights will ever be exhaustive or final. Its content goes hand in hand with the state of moral consciousness, or development of civilization at any given time in history.

It is gratifying to note that in the collapse of the East has generated radical shift towards the West in their perception of human rights, and civil and political rights are now given greater attention than ever before. The collapse of communism and the end of the “Cold War” suggests that arguments over divergent concepts of human rights are no longer a subject of mutual accusation and a spirit of cooperation between East and West is evolving gradually. However, it must also be noted that the People’s Republic of China and some Muslim States are pushing for a different and at time qualified version of the human rights, much different from the one proclaimed by the United Nations in 1948 in the Universal Declaration of Human Rights. For these States human rights are culturally rooted. Like cultural relativists, they are of the view that while in the West individuals’ rights are considered above group rights, this is not universally applicable and that certain non-Western societies are ordered on the lines of the community; the rights and identities of individuals are submerged by the larger interest of the community. The aggressive promotion of a universal standard of human rights is sometimes viewed as a paternalistic attempt to impose alien Western values.

Human Rights are those conditions of life that allow us to fully develop and use our human qualities of intelligence and conscience and to satisfy our spiritual needs. We cannot develop our personality in the absence of rights. They are fundamental to our nature; without them we cannot live as human beings. To deny human beings their rights is to set the stage for political and social unrest, wars,

hostility between nations and between groups within a nation and that denial leads to urgent demands for a better life in larger freedom. Human rights, far from being an abstract subject for philosophers; political scientists and lawyers, affect the daily lives of everyone man, woman, and the child. Nobody disputes these general terms. However, when it goes to specific aspects of human rights, then the disputes arise. In fact, the verbal commitment becomes a justifying tool for severely violating human rights.

SCOPE OF THE STUDY

This study will cover aspects of the Many important events and revolutions also contributed towards the development of human rights. It was in the late 17th and the 18th centuries that the necessity for a set of written guarantees of human freedom was felt as a new philosophy of governance. The dignity and rights of man was the dominant theme of political philosophy of the 18th century. The impact of socialist revolution is clearly seen in the drafting of many international human rights treaties under the auspices of the United Nations. With the establishment of the United Nations in 1945 the process of evolving an “International Bill of Rights” began. In 1948 it adopted the Universal Declaration of Human Rights, which included both civil-political and economic-social rights in a single document. Since the Universal Declaration was not a legally binding instrument, the UN subsequently adopted two Covenants in 1966 (one on civil and political rights and the other on economic, social and cultural rights). These Covenants are legally binding on ratifying states. It must be noted that the Universal Declaration and the two Covenants constitute what is popularly known as the International Bill of Rights. Thus human rights have been internationalized and they are made available to every human being wherever he / she lives. This new concept of human rights giving equal treatment, if not equal importance, to both sets of rights (i.e., civil-political and economic-social) became a characteristic feature of many constitutions that came into existence after the Second World War. These constitutions in various manifestations included certain social and economic rights besides elaborating in detail the civil and political rights. The Italian constitution of 1948 and the Bonn Constitution of 1949 are the prominent examples in this regard. Many European States are increasingly accepting the idea that the state should be socially responsible and take care of the basic needs of the individuals. In recent decades many countries have enacted either new constitutions or parliamentary statutes to give a constitutional status to the emerging concept of human rights, one that is comprehensive in nature and content.

AIMS AND OBJECTIVES OF PROPOSED STUDY

The main objective of this research is to explain the concept of Evolution and Development of Human Rights in National and International Level, to identify the issues related to the model, and to suggest ways of resolving them.

The main objective of study is as follows-

1. To study the Evolution and Development of Human Rights.
2. To study the Development of Human Rights in National and International Level.
3. To study the Human Rights in the Indian Constitutional Tradition
4. To study the Socialist Perspective of Human Rights
5. To study the Civil-Political and Socio-Economic Rights: Emerging Trends
6. To study the International Human Rights Law.

7. To study the Constitutional Protection of International Human Rights Standards

RESEARCH METHODOLOGY

Research methodology is a way to systematically solve the research problem. It may be understood as a science of studying how research is done scientifically.

Research purpose

The purpose of the present research is to explain an Evolution and Development of Human Rights in National and International Level. The researcher will identify its influences to predict Development of Human Rights in National and International Level. Hence the purpose of this research is illuminating the concept of Development of Human Rights in National and International Level.

Research design

This study will cover title of the study, significance of the study, aims and objectives of the study, research hypothesis and research design. This research has designed based upon descriptive study as it aims to identify and elaborate the Development of Human Rights in National and International Level.

