

# CONCEPT OF HUMAN RIGHT

**For PG Semester 4 Students (MU)**

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## **Introduction;**

Human rights are certain universal moral and legal standards to which those in power must stick in their treatment of people. They are the sum of individual and collective rights laid down in state constitutions and international law. It is a common observation that human beings everywhere require the realization of diverse values or capabilities to ensure their individual and collective wellbeing. This requirement, whether conceived or expressed as a moral or a legal demand, often painfully frustrated by social as well as natural forces, resulting in exploitation, oppression, persecution and other forms of deprivation. Deeply rooted in these observations are the beginning of human rights and the national and international legal processes associated with them. They strive to shield humankind from gross political, legal and social abuses and various forms of deprivations. They are a set of righteous ideas about the treatment to which all individuals are eligible by dint of being human<sup>1</sup>. Adhering to these basics and also laying the foundation for enabling people to actually exercise and enjoy their rights through affirmative measures, primarily concern state authorities such as governments, armed forces and police, but increasingly those having non-governmental power such as multinational corporations, business establishments, as well as religious entities or individuals that exert power over other people. The universality of human rights is sometimes been challenged claiming they are a Western notion, part of a neocolonial attitude that is propagated worldwide. A study published by the United Nations Educational, Scientific and Cultural Organizations (UNESCO) in 1968 clearly showed that the profound aspirations underlying human rights correspond to concepts – the concepts of justice, an individual's integrity and dignity, freedom from oppression and persecution and individual participation in collective endeavours – that are encountered in all civilization and periods. Today the universality of human rights is borne out by the fact that the majority of nations, covering the full spectrum of cultural, religious and political traditions, have adopted and ratified the main international human rights instruments. Brzezinski called human rights “the single most magnetic political idea of the contemporary time”. Human rights delimit state power and at the same time, require states to take positive measures ensuring an environment that enables all people to enjoy their human rights. History of last 250 years has been shaped by the struggle to create such an environment. Starting with American and French revolutions in the late eighteenth century, the idea of human rights has driven many a revolutionary movement for empowerment and for control over the wielders of power.

The global demand for the codification of the “Human Rights” is relatively new as it gained momentum only after the world underwent the horrors of the Second World

War and the worldwide outrage against the ‘Holocaust’ perpetrated by the Nazis to wipe out the Jewish population from Europe. Before that how a state treated its inhabitants was its own business, a matter of “domestic jurisdiction” not of international concern. Human rights define relationships between individuals and power structures, especially the state. The United Nations General Assembly on December 10, 1948, adopted the “Universal declaration of Human Rights” (UDHR) to prevent the future occurrence of any similar atrocities against the humanity. UDHR was followed by the “European Convention on Human Rights” (1954) and the “International Covenant on Civil and Economic Rights” (1966). All the foregoing three documents form the centerpiece of a moral doctrine which may be called the “Contemporary International Bill of Rights”. In the present world human rights is the matter of daily diplomacy among states. Numerous international organizations deal with it regularly and it is never absent from the agenda of every Principal Organ and Specialized Agency of the United Nations and of major regional organizations.

### **Definitions:**

Human beings have universal rights, or status, regardless of legal jurisdiction or other localizing factors, such as ethnicity and nationality. They define relationships between the individuals and power structures and requires state to take positive measures ensuring an environment that enables all people to enjoy their human rights. They include an extensive range of notions and include many areas of human conditions. Despite widespread acceptance of the principle of human rights, the core questions that have yet to receive conclusive answers are as follow<sup>2</sup>:

1. Whether human rights are to be seen as divine, moral or legal entitlements.
2. Whether they are to be validated by intuition, culture, custom, social contract, principles of distributive justice, or as prerequisites for happiness or the achievements of human dignity.
3. Whether they are understood as revocable or partially revocable and
4. Whether they are to be broad or limited in number and content.

Besides, even when the principles of human right is accepted, there are issues such as<sup>3</sup>:

1. Whether human rights are a way of privileging narrowly conceived social interests over the common interest.
2. Whether they are the political tools of the predominantly progressive elites and
3. Whether they are stalking horse for western economic imperialism and so forth.

Notwithstanding the foregoing issues, most of the human rights mentioned in the various declarations and covenants issued by the United Nations reflect worldwide input. In the words of J. Ife, “People from different backgrounds readily endorse the concept of human rights, which refers to those rights that every human being possesses and is entitled to enjoy simply by virtue of being human<sup>4</sup>”.

*The Encyclopedia Britannica* defines the term human rights as, “Whatever their theoretical justification, human rights refers to a wide continuum of values or capabilities thought to enhance human agency or protect human interests and declared to be universal in character, in in some sense equally claimed for all human beings present and future”<sup>5</sup>.

According to James Nickel “Human Rights aim to secure for individuals the necessary conditions for leading a minimally good life”<sup>6</sup>.

In another definition Human rights are regarded as “those basic standards without which people cannot live in dignity. To violate someone’s human rights is to treat that person as though she or he were not a human being. To advocate human rights is to demand that the human dignity of all people be respected<sup>7</sup>”.

J. L. Macfarlane defines human rights as “those moral rights which are owned to each man and woman solely by reason of being a human being. These are the rights which no one can be deprived without a grave affront to justice”<sup>8</sup>.

The World Conference on Human Rights held in 1993 in Vienna stated in the Declaration; “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 freedom”. According to Bennett: “Human rights include those areas of individual or group freedom that are immune from governmental interference because of their basic contribution to human dignity or welfare and are subject to governmental guarantee protections or promotions”<sup>9</sup>.

While no single definition could possibly cover the entire spectrum of what human rights include, the United Nations in 1987 defined the term human in a most comprehensive manner. It says: “Human rights are those rights, which are inherent in our nature and without which we cannot live as human beings. Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind’s increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection”.

A close scrutiny of the foregoing definitions point out that by human rights we mean four things;

1. Rights those are inherent in and integral to every human being by the fact of one’s birth.
2. Rights are basic for human life and its development.
3. Human rights presume the existence of these social conditions in which they can be exercised,
4. Human rights are those which every civilized state ought to incorporate in its constitution and laws as the recognition of basic human needs and demands.
5. Regarding human rights ‘Dignity’ is the key word.

#### **Differences Between Human Rights and Fundamental Rights:**

Human Rights are those basic standards without which people cannot live in dignity. Human rights are inherent to everyone. On the other hand, fundamental rights are those rights or for that matter human rights which are guaranteed by the constitution.

