

Human Rights Violations: International Norms and Frameworks

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ABSTRACT

Human rights are the basic rights available to any human being by virtue of his birth in human race. The Right against Exploitation protects citizens from child labour and human trafficking under Articles 23 and 24. Human rights have characteristics such as being inalienable, essential for human welfare, connected to human dignity, and irrevocable. This paper explores on the human rights violation and disallowance of the freedom of thought and movement to which all humans legally have a right. Human rights violations in their many forms - child labour, educational exclusion, gender-based violence, abuse by state agents, unemployment-driven distress.

Keywords: human, rights dignity, freedom, justice, movements, development and equality

Introduction: Proclaimed in Paris on December 10, 1948, it was the first document to articulate fundamental human rights deserving universal protection. A relatively compact document, the declaration consists of a preamble and 30 articles setting out fundamental rights and freedoms. It is a document that acts like a global road map for freedom and equality. It protects the rights of every individual, everywhere. This Universal Declaration of Human Rights is a document these documents has a preamble for the human rights and at the same time it has as many as 30 articles. Article 23 of the Indian constitution prohibits trafficking in human beings, and all forms of forced labor such as begar, bonded labor, etc.

This declaration contains 30 articles that will apply to every human being on this planet, irrespective of religion, race, nationality, and gender. "The Right to Equality is one of the chief guarantees of the Constitution. It is embodied in Articles 14–18, which collectively encompass the general principles of equality before law and non-discrimination and Articles 17–18 which collectively encompass further the philosophy of social equality" (Basu, Durga Das 1993:475). The wide concept of right to development is reflected in the UN. 'Declaration on the Right to Development' dated 4th December 1986 which recognizes: "That development is a comprehensive economic, social cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals

on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting there from."

The Supreme Court has explained the concept of distributive justice as a means of removing economic inequalities and remedying the injustices resulting from social inequality writ large "The human rights movements of members of the Soviet bloc emerged in the 1970s along with workers' rights movements in the West. The movements quickly jelled as social activism and political rhetoric in many nations put human rights high on the world agenda" (Samuel Moyn 2010)

Distributive justice comprehends more than achieving lessening of inequalities by differential taxation, giving debt relief or distribution of property owned by one too many who have none by imposing ceiling on holding both agricultural and urban or by direct regulation of contractual transactions by forbidding certain transactions and perhaps by requiring others. It also means that those who have been deprived of their properties by unconscionable bargains should be restored their property. All such laws may take the form of forced distribution of wealth as a means of achieving a fair division of material resources among the members of society or there may be legislative control of unfair agreements. "The philosopher John Finnis argues that human rights are justifiable on the grounds of their instrumental value in creating the necessary conditions for human well-being" (Fagan, Andrew 2006).

Even environmental protection and unemployment elimination are part of constitutional justice (vide Art. 48A and 51A (g)). The Supreme Court, in a case which came before it on a number of occasions, while upholding the fundamental duty about the protection of environment, laid down: "We are not oblivious to the fact that the natural resources have got to be tapped for the purpose of social development, but one cannot forget at the same time that tapping of resources have to be done with requisite attention and care so that ecology and environment may not be affected in a serious way. It has always to be remembered that these are not permanent assets of mankind."

Striking at the inequalities and contradictions between our political democracy on the one hand and social and economic democracy on the other hand, Dr. B. R.

Ambedkar expressed his apprehensions in these words, "On the 26th January, 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. According to them, "democracy is, in essence, a government by opinion and therefore, the means of formulating public opinion should be secured to the people of a democratic nation. For this purpose, the constitution guaranteed to all the citizens of India the freedom of speech and expression and various other freedoms in the form of the fundamental rights" (Laski, Harold Joseph 1930)

Granville Austin has pertinently stated: "The Fundamental Rights and Directive Principles have their roots deep in the struggle for independence. And they were included in the Constitution in the hope and expectation that one day the tree of true liberty would bloom in India. Rights and Principles thus connect India's future, present and past, adding greatly to the significance of their inclusion in the Constitution and giving strength to the pursuit of the social revolution in India

Ambedkar's apprehensions have been substantiated by Mahatma Gandhi in these words: "The contrast between the rich and the poor today is a painful sight... A non-violent system of Government is clearly impossibility so long as the wide gulf between the rich and hungry millions persists. The contrast between the palaces of New Delhi and the miserable hovels of the poor laboring class nearby, cannot last one day in a free India in which the poor will enjoy the same power as the richest in the land. "Rights literally mean those freedoms which are essential for personal good as well as the good of the community. The rights guaranteed under the Constitution of India are fundamental as they have been incorporated into the Fundamental Law of the Land and are enforceable in a court of law. However, this does not mean that they are absolute or immune from Constitutional amendment" (Tayal, B. B.; Jacob, A. 2005) A violent and bloody revolution is a certainty one day, unless there is voluntary abdication of riches and the power and sharing them for the common good.

Gandhi further strengthens his view point in these words: "All humanity is one undivided and indivisible family, and each one of us is responsible for the misdeeds of all the others. I cannot detach myself from the wickedest soul." Granville Austin has pertinently stated: "The Fundamental Rights and Directive Principles have their roots deep in the struggle for independence. And they were included in the Constitution in the hope and expectation that one day the tree of true liberty would

bloom in India. Rights and Principles thus connect India's future, present and past, adding greatly to the significance of their inclusion in the Constitution and giving strength to the pursuit of the social revolution in India.

