

Meaning of Human Rights

Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights which are commonly known as human rights. Since these rights belong to them because of their very existence, they become operative with their birth. Human rights, being the birth right, are, therefore, inherent in all the individuals irrespective of their caste, creed, religion, sex and nationality. These rights are essential for all the individuals as they are consonant with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare. They are also necessary as they provide suitable conditions for the material and moral uplift of the people. Because of their immense significance to human beings; human rights are also sometimes referred to as fundamental rights, basic rights, inherent rights, natural rights and birth rights.

Presently, the vast majority of legal scholars and philosophers agree that every human being is entitled to some basic rights. Thus, there is universal acceptance of human rights in principle in domestic and international plane. Human rights is a generic term and it embraces civil rights, civil liberties and social, economic and cultural rights. It is therefore difficult to give a precise definition of the term human rights. However, it can be said that, the rights that all people have by virtue of being human are human rights. These are the rights which no one can be deprived without a grave affront to justice. There are certain deeds which should never be done, certain freedoms which should never be invaded, something which are supremely sacred. It is so because they may affect the human dignity. Thus, the idea of human rights is bound up with the idea of human dignity. Chief Justice of India, J.S. Verma has rightly stated that 'human dignity is the quintessence of human rights'. All those rights which are essential for the protection and maintenance of dignity of individuals and create-conditions in which every human being can develop his personality to the fullest extent may be termed human rights. However, dignity has never been precisely defined on the basis of consensus, but it accords roughly with justice and good society. The World Conference on Human Rights held in 1993 in Vienna stated in the

Declaration that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms. D.D. Basu defines human rights as those minimum rights which every individual must have against the State or other public authority by virtue of his being a member of human family, irrespective of any other consideration."

Human rights are, therefore, those rights which belong to an individual as a consequence of being human as a means to human dignity. These are the rights which all men everywhere at all times ought to have, something of which no one may be deprived without a grave affront to justice.¹ They are based on elementary human needs as imperatives. Some of these human needs are elemental for sheer physical survival and health. Others are elemental for psychic survival and health. Thus, human rights can be perceived and enumerated. These rights are associated with the traditional concept of natural law.

Rights being immunities denote that there is a guarantee that certain things cannot or ought not to be done to a person against his will. According to this concept, human beings, by virtue of their humanity, ought to be protected against unjust and degrading treatment. In other words, human rights are exemptions from the operation of arbitrary power. An individual can seek human rights only in an organized community, i.e., a State, or in other words, where the civil social order exists. No one can imagine to invoke them in a state of anarchy where there is hardly any just power to which a citizen can appeal against the violations of rights. Thus, the principle of the protection of human rights is derived from the concept of man as a person and his relationship with an organized society which cannot be separated from universal human nature.

Human rights being essential for all-round development of the personality of the individuals in the society be necessarily protected and be made available to all the individuals. They must be preserved, cherished and defended if peace and prosperity are to be achieved. Human rights are the very essence of a meaningful life and to maintain human dignity is the ultimate purpose of the government. The need for

the protection has arisen because of inevitable increase in the control over men's action by the governments which by no means can be regarded as desirable. The consciousness on the part of the human beings as to their rights has also necessitated the protection by the States. It has been realised that the functions of all the laws whether they are the rules of municipal law or that of international law should be to protect them in the interest of the humanity.

One of the achievements of the contemporary international law is to recognise human dignity and honour. The individual has come of age in International Law. It has been also realised that the international protection of the individuals against the State should no longer be entrusted to the State as his guardian litem. This is clearly reflected from a number of conventions of varying scope which have been adopted under the auspices of the United Nations Organisation in the last fifty-eight years or so. A number of declarations adopted by the United Nations and its specialized agencies also go to prove that their members have pledged themselves to achieve the promotion of universal respect for and observance of human rights and fundamental freedoms. States themselves are conscious of the rights of the human beings. They, in order to protect the rights, have made regional arrangements by making conventions. On national level too, they have taken measures to protect the rights of the individuals by incorporating the provisions relating it in their constitutions. Non-governmental organisations on national, regional and international level are also devoted in bringing the cases of violations of human rights in lime light and finding out ways and means to prevent their occurrence.

Presently, there is a widespread acceptance of the importance of human rights in the international structure. However, one will not hesitate to admit that there is a confusion prevailing as to its precise nature and scope and the mode of International Law as to the protection of these rights.