Secondly, all fundamental rights are human rights, but all human rights are not fundamental rights. Human rights are concerned with the all human beings of the world but fundamental rights are related between one state and their citizens.

#### **Basic Characteristics of human Rights:**

Like all normative traditions, the concept of human rights is a product of its time. Hence before analyzing the content and legitimate scope of human rights and the priorities claimed among them, it is essential to study the impact of the various schools of thoughts and actions upon the human rights traditions since its evolution. Inspired by the three themes of the French Revolution (1789), the French jurist Karel Vasak has put forward his idea of “three generations” of human rights. The first generation covers civil and political rights (Liberty), the second generation comprises of economic, social and cultural rights (Equality and the third generation includes solidarity rights (Fraternity). It is argued that civil and political rights are based on the concept of non-interference of the state in the private affairs, whereas social, economic and cultural rights require the state to take positive action. It is today widely

acknowledged that, for human rights to become reality, states and international community must take steps to create the conditions and legal frameworks necessary for the exercise of human rights. Vasak's model does not suggest a linear process in which each generation of rights gives birth to the next and then passes away. It also does not express that one generation of rights is more important than another. In fact the three generations of rights are perceived to be cumulative, overlapping and above all inter dependent and inter penetrating<sup>6</sup>.

The general idea of human rights could be spelt out by specifying its certain defining features;

**As Political Norms;** Human rights are concerned mainly with how people should be treated by their government and institutions. They are not ordinary moral norms applying mainly to interpersonal conduct. However, some rights such as rights against racial and sexual discrimination are primarily concerned to regulate private behaviour. Here the concept of human rights imposes duties on governments to prohibit and discourage such discriminations in society.

**As Minimal Standards;** Human rights are concerned with avoiding the worst that can happen to a human being rather than with achieving the best. Their target is to ensure minimally good lives for all people. Henry Shue is of the opinion that human rights concern the "lower limit on tolerable human conduct rather than great aspirations and exalted ideals"<sup>7</sup>. As minimal standards they leave most legal and policy matters open to democratic decision making at the national and local levels. This allows them to accommodate a great deal of cultural and institutional variation.

**As International Norms Covering All Countries and All People;** Human rights are the sorts of norms that are aptly recommended to all countries. International law plays a crucial role in giving human rights global reach. Human rights are universal provided that certain rights for example the right to vote, are held only by adult citizen, that some human rights documents focus on vulnerable groups such as children, women and indigenous people and some rights such as the right against genocide are group rights.

**As High Priority Norm;** According to Maurice Cranston "A human Rights is something of which no one may be deprived without a grave affront to justice". He adds; "Human rights represent certain deeds which should never be done; certain freedoms which should never be invaded; something which is supremely sacred"<sup>8</sup>. Dworkin also expressed the same thought in his writings. According to him human rights are those rights which the state should not override even in the name of public interest and which can be exercised in spite of the law of the country<sup>9</sup>.

**As Individualistic Concept;** The idea of human rights is derived from acceptance of man as a free individual, a being of dignity and worth, endowed with reason and conscience and capable of moral choice and activity.

**As Enforceable Instruments;** The issue of enforceability is rather complex one. But without it, the fruits of the concept of human rights cannot reach to the people. To be enforced by the state, human rights require a domestic legal system based upon the rule of law, affording protection to the individuals to enjoy the rights.

The term human rights replaced the phrase "natural rights", which was heavily dependent upon the concept of natural laws for their existence. The concept of natural law became a subject of debate with several philosophers such as Jeremy Bentham (1748–1832), one of the founders of the philosophy of Utilitarianism, wrote; "Rights are the child of law; from real laws come real right; but from imaginary laws, from 'law of nature' come imaginary rights.....Natural rights is simple nonsense.....rhetorical nonsense, nonsense upon stilts"<sup>1</sup>. Agreeing with Bentham, David Hume (1711–1776) called natural law and natural rights as unreal metaphysical phenomena. American philosopher Henry David Thoreau (1817-1862) was the first to use the

term “human rights” in his treatise *Civil Disobedience*, the work which deeply influenced Mahatma Gandhi (1869-1948) and Martin Luther King (1929-1968) in developing their ideas on non-violent resistance to unethical government actions.

### **Origins of the Concept of Human Rights;**

Throughout the history of mankind, people acquired rights and responsibilities through membership in a group viz. a family, nation, religion, class, community of state. The religious texts such as The Vedas, The Bible and the Koran addressed the question of people’s duties, rights and responsibilities.

The origin of the legal documents of people’s rights could be traced in the legal codex issued in 2050 B.C. by Ur Nammu, the king of Ur. The best preserved example of this type of document in the history of mankind is the Code of Hammurabi created in Mesopotamia in 1780 B.C. It includes variety of rights including women’s rights, children’s rights and slave rights and also prescribes punishments if any violation of such rights takes place. The Persian king Cyrus the great, after his victory over Babylon in 539 B.C. issued the Cyrus Cylinder. It was in fact the Code of Cyrus documented on a cylinder shaped stone, which was discovered in 1879, now kept in British Museum and recognized by many as the first human rights document. The cylinder abolished slavery and allowed the citizens of the empire to practice their religious beliefs freely. In the third century B.C. in the ancient India Mauryan emperor Asoka the Great inscribed in his Edicts principles of civil rights similar to the rights mentioned in the modern human rights documents. Asoka define the main principles of non-violence, tolerance of all sects and opinions, obedience to parents, respect for teachers and priests, being liberal towards friends, humane treatment of servants and generosity towards all.

It was in ancient Greece and Rome, where the concept of human rights began to take a greater meaning than the just prevention of arbitrary persecution. Human Rights under the influence of the doctrines of the Stoics began to be identified with natural rights, which originate from natural law. According to the Greek tradition of Socrates and Plato, natural law is the law which reflects the natural order of the universe, essentially the wills of gods who control nature. A classic example of this view is given in Sophocles play *Antigone*, in which the title character acted under the laws of gods and defied King Creon’s edict and decided that her brother Polynices should remain unburied on the battlefield because he had fought traitorously against his own city<sup>10</sup>. the idea of natural rights continued in ancient Rome, where the Roman jurist Ulpian believed that natural rights belonged to every person, whether they were Roman citizens or not. In Graeco-Roman and medieval times, doctrines of natural laws concerned mainly the duties, rather than rights of man. This is evidenced in the writings of Aristotle and St. Thomas Aquinas, which recognized the legitimacy of slavery and serfdom.