The horizon of human rights expands when judicial illumination brightens. The right to shelter is part of the right to life Human rights expert Philip Alston argues: "If every possible human rights element is deemed to be essential or necessary, then nothing will be treated as though it is truly important" (Alston, Philip 2005). Basic needs of man have traditionally been accepted to be three food, clothing and shelter. The right to life is guaranteed in any civilized society. That would take within its sweep the right to food, the right to clothing, the right to decent environment and a reasonable accommodation to live in. The difference between the need of an animal and a human being for shelter has to be kept in view. For the animal it is the bare protection of the body; for a human being it has to be a suitable accommodation which would allow him to grow in every aspect - physical, mental and intellectual.

"Human rights law, applied to a State's own citizens serves the interest of states, by, for example, minimizing the risk of violent resistance and protest and by keeping the level of dissatisfaction with the government manageable" (Nathwani, Niraj 2003).

The National Human Rights Commission of India (NHRC) had its accreditation with the U.N recognized Global Alliance of National Human Rights Institutions (GANHRI) deferred for a second consecutive year in 2024, due to concerns regarding its compliance with the Paris Principles. The deferral was attributed to issues such as a lack of transparency in the appointment of NHRC members, the inclusion of police officers in human rights investigations, and inadequate gender and minority representation within the commission's composition and political meddling" (Khan, Khadija 2024).

Ingersoll luminously claimed: what light is to the eyes - what air is to the lungs - what love is to the heart, liberty is to the soul of man. Jefferson linked life and liberty together. Franklin D. Roosevelt inspired the world by his address where he said we would rather die on our feet than live on our knees. And Mahatma Gandhi gave the call: 'Do or die': when he started his final struggle to overthrow the imperial yoke. But this supreme value of personal or people's liberty is not a free gift. Eternal vigilance is the price of liberty. "Particular difficulties noted by commentators include: perceived vagueness of the principles of the treaty, relative lack of legal texts and decisions, ambivalence of many states in addressing economic, social and cultural rights, comparatively few non-governmental organizations focused on the area and

problems with obtaining relevant and precise information" (Alston, Philip, 1992: 474).

The Universal Declaration in Art 3 proclaims that everyone has the right to life, liberty and security of person. But between rhetoric and reality there is a gaping gap. To bridge the gap between rhetoric and reality the words of Mikhail Gorbachev really hold great significance "The world we have inherited belongs to present and future generations and this demands that primacy be given to universally accept human values. The right of every nation and every person to life, freedom, peace and the pursuit of happiness must be recognized. The use or threat of use of force must be abandoned. The right of every people to make their own social, political and ideological choices must be respected. Policies that seek to establish domination by some over other must be renounced. The expansion of nuclear arsenals and the development of space weapons undermine the universally accepted conviction that a nuclear war should never be fought and can never be won."

"Human life must be recognized as supreme: It is only man's creative genius that makes progress and development of civilization possible in a peaceful environment." "Non-violence should be the basis of community life: "Philosophies and policies based on violence and intimidation, inequality and oppression and discrimination on the basis of race, religion or colour, are immoral and inadmissible. They spread intolerance, destroy man's noble aspirations and negate all human values." "Resources being spent on armaments must be channeled towards social and economic development." So to conclude, the words of Kofi Annan are really a clairvoyant prognosis of human rights:

"It is the universality of human rights that gives them their strength. It endows them with the power to cross any border, climb any wall, defy any force."

The Committee on Economic, Social and Cultural Rights (ICESCR) "makes general comments on ratifying countries performance. It will have the power to receive complaints against the countries that opted into the Optional Protocol once it has come into force. Unlike the other treaty bodies, the economic committee is not an autonomous body responsible to the treaty parties, but directly responsible to the Economic and Social Council and ultimately to the General Assembly. This means that the Economic Committee faces particular difficulties at its disposal only relatively "weak" means of implementation in comparison to other treaty bodies" (Shaw, Malcolm 2008).

The struggle for universal human rights has always and everywhere been the struggle against all forms of tyranny and injustice against slavery, against

colonialism, against apartheid. It is nothing less and nothing different today. Young friends all over the world,

"The Indian Army, Central Reserve Police Force, Border Security personnel and various militant groups have been accused of committing severe human rights abuses against Kashmiri civilians" (Hindwan, Sudhir (1998:95). Rights are meant to safeguard the individual from the irresponsible and arbitrary use of power by the ruling class. The National and state Human rights commission is an embodiment of India's concern for the promotion and protection of human rights.

CONCLUSION

The Universal Declaration of Human Rights (UDHR) is a landmark document in the history of universal human rights. Universal Declaration of Human Rights · Right to life, liberty, and security · Freedom from torture and slavery · Freedom of thought, conscience, and religion. Human rights are aimed at ensuring dignity, freedom, equality, and justice as enshrined in the Constitution of India and international human rights conventions. It believes that the promotion and protection of human rights are fundamental freedoms can be best pursued through dialogue and cooperation. This evolution of human rights created civil-political, socio-economic and collective rights, shaping global justice.

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