



Human Rights , nature , origin , development and importance

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Abstract:

In order to maintain human dignity and achieve human progress certain such rights should be given to human beings , as may not require any approval of the state . These are fundamental human rights . Prior to the formation of the United Nations Organization , the League of Nations had done an admirable work in respect of human rights . A committee was set up under the Presidentship of Mrs. Roosevelt to prepare a draft of the human rights . The Report submitted by this committee was accepted by the General Assembly of the U.N.O. with some amendments and thus the human rights were approved on **10 th December 1948**. Since onwards the 10th December is celebrated as the Day of Human Rights in the world .

Key words: right,nature,origin,importance

Introduction :

Human Rights mean such rights as every human being is entitled to acquire . Besides , he is entitled to protect them also . Thus , every man , woman and child enjoys these rights . These rights exist in every society and culture in one form or the other . The contemporary international declaration of these rights is a “ **Universal declaration of human rights .**” This declaration includes two kinds of rights .

(i) Civil and Political Rights and (ii) Economic , Social and Cultural Rights . Both these kinds of rights make people free from fear and scarcity . Both these kinds of rights should be preserved as a basis of peace , freedom and justice in the world . All the Governments are bound to protect these human rights . The Government has to protect life , liberty and safety of its people . The Governments shall remain careful to see that no person is enslaved by anybody , nobody is arrested arbitrarily or nobody falls a victim to detention or atrocity . Every person is entitled to reasonable hearing . These rights protect freedom of thought , religion , voice of conscience and expression . The Government has to endeavour incessantly to better the life of the citizens . These right are to be enhanced without any kind of discrimination .

(1) The concept and Origin of Human Rights :

The prime object of human rights was to impose restriction on the tyranny of the state . And hence this concept had remained limited only to the state concerned . higher class of **13th century (1215 A.D.)** was to protect the rights of the Nobles . It contained only At the initial stage , this concept was meant



only for the persons of a society . The purpose lying behind the well known Magna Charta published in the a few provisions that covered all the persons in their purview . In **1689** , certain liberties entitling all the citizens were announced through the Bill of Rights . In the year **1176** , the American people also declared certain unchangeable human rights through the announcement of their liberty . In the French Revolutionism in France it was stated in the announcement of rights that " men are born free , live free and enjoy equal rights . "

The Concept of human rights in a legal form was first expressed in the laws pertaining to the abolition of slavery in Britain , France and Denmark . The prime object of the concept of human rights was to protect people against tyrannical laws and policy of the state . But as a result of French revolution , Russian revolution , Second World War , and the freedom achieved by certain countries during and after the war , a new concept ushered in that man must remain at the centre of all the activities of the state . The state must not inflict atrocities on human beings . There are some such human rights as cannot be infringed by the state . The state must protect them . These rights are known as natural rights also . These rights have been approved for the purpose of development of human personality . Every state is bound to protect the right to safety even when .it is not approved .

Right to equality is a human right . It is recognized in **Article 14** of our Constitution . This concept indicates that no person shall be considered socially high or low . There must not exist any discrimination on the basis of sect , caste or creed . A person belonging to a minority community should be treated equally well irrespective of his caste . In the same way there should be no discrimination between man and woman .

The concept of human right is a part and parcel of an International Law . The concept of human right has become acceptable in all the countries irrespective of territorial boundaries . Any person can enjoy his human rights fully well only when his primary necessities like food , shelter and clothes are satisfied . Where hunger , unemployment and poverty are prevalent human rights prove to be meaningless . In our country economic inequality , unemployment , poverty and hunger are highly rampant . Crores of people live below the poverty line . As the right to work is not included in any of our Acts or in our constitution , the human rights exist only on paper .

Right against exploitation is also this type of human right . Even after the period **56** years of the attainment of Freedom the appointments of women are discarded at some places . This is a kind of exploitation of women . Child labour is also a kind of exploitation . Unequal treatment with women is also an exploitation . In a joint Hindu family , the absence of equal right to property for women is a kind of exploitation The Muslim Law allows man to have 4 wives simultaneously and to enjoy superiority of giving divorce to a wife , whereas it allows the woman to have only one husband and no superiority of giving divorce to him . This creates exploitation of women .