With the decline of feudalism from about the 13<sup>th</sup> century and continuing through the Renaissances to the peace Treaty of Westphalia (1648), Europe witnessed certain socio-political changes, which were necessary for the idea of natural rights to gain general recognition. During this period, resistance to religious intolerance and political and economic bondage and the failures of rulers to fulfill their obligations under natural law, combined to shift the conception of natural law from duties to rights. In 1215 King John of England issued the *Magna Carta* or the “Great Charter”, a document forced upon him by the Pope and English barons. The document enumerated a number of what later came to be thought of as human rights. Among them were the rights of the church to be free from the governmental interference, the rights of all free citizens to own and inherit property and be free from excessive taxes. It established the principle of due process and equality before law and also included provisions forbidding bribery

and official misconduct. Although the *Magna Carta* could not itself limit the power of the king in the medieval period, it was rediscovered in the Elizabethan and the Stuart periods as a powerful document upon which constitutional law was founded in Britain and elsewhere. The *Magna Carta* was followed in England by *Petition of Rights* (1628) and the English *Bill of Rights* (1689). The Bill of Rights, besides ensuring other rights to the people made the British King subject to the rule of law. It protected people from excessive bail or fine, cruel and unusual punishments and unfair trials. It also guaranteed juries, impartial courts and independent judges.

Several philosophic and scientific achievements in the 17<sup>th</sup> and 18<sup>th</sup> century Europe, which included materialism of Hobbes, nationalism of Descartes and Leibniz and empiricism of Bacon and John Locke, encouraged a belief in natural law and universal order<sup>11</sup>. John Locke in his essay *Of Civil Government* declared “the natural liberty of man is to be free from any superior power on earth and not to be under the will or legislative authority of man, but to have only the law of nature for his rule”<sup>12</sup>. Locke outlined in his *Two Treatises of Government* (1688) that human kind before entering in a civil society enjoyed certain rights, such as; right to life, liberty and property, in the state of nature and upon entering civil society surrendered to the state only the right to enforce these natural rights and not the rights themselves. Failure of the state to protect the foregoing rights would give the human kind right to responsible popular revolution against the state.

The two great revolutions of the eighteenth century- the American war of Independence (1776) and the French Revolution (1789) gave birth to two important documents – The U.S. *Declaration of Independence* ratified by the Continental Congress on July 4, 1776 and the *Declaration of the Rights of Man and the Citizens* approved by the National Assembly of France on August 26, 1789. In the former Thomas Jefferson, who studied Locke and Montesquieu, authored the famous statement “that all men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness”<sup>13</sup>. While in the latter Marquis de Lafayette, a close friend of George Washington, under the inspiration of the American declaration, proclaimed; “men are born and remain free and equal in rights” and that “the aim of every political association is the preservation of the natural and imprescriptible rights of man”<sup>14</sup>.

Philosophers such as Thomas Paine in his *The Rights of Man*, John Stuart Mill in his *On Liberty* and Hegel further expanded the idea of universality. The later half of the nineteenth century witnessed number of issues takes centre stage, most of which comprises the Universal Declaration of Human Rights. They included slavery, serfdom, brutal working conditions, minimum wages, child labour, the American the native Indian problem and the civil war over slavery (1862-65) etc.

Nonetheless, many specific civil rights and human rights movements succeeded in bringing great socio-political changes during this time. Labour unions in the U.S. and in many European countries brought about laws granting workers the right to strike, establishing minimum work conditions, forbidding or regulating child labour, establishing a forty hour work week etc. The women’s suffrage movement succeeded in getting the right to vote. National liberation movements in many countries succeeded in throwing out the colonial powers. Movements by long oppressed racial and religious minorities such as the Civil Rights Movement in the United States succeeded in many parts of the world.

The idea of human rights emerged stronger after the Second World War. The world public opinion wanted to ensure that never again would anyone like the European Jewish population be so unjustly denied life, freedom, food, shelter and nationality. The essence of these

emerging human rights principles was captured in President Franklin D. Roosevelt's 1941 *States of the Union Address* when he spoke of a world founded on four essential freedoms; freedom of 'speech and religion' and freedom from 'want and fear'. The calls came from across the globe for human right standards to protect citizens from abuses by their governments, standards against which nations could be held accountable for the treatment of those living within their borders. These voices played a crucial role in the San Francisco meeting that ratified the United Nations Charter in 1945.

### **The Universal Declaration of Human Rights (1948);**

The Nazi Germany's modus operandi for the final solution of the Jewish question, in which they systematically attempted to eliminate the Jews of Europe, brought the issue of human rights into the international mainstream. The international community lacked the legal and political language to condemn them. Massacring one's own citizen simply was not an established legal offence. The German government might be held liable under the laws of war for its treatment of citizen's in occupied territories, but in killing German nationals it was merely exercising its sovereign rights. The Nuremberg War Crimes Trail (1945-46), followed the Second World War, introduced novel changes in the crimes against humanity. For the first time in human history, officials and politicians were held legally accountable to the international community for offences against individual citizens, not states and individuals who in many of the cases were the German nationals.

It was in the United Nations, however, that human rights really emerged as a subject of international politics. The Charter of the United Nations (1945) begins by reaffirming a "faith in fundamental human rights, in the dignity and worth of the human being, in the equal rights of men and women and of nations large and small". To advance the goal of promoting respect for human rights for all, the U.N. established a Commission on Human Rights and charged it with the task of drafting a document spelling out the meaning of fundamental rights and freedoms proclaimed in the Charter. The Commission guided by the forceful leadership of Eleanor Roosevelt, captured the world's attention. On 10 December 1948, the Universal Declaration of Human Rights (U.D.H.R.) was unanimously adopted by the 56 members of the United Nations. Eight nations, however, chose to abstain. The UDHR, popularly referred to as the international Magna Carta, began a revolution in the field of international law as how a government treats its own citizens was no more a simple domestic issue, but a matter of legitimate international concern. Its Preamble emphatically asserts that; "Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world"<sup>15</sup>.