The research design contains the following steps:

- Literature review
- Theoretical and experimental analysis.

Consequently, the following hypothesis will be invented:

H1: There is relationship between Development of Human Rights in National and International Level.

H2: The Evolution and Development of Human Rights

H3: The Civil-Political and Socio-Economic Rights: Emerging Trends

H4: The Constitutional Protection of International Human Rights Standards

H5: The International Human Rights Law

➤ Data collection

This study will be secondary research methods. Thus, gathering and analyzing the data will be done on the basis of existing research.

Secondary research methods

The data collected for the study includes secondary data. The various sources used to collect secondary data include research papers, articles, reports of the company and data from the dissertation/Thesis and various websites.

SIGNIFICANCE OF THE FINDINGS

A comparative analysis of human rights in different countries and regions of the world reveals that the concept of rights has a diverse meaning, understanding, history and practices. The Western liberal democracies, where the idea of constitutional rights first originated, assigned priority to civil and political rights and ignored to acknowledge the importance of economic, social and cultural rights. Whereas the erstwhile socialist States of Eastern Europe assigned primacy to the second generation / positive rights (i.e., economic and social rights) and ignored to acknowledge the value of civil and

political rights. With the establishment of the United Nations and the adoption of the International Bill of Human Rights, which gives equal importance to both the sets of rights, the idea of a comprehensive approach to human rights is getting widely accepted all over the world. The UN approach provides an integrated view of all human rights and attempts to overcome the artificial split between two sets of human rights on ideological grounds. It treats all human rights as universal, inalienable, indivisible, interdependent and interrelated.

REFERENCES

1. Butler, Frances (2000), *Human Rights for the New Millennium* (ed.), (The Hague: Kluwer Law International).
2. Ewing, K. D. (1999), "The Human Rights Act and Parliamentary Democracy", *The Modern Law Review*, Vol. 62, No.1.
3. Fagan, Andrew (July 15, 2009), "Human Rights", in: *The Internet Encyclopedia of Philosophy*, (<http://www.iep.utm.edu/h/hum-rts.htm>).
4. Freeman, Michael (2002), *Human Rights an Interdisciplinary Approach* (Cambridge: Polity Press).
5. Gauba O. P. (1995), *An Introduction to Political Theory*, 3rd edn. (New Delhi: Macmillan India Limited).
6. Jacobs, F.G. and Robin White (2006), *The European Convention on Human Rights*, 4th edition (Oxford: Oxford University Press).
7. Kapur, A. C. (1996), *Principles of Political Science*, 20th edition (New Delhi: S. Chand and Co.).
8. Tran, Luan-vu N (2000), *Human Rights and Federalism A Comparative Study on Freedom, Democracy and Cultural Diversity* (The Hague: Martinus Nijhoff Publishers).
9. V!apur, Abdulrahim P. (1993), "The Principle of Non-discrimination in International Human Rights Law: The Meaning and Scope of the Concept", *India Quarterly A Journal of International Affairs*, Vol.49, No.4, pp. 69-84.
10. V!apur, Abdulrahim P. (1998), "Diversity of Concepts of Human Rights", *World Affairs* - P. V!apur, Abdulrahim and K. Savitri (2010), "The International Bill of Human Rights", in Shashi Motilal and Bijayalaxmi Nanda (eds.), *Understanding Social Inequality: Concerns of Human Rights, Gender and Environment* (New Delhi: Macmillan India Limited).
11. Borua, P. C. (2007, March). Assamese and English Newspapers of Assam. In G. P. Sharma (Ed.), *150 Years of Journalism in Assam* (pp. 01-30). Guwahati, Assam, India: Media Trust Assam. P-1.
12. NeogMaheswar (2007) 'The Orunodoi', in Gobinda Prasad Sarma (ed.), *150 Years of Journalism in Assam*: Media Trust, Guwahati, Assam. India. (pp-31-42). P-42.
13. Bhattacharyya, S. C. (2007, March). Bengali Newspapers That Served as Model for the Orunodoi. In G. P. Sharma, *150 Years of Journalism in Assam* (pp. 73-77). Guwahati, Assam, India: Media Trust Assam. P-73.
14. Mahanta, P. (2007, March). Scientific Writings and Discussions in Assamese Journals. In G. P. Sharma, *150 Years of Journalism in Assam* (P. Mahanta, Trans., pp. 321-359). Guwahati, Assam, India: Media Trust Assam.