The rights to religion , education , health and environment are human rights . The concept of human rights is now not limited only to seek protection against the absolute power of the state but it aims at creating an atmosphere congenial to the development of human personality and at providing an opportunity for it . Of course , recently the Supreme Court , by using **Articles 141** and **142** of the Constitution and exercising judicial activeness , has given best verdicts unnder **Article 21** in respect of health and environment , and has thereby included the right to health service education and unpolluted environment in the purview of human rights .



(2) Development of Human Rights :

The development of human rights has taken place through different stages of history . The exponents of the ideology of natural law believed that the origin of human rights lay in natural ideology . The stoics played a vital role in propagating this ideology . According to Utopian , natural law means all that nature assures human being of . In the Middle Ages the natural law included duties . It was during this period that slavery was accepted . This means , human rights , during that period were not accepted in a sense they are accepted to - day .

Feudalism began to decline during renaissance . The existence of liberty , equality and the ideology of ownership of property was accepted . As a consequence of renaissance the ideology of individual liberty was born out of the ideology of the duty of natural law . This change was effected as a result of Aquinas , Hugogrotius , Magna Charta and Bill of Rights .

During **17th** and **18th** centuries the ideology of natural law remained prominent . In those days , the natural law was accepted in a sense of natural rights . Galileo , Newton , Renedecart , Bondict , Spinoza , Francis Bacon etc encouraged the ideology of natural law . The Revolution of **1688** made certain human rights clear in their perspective . All legal experts , philosophers and moralists , irrespective of any cultural limitations have agreed upon the fact that every human being has certain fundamental rights . In this way , the concept of human rights has arisen out of the protective instinct against autocracy and tyranny of the state .

Some scholars find the origin of human rights in Roman Jurisprudence .In fact , the origin of human rights in modern sense lies in the English , French and American Revolutions that took place in the 17th and 18th centuries .

Human rights are self - evolved . universal and unchangeable .

(3) Nature of Human Rights :

The human rights are accepted at the national as well as international level .

Some persons consider human rights divine and some persons consider them legal .

In the opinion of some persons the acceptance of human rights owes to , customs while some believe that human rights are accepted by a social contract

or the judicial standard . In spite of these different opinions the following standards regarding the nature of human rights have been universally acknowledged .

(1) Human rights impose restrictions on the powers of the state .

(2)The nature of human rights is , to some extent , legal and to Some extent moral .

(3) Human rights are all pervading , i.e. , every person living on the Earth enjoys them without any discrimination of caste , creed merit or demerit

(4) Human rights are inter related . This menas , by the rights acquired by a particular person or a class , the rights of another person or class are restricted .

(5) The human rights are fundamental . Some scholars include only liberty of life and equality in the purview of human rights

(4) Significance of Human Rigths :

The acceptance of human rights and their execution lead society to stability , and offer an opportunity of development to the weaker section of society . The polity in which the human rights are not recognized is dictatorship or autocratic rule . In such rule there is no place for freedom of thought , freedom of expression , freedom of newspaper , freedom of organization or freedom of religion . There is no



provision for human happiness , peace , security or progress . In such administration man has neither any value nor any dignity .This kind of rule is unstable and derogatory to progress . Human interest and human dignity are maintained in such rule as is stable and progressive .All round development of human personality is possible only in this kind of rule . The rule which enhances such human progress can flourish fully well . Such rule is possible only where there is a provision made for human rights . In the countries like Indonesia , Portugal and Pakistan human rights are maintained in less degrees , in proportion . The issue of human rights is not to be judged only in view of human happiness or human progress but it is on the human rights that stability and progress of the whole society as well as the nation rest . The polity which does not recognize human rights is not only autocratic and illegal but also suicidal to the society or the nation itself . At present a movement to enforce Islamic Law in the whole of country of Pakistan is going - on . Today , when a country like Bharat is considering to enact a Common Civil Code , it is rather an act against human rights to implement religious law in the whole of the country .

(5) Summary:

The object of human rights is to maintain human dignity and achieve progress . Such act does not tend to achieve the progress of a single individual but it tends to develop the whole society . The progress of society naturally includes progress of the nation . The Government has to take care of these rights . Not only , this , but the Government has to protect these rights of human beings . If no proper administration is made on the event of the infringement of these rights , they prove to be meaningless.

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