For having a look into the rights enshrined in the UDHR, it has to be divided into three categories. The first category could be a set of civil and political rights (Articles-2-21), which derive its basis from the 17<sup>th</sup> and 18<sup>th</sup> century reformist theories associated with the English, American and French Revolutions. Inspired by the political philosophy of liberal individualism and the related economic and social doctrine of laissez faire, rights which could be placed under this category favours the abstention over the intervention of government in the quest for human dignity. These rights mostly negative in character, include right to life, liberty and security of the person (Article-3); freedom from gender, racial and equivalent forms of discriminations (Article-2); freedom from slavery or involuntary servitude (Article-4); freedom from torture and from cruel, inhuman or degrading treatment or punishment (Article-5); freedom from arbitrary arrest, detention or exile (Article-9); the right to a fair and public trial (Article-10); freedom from interference in privacy and correspondence (Article-12); freedom of movement and residence

(Article-13); the right to asylum from persecution (Article-14); freedom of thought, conscience and religion (Article-18); freedom of opinion and expression (Article-19); freedom of peaceful assembly and association (Article-20), right to participate in government, directly or through peaceful elections (Article-21); right to own property and not to be deprived of it arbitrarily (Article 17).

The second category could be a set of economic, social and cultural rights (Article 22-27), which are influenced by the socialist ideology. Predominantly they are negative in character and are essentially a response to the abuses of capitalism and individualism. Prominent among them are; the right to security (Article-22); the right to work and protection against unemployment (Article-23); the right to rest and periodic holidays with pay (Article 24); the right to a standard of living adequate for the health and well being of self and the family (Article-25); the right to education (Article26); the right to the production of one's scientific, literary and artistic production (Article 27).

Finally the third category could be a set of rights that come under the general category and are essential for the implementation of the rights enshrined in the UDHR in the letter and spirit. Prominent among them is the right according to which everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized (Article28); ensuring a political environment in which, while exercising one's rights and freedom, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for rights and freedoms of others (Article29); the right prohibiting any state group or person from engaging in any activity resulting in the destruction of any of the rights and freedom set forth therein (Article 30).

The impact of the UDHR has been substantial. Its ideals have been incorporated into the constitutions of most of the 185 nations which are the members of the United Nations. After its adoption, in the subsequent years, the UDHR has achieved the status of "customary international law". The Document is both universal and indivisible as it applies to all people everywhere and all rights are equally important to the full realization of one's humanity. The UDHR, however, is only a declaration and not a treaty and hence lacks any enforcement provisions. Rather it is a statement of intent, a set of principles to which the U.N. member states commit themselves in an effort to provide all people a life of human dignity.

The UDHR was followed by a range of international conventions, covenants, declaration and other treaties. Most of these come from the United Nations. But other groups have also adopted human rights standards. The European Community, for example, has adopted a Convention of human rights.

### **The European Convention of Human Rights;**

Throughout the 1950s and 60s, efforts to create international human rights treaties continued within the United Nations and other international organizations. In the early 1950s the West European countries created an international human rights treaty within the Council of Europe. It covers standard civil and political rights similar to the first twenty-one articles of the UDHR. Economic and social rights were treated in a separate document, *The European Social Charter*. The signatories of the European Convention of Human Rights (ECHR) were originally the Western European countries, but after the end of the Cold War many Eastern European countries including Russia also joined the ECHR, which at present has 41 member nations.

The ECHR also created a human rights court, the *European Court of Human Rights* based in Strasbourg, France, to interpret human rights norms and to adjudicate disputes. The judges are appointed as independent jurists rather than as mere representatives of the member



states. Citizens from the member states with complaints regarding human rights violations and who have been unable to find a remedy in their national courts may petition the ECHR. Complaints by governments about human rights violations in another member states are also permitted.

### **The Helsinki Accords;**

In the post Second World War world, concern for protection of human rights was evident at the global level under the auspices of the United Nations or otherwise. Most notable among such effort was the Conference on Security and Cooperation in Europe (CSCE) convened in Helsinki, Finland on July 3, 1973 and concluded on August 1, 1975. The Conference was attended by 35 nations, including the NATO countries, The Warsaw Pact nations and 13 neutral and Non-Aligned European nations. The Final Act of the Conference, also known as the Helsinki Accords, begins with a Declaration on principles guiding relations between participatory states in which, the participating states solemnly declares their determination to respect and put into practice, alongside other guiding principles; respect for human rights and fundamental freedoms including the freedom of thought, conscience, religion or belief and respect for the equal rights of the people and their right to self determination. It was hoped that this Declaration, the importance of which is reflected in its having been signed by almost all the principal governmental leaders of the day, would mark the beginning of a liberalization of authoritarian regimes.

From the earliest discussion it was clear that the Helsinki Final Act was not intended as a legally binding instrument. The expressions “determination to respect” and to “put into practice” were seen as moral commitments only.

### **The Human Rights Covenants;**

The United Nations Commission on Human Rights drafted two treaties to establish mechanisms for enforcing the UDHR: the *International Covenant on Civil and Political Rights* (ICCPR) and its Optional Protocols and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). Together with the UDHR, they are commonly referred to as the *International Bill of Rights*. The ICCPR was opened for signature on December 19, 1966 and entered into force on March 23, 1976. The ICCPR includes almost all the rights proclaimed in the UDHR excluding the right to own property and the right to asylum. Apart from these it designates several rights that are not listed in the UDHR, among them the right to all peoples to self determination and the right of ethnic, religious and linguistic minorities to enjoy their own culture, to profess and practice their own religion and to use their own language.

In addition, the Covenant calls for the establishment of a Human Rights Committee, comprising persons serving in their individual expert capacities to study reports submitted by the state parties on measures they have adopted to give effects to the rights recognized in the Covenants. Also noteworthy is the covenant's Second Optional Protocol, which focuses on the global abolition of the death penalty. Adopted in 1989 and entered into force in 1991, it has been favourably received in most of the countries of Western Europe and many countries in the North and South Americas though not in the United States.

### **Subsequent Human Rights Documents;**

In addition to the covenants in the International Bill of Human Rights, the United Nations has adopted more than 20 principal treaties further elaborating human rights. These include;

- (a) Convention Relating to the Status of Refugees (UN 1951)

- (b) The International Convention on the Elimination of All Forms of Racial Discriminations (U.N. 1966)
- (c) The Convention on the Elimination of All Forms of Discrimination Against Women (U.N.1979)
- (d) The Convention on the Rights of child (U.N. 1989)
- (e) The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (U.N. 1984)

### **Other Human Rights Agencies within the United Nations;**

Human rights treaties are only one part of the UN's human rights programme. There are a number of human rights agencies that are charged with promoting human rights independently of the requirement imposed by the human rights treaties. These bodies include the UN High Commissioner for Human Rights, the Human Rights Commission and the Security Council.

**The UN High Commissioner For Human Rights (UNHCHR);** This body coordinates the many human rights activities within the UN. The High Commissioner receives complaints about human rights violations, assists in the development of new treaties and procedures, sets the agenda for human rights agencies within the UN and provides advisory services to governments. Apart from the foregoing, he is charged by the UN General Assembly to promote and protect all civil, political, economic, social and cultural rights. The High commissioner is appointed by the Secretary General in a regular rotation of geographic regions which is approved by the General Assembly. He serves a fixed term of four year with a possibility of renewal of an additional four year term. The first High Commissioner was Jose Ayala Lasso of Ecuador, who took office in April 1994. Mary Robinson, formerly President of Ireland, became the second High Commissioner in September 1997<sup>16</sup>.

**The Human Rights Commission (HRC);** It is a standing body, composed of 53 state representatives, created by the UN Charter. Its members are state representatives rather than independent experts and jurists. It deals with human rights issue as matters of international politics and diplomacy, The Commission is authorized to receive complaints alleging gross violations of human rights and it deals with these complaints in close sessions. The HRC also holds a public session each year in which states and non governmental organizations are invited to identify areas in the world in which there are serious human rights problems for the Commission to address. When the Commission decides to take up a complaint, it has a number of means it can use. It can ask the government to respond to the complaint, appoint investigators of its own or refer the matter to the Security Council. The Commission also has "thematic" working groups that works with particular r types of human rights problems HRC's achievements include authorizing the UDHR and many human rights treaties, as well as the extended and successful campaign against apartheid in South Africa<sup>17</sup>.

**The International Criminal Court;** Another U.N. agency with jurisdiction in the human rights area is the International Criminal Court (U.N. 1998). Its members were selected in 2003. Its jurisdiction includes genocide, war crimes and crimes against humanity such as extermination, enslavement and torture.

### **Human Rights and the Non-Governmental Organizations;**

There are many Non-Governmental Organizations active at the international level in the areas of human rights, war crimes and humanitarian aid, such as Amnesty International, and Human Rights Watch are to quote a few;

**Amnesty International;** Amnesty International was founded in the year 1961 by a British lawyer named Peter Benensons, a Quaker named Eric Baker and a group of journalists and

writers. Benenson was shocked and enraged by a story in a newspaper that two Portuguese students were sentenced to seven years in prison for having raised their glasses in a toast to “freedom” in a bar. They formed a group *Appeal for Amnesty* in 1961, which was announced through Benenson’s article entitled *The Forgotten Prisoners*, in the Sunday Supplement of the May 28, 1961 issue of *The London Observer*. The article told the stories of the six “prisoners of conscience” from different countries and of different political and religious backgrounds, all jailed for peacefully expressing their political and religious beliefs and called on governments everywhere to free such prisoners. It set forth a simple plan of action, calling for strictly impartial, non-partisan appeals to be made on behalf of these prisoners and any one who, like them had been imprisoned for peacefully expressing their beliefs. The response was so overwhelming that within a year groups of letter writers had formed in more than a dozen countries, writing to defend victims of injustice wherever they might be. Hence, Amnesty International and the modern human rights movements were both born. By the end of the year 1962, Diana Redhouse designed Amnesty’s Candle and Barbed-Wire logo. Amnesty International’s mission statement is; “to undertake research and action focused on preventing and ending grave abuses of the right to physical and mental integrity, freedom of conscience and expression and freedom from discrimination in the context of our work to promote all human rights, as articulated in the Universal declaration Of Human Rights”<sup>18</sup>.

In the beginning, Amnesty focused on Article 18 and 19 of the UDHR-those dealing with political prisoners or more precisely, prisoner of conscience, who espoused non-violence. In 1977, Amnesty won the Nobel Peace Prize for its work defending human rights around the globe.

Over time, Amnesty International has expanded its mission to work to prevent and end grave abuses of the right to physical and mental integrity, freedom of conscience and expression and freedom from discrimination, within the context of its work to promote all human rights. It is currently running international campaigns to “Control Arms”, “Stop Violence against Women”, and to “End the Death Penalty” amongst others. It also works directly on behalf of individuals suffering human rights abuses. In the year 2000 alone, Amnesty worked on the cases of 3685 named individuals and in over a third of these cases, an improvement in the condition of the prisoners occurred. Since its foundation, amnesty has worked to defend more than 44600 prisoners in more than a hundred countries. Today there are 7500 Amnesty International groups with almost two million members operating in 162 countries and territories.

In short, Amnesty International works on the following issues;

- (a) Free all ‘Prisoners of Conscience’ (persons imprisoned for the peaceful exercise of their beliefs.
- (b) Ensure fair and prompt trails.
- (c) Abolish all forms of torture and ill treatment of prisoners, including the use of death penalty.
- (d) End state sanctioned terrorism, killings and disappearances.
- (e) End all forms of violence against women
- (f) Co-operate with organizations that seek to put an end to human rights abuses.
- (g) Raise awareness about human rights abuses around the world.

Recently, amnesty has expanded the scope of its work to include economic, social and cultural rights, saying that these concerns are arises out of its traditional work on political and civil rights. Its 2004 annual report said that; “it is difficult to achieve sustainable progress towards implementation of any one human rights in isolation.....Amnesty will strive to..... assert a

holistic view of rights protection. It will be particularly important to do so in relation to extreme poverty, and the human rights issue underlying poverty”<sup>19</sup>.

Amnesty International is governed by International Executive Council (IEC)- a board of eight members, elected for two year term by the International Council meeting, which is itself composed of delegates from each country’s Board of Directors. The IEC hires a Secretary General. The International Secretariat is located in London. Except for a small core of paid directors, most of the people working for the Organization are volunteers. Amnesty does not accept donations from governments or governmental organizations. It follows a neutrality policy called the “country rule”, stating that members should not be active in issues in their own nation, which also protects them from potential mistreatment by their own government.

**Human Rights Watch;** Human Right Watch is a United states based international human rights non-governmental organization headquartered in New York City that produces authoritative research reports on human rights violations, usually intended to draw international attention to abuses and to put pressures on governments and international organizations to prevent further violation of human rights. It sends fact-finding missions to countries to investigate violations of human rights and generate extensive coverage in local and international media. Major issues raised by the Organization in its reports are; social and gender discrimination, torture, military use of children, corruption in the governmental set up and abuses in the criminal justice systems etc. It also specializes in documenting and reporting violations of laws of armed conflict and international humanitarian law.

Human Rights Watch was founded under the name Helsinki Watch in 1978 to monitor the former Soviet Union’s compliance with the Helsinki Accords. As the organization grew, it formed other “watch committees” to cover other regions of the world. In the year 1988, all the committees were united under one umbrella to form “Human Rights Watch”. One of the original founders and a President of the Organization was Robert L. Bernstein. Human Rights watch was one of the six international NGOs that founded the coalition to stop the use of child soldiers in 1998. It is also the co-chair of the International Campaign to Ban Landmines, a global coalition of civil society groups that successfully lobbied to introduce the Ottawa Convention, a treaty that prohibits the use of anti-personal landmines.

Each year, Human Rights watch gives grants to writers all over the world, who have been the victims of political persecution and are in financial need. The Hellman/ Hamnett grants are financed by the estate of the playwright Lillian Hellman in funds set up in her name and that of her long-time companion, the novelist D. Hamnett. The two American writers were interrogated in 1950s about their political beliefs and affiliations. In addition to providing much needed financial assistance, the Hellman/Hamnett grants raise awareness of censorship around the world.

Human Rights Watch is also a member of the *International Freedom of Expression Exchange*, a global network of non-governmental organizations that monitors censorship worldwide and campaign to defend journalists, writers, internet users and others who are persecuted for exercising their right to freedom of expression. It also opposes the death penalty, opposes restrictions to abortion and contraceptives, supports homosexual rights and supports freedom of religion.

Human Rights Watch publishes detailed reports ob several individual topics and compiles annual reports presenting and an overview of the worldwide state of human rights.

**Philosophical Approaches to Human Rights;**

Numerous philosophical approaches have been put forward to explain how human rights became part of social expectations. Among them two particular approaches; the “Interest Theory Approach” and the “Will Theory Approach”, predominate.

**Interest Theory Approach;** According to the interest theory approach, the principal function of human rights is to protect and promote certain essential human interests. The interest approach is thus primarily concerned to identify the social and biological prerequisites for human beings leading a minimally good life. The universality of human rights is present in what are considered to become basic, indispensable attribute for human well being, which everybody deemed necessarily to share. The philosopher John Finnis (1980) provides a good representative of the interest theory approach. He argues that human rights are justifiable on the grounds of their instrumental value for securing the necessary condition of human wellbeing. He identifies seven fundamental interests or what he terms “basic forms of human goods”, as providing the basis for human rights. These are; life and its capacity for development; the acquisition of knowledge as an end in itself; play , as the capacity for recreation; aesthetic expression; sociability and friendship; practical reasonableness; the capacity for intelligent and reasonable thought process and finally, religion or the capacity for spiritual experience<sup>20</sup>. Finnis is of the opinion that these are the essential prerequisites for human well-being and as such serve to justify people’s claim to the corresponding rights.

Some interest theorists also justify the duty to respect the rights of other individuals on grounds of self-interest rather than altruism or benevolence. Reciprocal recognition and respect of other’s rights ensures that one’s own right in the similar fashion would be protected.

**The Will Theory Approach;** The will theory, in contrast to the interest approach, attempts to establish the philosophical validity of human rights upon a single human attribute: the capacity for freedom. Will theorists argue that what is distinctive about human agency is the capacity for freedom and that this ought to constitute the core of any accounts of rights. Hence, will theorists view human rights as originating in or reducible to, a single constructive right, or alternatively, a highly limited set of purportedly fundamental attribute. H.L.A. Hart (1955) inferentially argues that all rights are reducible to a single fundamental right. He refers to this as “equal right of all men to be free”. Hart insists that rights to such things as political participation or to an adequate diet, for example, are ultimately reducible to derivative of individual’s equal right to liberty.

Henry Shue (1996) develops upon Hart inferential argument and argues that liberty alone is not ultimately sufficient for grounding all of the rights posited by Hart. Shue argues that many of these rights imply more than mere individual liberty and extend to include security from violence and the necessary material conditions for personal survival. Thus he grounds rights upon liberty, security and subsistence<sup>21</sup>.

### **Schools of Human Rights;**

There are two basic schools of human rights thoughts;

**Universal School;** This school supports the international human rights regime from the perspective that an international paradigm on human rights needs to be applied across the world in a uniform manner. Followers of this school strongly support the efforts of the United Nations in developing international covenants and treaties that work to develop an international dialogue and consensus

**Relative School;** This school believes that human rights are necessary, however, as the term implies they may vary according to the situation. One must account for cultural, social and even religious background of individuals prior to recognizing the existence of human rights.

### **Why Do Human Rights Violation Occur;**

While one cannot expect to arrive at a single, unified theory explaining repression around the globe, research has identified some of the more important factors associated with systematic human rights abuses. The causes of human rights violations could be divided into three broad categories;

**Political Explanations;** Research carried out by various bodies came to a conclusion that democratic regimes are much less likely to engage in repression than the non-democratic regimes. In a relative vein, studies have also shown that a military presence in government is positively associated with repression. However, authoritarian or totalitarian regimes are not the only ones likely to use repression in a situation where their leadership feels threatened. Leaders who confront threat to the stability and continued existence of their rule from civil war, separatist movements or insurgent or terrorist groups are more likely to engage in repression than governments that do not face such a threat<sup>22</sup>. In Israel, the treatment of many Palestinian prisoners in recent decades was torture as defined by the United Nations<sup>23</sup>. Only recently, the Supreme Court of Israel ended this practice. Turkey, a functioning parliamentary democracy continues to engage in the widespread use of torture and political imprisonment, mainly targeted at the Kurdish minority.

**Economic Explanations;** The economic argument that has received the most support from multiple quantitative studies is the argument that underdeveloped countries are more likely to carry out repression than developed or developing countries. In countries with fewer resources to distribute, domestic conflicts are more likely to lead to real or perceived threats that cause repression. Research further suggests that both absolute poverty and high levels of inequality are positively associated with repression<sup>24</sup>.

**Ideological and Psychological Explanations;** Ideologies that depict other groups as lesser mortals may have the effect of dehumanizing victims and making human rights abuses such as genocide possible. Studies of ideologies as diverse as Nazism in Germany, the Khmer Rouge in Cambodia, the National Security Doctrine in many repressive authoritarian regimes in Latin America, the Cultural Revolution of Mao in China etc. have shown that clinging to such extreme ideologies have led to the ruler of the states to follow the path of repression and even genocide<sup>25</sup>.

Ideological explanation for human rights violations can either supplement political explanation or offer competing hypothesis. As competing accounts for growing human rights violations they point to deeper layers of societal consciousness that might be important to understand decisions for human rights abuses by political leaders. The Holocaust was really enabled by a particular culture of Anti-Semitism in the larger German population, rather than being a functionalist outcome of political or economic choices of the Nazi leadership.

Psychological explanation of human rights violations often complement rather than compete with political factors of repression. These accounts give an individual level account of why authoritarian leaders can actually use parts of the population in their acts of human rights violations.

### **Modern Human Rights Theories;**

**Rights Based on Natural Rights;** The aftermath of the Second World War brought about a revival of natural rights theory. This was mainly due to the extermination of the Jews by the Nazi regime of Germany. The concept of human rights has seminally influenced conventional international human rights norms. The UDHR reflects that influence, as seen in the Declaration's opening statement; "Whereas recognition of the inherent dignity and of equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world<sup>26</sup>. The debt that inherent dignity and inalienable rights owe to natural law philosophy is

obvious. The key human rights treaties also reflect quite directly the foregoing moral universalistic foundations.

**Rights Based on Justice;** According to John Rawls; “Justice is the first virtue of social institution”. As human rights are an end of justice, hence, the role of justice is crucial in understanding human rights. In fact no theory of human rights for a domestic or international order in modern society can be advanced without considering Rawls’s thesis. John Rawls writes; “each person possesses an inviolability founded on justice that even the welfare of society as whole cannot override.....Therefore in a just society the question of equal citizenship are taken as settled, the rights secured by justice are not subject to political bargaining or to the calculus of social interests”.

Rawls is of the opinion that the principle of justice provides a way of assigning rights and duties in the basic institution of the society. These principles define the appropriate distribution of the benefits and burdens of social cooperation.

**Rights Based on Reaction to Injustice;** This concept is based on Edmund Cahn’s theory of justice Prof. Cahn asserts that although there may be universal a priori truths concerning justice from which one may deduce rights or norms, it is better to approach justice from its negative rather than affirmative side. Furthermore, says Cahn, where justice is thought of in a customary manner as an ideal mode or condition (John Rawls’s Theory), the human response would be contemplative and contemplation bakes no loaves. But to a response to a real or imagined instance of injustice is alive with movement and warmth, producing outrage and anger. Therefore he concludes; “injustice .....means the active process of remedying or preventing what would arouse the sense of injustice”<sup>27</sup>. An examination of the instances that will be considered as effecting an injustice thereby allows a positive formulation of injustice.

Such an approach obviously will find a response in human rights advocates who anxious to focus public attention on the injustice of the wide variety of shocking human rights abuses that remain prevalent.

**Rights Based on Dignity;** A number of rights theorists have tried to construct a comprehensive system of human rights norms based on a value-policy oriented approach focused on the protection of human dignity. Some religious philosophers holding dignity to be the inherent quality of the sacredness of human beings, believe that an entire rights system can flow from that concept. A secular exposition of that theory is best presented by Professor McDougal, Lasswell and Chen. The trio proceeds on the premise that demands for human rights are demands for wide sharing in all the values upon which human rights depend and for effective participation in all community value processes. The inter depended values, which can all fall under the rubric of human dignity, are the demands relating to (i) respect (ii) power (iii) enlightenment (iv) well being (v) health (vi) skill (vii) affection and (viii) rectitude. The trio assembled a huge catalogue of demands that satisfy these eight values, as well as all the ways in which they are denigrated.

McDougal, Lasswell and Chen find a great disparity between the common demands of people for values of human dignity and their achievement. This disparity is due to environmental factors, such as population, resources and institutional arrangements. The ultimate goal, as they see it, is a world community in which a democratic distribution of values is encouraged and promoted, all available resources are utilized to the maximum and the protection of human dignity is regarded as a paramount objective of social policy.

**Rights Based on Equality of Respect and Concern;** A striking aspect of modern theorists is their pronounced effort to reconcile different theories of rights. Ronald Dworkin offers a promising reconciliation theory between natural rights and utilitarian theories. Dworkin proceeds

from the postulate of political morality that the governments must treat all their citizens with equal concern and respect. No basis for any valid discourse on rights and claims exists in the absence of such a promise.

Dworkin endorses the egalitarian character of the utilitarian principle that “everybody can count for one, nobody for more than one”<sup>28</sup>. Under this principle he believes that the state may exercise wide interventionist function in order to advance social welfare. Beside, there should be no place for any prejudices and discriminations against other individuals. In this way the society protects the basic rights of the citizens with equal concern and respect as it prohibits decisions that seem antecedently, likely to have been reached by virtue of some sort of external pressures.

### **Conclusion;**

Whatever the current attitudes and policies of governments, the reality of popular demands for human rights including both greater economic justice and greater political freedom is beyond debate, a deepening and widening concern for the promotion and protection of human rights on all fronts, hastened by the ideal of self determination in post colonial era, is now unmistakably woven into the fabric of the contemporary world affairs. The contemporary doctrine of human rights has come to occupy centre-stage in geo-political affairs. The language of human rights is understood and utilized by many peoples in very diverse circumstances. Human rights have become indispensable to the contemporary understanding of how human beings should be treated by one another and by national and international political bodies. Human rights are best thought as potential moral guarantees for each human being to lead a minimally good life. The extent to which this aspiration is not been realized represents a gross failure by the contemporary world to institute a morally compelling order based upon human rights.

### **Human Rights and India;**

India has taken an active part in the drafting of the Universal Declaration of Human Rights. Dr. Hansa Mehta, a Gandhian social worker had led the Indian delegation and had made important contributions in the drafting of the Declaration, specially by highlighting the need for gender equality. India is a signatory to the six core human rights covenants and is fully committed to the rights proclaimed in the UDHR. A number of activities were organized in the country in the year 1998 to commemorate the 50<sup>th</sup> Anniversary of the UDHR. India has advocated an holistic and integrated approach that gives equal emphasis to all human rights, based on their interdependence and reinforces the inter-relationship between democracy, development, human rights and international cooperation for development. India hosted the Seventh Asia-Pacific workshop on Regional Cooperation for the Protection of Human Rights organized by the office of the UN High Commissioner for Human Rights in New Delhi from February 6 to 18 1999.

India has adopted a rights based approach to promoting the equality of women and evolved a multifaceted strategy that aims at their empowerment through awareness by raising the issues such as economic independence, education, health, legal safeguards and political participation. The objective is to enable women to overcome the disadvantages that they face and to enable them to play an effective and equal role in society.

Eradication of child labour is one of the most important priorities of the Government of India, which has announced that the right to free and compulsory primary education shall be made a fundamental right and had pledged to eradicate child labour in all occupation and industries.



The rights of vulnerable groups have received special attention in India ever since independence and the Constitution itself contains certain provisions for the promotion and protection of the rights of all minorities, including certain special group of people unique to Indian society known as the scheduled caste and scheduled tribes. The Government has itself set up a *National Commission for Scheduled Caste and Scheduled Tribes* and a *National Commission for Minorities*, to promote and protect the rights of these vulnerable groups. Further, a *National Minorities Development and Financial Cooperation* promote economic development activities of the minorities.

### **National Human Rights Commission of India;**

The *National Human Rights Commission of India* (NHRC) is an autonomous commission constituted by the Government of India to protect the human rights in India under the *Protection of Human Rights Act* (PHRA) of 1993. It came into being in October 1993. In terms of the Section II of the PHRA, human rights mean “the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution and enforceable by the courts in India”<sup>29</sup>.

**Composition and Functions;** Under the PHRA, the National Human Rights Commission of India is to consist of;

- (a) A Chairperson who has been a Chief Justice of the Supreme Court of India;
- (b) One member who is, or has been a judge of the Supreme Court;
- (c) One member who is, or has been , the Chief Justice of a High Court in India;
- (d) Two members to be appointed from amongst persons having knowledge of or practical experience in matters relating to human rights; and
- (e) The chairpersons of the *National Commission for Minorities*, the *National Commission for the Scheduled Castes and Tribes* and the *National Commission for Women*, as ex-officio Members.

As per the Chapter III of the PHRA, the following functions shall be performed by the NHRC;

- (a) Inquire, *suo motto* or on a petition presented to it by a victim or any person on his behalf, into complaint regarding violation of human rights or abetment thereof or negligence in the prevention of such violation by a public servant.
- (b) Intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court.
- (c) Visit, under intimation to the State Government any jail or any other institution under the control of the State Government, where persons are detained or lodged for purpose of treatment, reformation or protection to study the living condition of the inmates and make recommendations there on.
- (d) Review the safeguards provide by or the Constitution of India or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation.
- (e) Review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- (f) Studies treaties and other international instruments on human rights and make recommendations for their effective implementation.
- (g) Undertake and promote research in the field of human rights.
- (h) Spread human rights literacy among various section of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means.

- (i) Encourage the efforts of non-governmental organizations and institutions working in the field of human rights.
- (j) Such other functions as it may consider necessary for the protection of human rights in India.

**Powers of the Commission;** While inquiring into complaints under the Act, the Commission shall have all the powers of the court trying a suit under the Code of Civil Procedure, 1908 and in particular the following powers;

- (a) Summoning and enforcing the attendance of witnesses and examining them on oath;
- (b) Discovery and production of any document;
- (c) Receiving evidence on affidavits.
- (d) Requisitioning any public records or copy thereof from any court or office.
- (e) Issuing orders for the examination of witnesses or documents.
- (f) Any other matter which may be prescribed

The Commission has its own investigating staff headed by a Director General of Police for investigation into complaints of human rights violations. Under the Act, it is open to the Commission to utilize the services of any officer or investigation agency of the Central government and the State Government. The Commission has associated in a number of cases non-governmental organizations (NGO) in the investigation work.

The Commission while inquiring into complaints of violation of human rights may call for information or report from the Central Government or any State Government or any other agency or organization subordinate thereto within such time as may be specified by it; provided that the information or report is not received within the time stipulated by the Commission, it is to inquire into the complaint on its own; on the other hand, on the receipt of information the Commission is satisfied either that no further inquiry is required or that the required action has been taken by the concerned Government or authority, it may not proceed further on the complaint and inform the complainant accordingly.

The Commission may take any of the following steps upon the completion of an inquiry;

- (a) where the inquiry discloses the Commission, of violation of human rights or negligence in the prevention of human rights by the public servant, it may recommend to the Government or the authority for the initiation of proceeding for prosecution or such other action the Commission may deem fit against the concerned person or persons;
- (b) Approach the Supreme Court or the High Court concerned for directives, orders etc. that the court may deem necessary;
- (c) Recommend the concerned government or authority for grant of such immediate relief to the victim or the members of his family as the Commission may consider necessary.

### **Reflections;**

National human rights Commission of India's greatest success lay in creating awareness about the importance of the human rights in government policy and public life. As a part of its mandate, the NHRC holds sensitization workshops periodically for senior civil servants, police officers or judicial staffs. On various occasions, the NHRC has on its own sought reports from state governments, on the basis of news reports or complaints on trafficking of minor girls, conditions in remand homes for juvenile delinquents and on police atrocities. Over the years, it has played an interventionist role and brought succour to victims whose rights have been trampled upon and helped people in their quest for justice- from Kashmir to areas in India's remote North east that have been plagued by separatist insurgencies. Whether protecting those

who are at the receiving end of violence at the hands of terrorists or questioning deaths in police custody, NHRC has been at the forefront in guiding victims in the fight for their rights. Mary Robinson, former President of Ireland and former UN High Commissioner for Human Rights, in an interview in New York hailed the NHRC in the following words; “I appreciate the work done by the National Human Rights Commission in India and I think it quite pathfinder for looking at individual complaint. I know it handles a lot of individual complaints every year, say 80,000 or so, which is a very substantial case load”<sup>30</sup>.

Hence, from championing the rights of mentally ill persons to seeking justice for riot victims and ensuring equitable distribution of relief to tsunami sufferers (December 2004), India’s National Human Rights Commission has for years given voice to voiceless.

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