

Importance of Human Rights in Nation Building

Human Rights are inherent in human-beings. These rights come to every human-being naturally by birth. No efforts are required to be made to acquire them. Every human-being has a right to enjoy these rights and have them protected. Respect for Human Rights lies in treating others as one expects to be treated by others.

The rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the international covenants and enforceable by courts in India are Human Rights as spelt out in the Protection of Human Rights Act, 1993. The Universal Declaration of Human Rights, 1948 also states that “all human-beings are borne free and equal in rights and dignity”.

Broadly, Human Rights can be classified into three categories namely liberty-oriented, security-oriented and development-oriented Rights. The Declaration on the Right to Develop was adopted by the United Nations General Assembly in 1986. By now, it is realized that unless economic social and cultural rights are enjoyed by the people, political and civil rights may not be really meaningful. In other words, political and civil rights on the one hand, economic, social and cultural rights on the other, must be placed together on equal footing. So long it is not done, disparity and inequality continue to operate leading to disturbances, tensions, conflicts and violence. For proper

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human development and global peace, respecting, protecting and promoting these two sets of rights are essential. Further denial of these rights come in the way of an individual from developing his talents and contributing his maximum for the development of a country.

Economic, Social and Cultural Rights are important part of the international human rights law. They have been fully recognized by the international community and throughout international human rights law. Although these rights have received less attention than civil and political rights, far more serious consideration than ever before is currently being devoted to them. The question is not whether these rights are basic human rights, but rather what entitlements they imply and the legal nature of the obligations of States to realize them. The International Covenant on Economic, Social and Cultural Rights (ESCR) (1966) which is the foundational international instrument in this respect recognizes the right to work, right to enjoyment of just and favourable conditions of work, right to form trade unions, right to social security, right of the family to protection and assistance, right to an adequate standard of living including adequate food, clothing and housing, right to the enjoyment of the highest attainable standard of physical and mental health, right to education, right to take part in cultural life etc.

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In our country civil and political rights were then considered as capable of being enforced against the State through judicial orders and were hence made justifiable while socio-economic rights were considered as requiring resources and policy initiative on the part of the Government and were, therefore, put in Part IV. But it is now apparent that the division between civil and political rights and economic, social and cultural rights is artificial. It is difficult to keep the two sets of rights separate. They are inter-dependent and are meant to be looked at in totality. For example, freedom of speech and expression and the right to information can exist meaningfully only when people have education. Their access knowledge, information and their ability to form an independent informed opinion on the basis of available material, are at the core of a democratic way of life. And these depend on education. Freedom of the press and the rights of the media are also inextricably linked with this rights. Hungry person will have no strength to speak leave aside raising his voice, though he has freedom of speech. For starving person right to free movement is of no use. Poor man is not able to enjoy other rights to live with dignity. So is the case of person suffering ill-health. Illiterate person even is not aware of his rights. Then how can he exercise or enjoy them. Hence, human development so as to empower the weak is pre-requisite for exercise and enjoyment of civil, political, economic, social and cultural rights.

In democratic societies governed by rule of law, certain basic Human Rights and Fundamental freedoms of individuals are recognized and accepted as basic conditions of civilized living for full development of a human being. They are necessary for civilized living for full development of a human-being. The Centre of all Human Rights during the survival of any human-being is dignity but due to personal circumstances and economic, social and

political obstacles, one is deprived or denied of such dignified life. Human Rights facilitate to create a system and environment in which every human-being will have an equal opportunity to live with dignity and to develop their abilities to their fullest extent. Without human development, human dignity is not practically possible. Under the provisions of the Constitution of India and the decisions of the Supreme Court, right to live with dignity for every fellow-being in the country is recognized. Section 2(d) of the Protection of Human Rights Act, 1993, in the definition of Human Rights, includes dignity of individual as a whole.

‘We the people’ mentioned in the Preamble of the Constitution include all sections of the people without exception. Under the scheme of the Constitution, the legislature, the executive and the judiciary have been assigned defined functions and the demarcated area. Each one has to function and contribute for the goal consistent with the resolution contained in the Preamble and consistent with the Fundamental Rights and Directive Principles of State Policy for welfare of the people essentially including women.

In the vein of human development one of the restrictive factor recognized by international community is poverty. As such poverty is the biggest violator of human rights. Poverty should not be treated as merely a developmental project. The agenda must include provisions of all such basic amenities like health care, safe drinking water, adequate nutrition, educational facilities, etc. Political freedom would not have much significance or meaning for millions of poverty stricken people in India who suffer the social evils flowing from poverty, unless they are able to realize economic, social and cultural rights. We must remember that investment in human development is the investment in invisible infrastructure. Prof. Amartya Sen in his remarkable study “Development as Freedom” advocates that poverty must be seen as

deprivation of basic capabilities rather than merely as low incomes which is the standard criterion of poverty. Poverty can be traced to inadequacies and inequalities in the distribution of opportunities economic, social, cultural and political - between women and men across religions, within communities and between rural and urban areas. Poverty has to be eradicated through the process of human development. He observes that “the achievements of democracy depend not only at electoral politics and the rules of procedure that are adopted and safeguarded but also on the ways in which the opportunities the democracy offers are used.”

Another important factor having negative impact or serious bearing on the development is corruption. Considering corruption as a violator of Human Rights, the National Human Rights commission organized two days’ National Conference on “Effect of Corruption on Human Rights and Good Governance” in the month of May, 2006. The conference was intended to highlight the importance of tackling this serious issue of corruption and its negative impact on the Human Rights so that the effective remedies can be thought of for fighting this evil. It is plain that corruption and good governance cannot go together.

Information is an invaluable asset in the hands of ordinary and very often the powerless citizen. Introduction of the recent Right to Information Act has slightly empowered the citizens to lift the veil of secrecy behind executive action.

Judiciary on its part has been playing its role meaningfully, usefully and actively. Its contribution towards human development besides others can well be gathered from the various judgments delivered by the Supreme Court and High Courts in India.

The Supreme Court of India in particular has played a great and constructive role in blending

and balancing civil and political rights on the one hand and the social and economic rights on the other so as to develop Human Rights both horizontally and vertically. The Supreme Court has expanded the scope and ambit of Article 21 of the Constitution which guarantees protection of life and personal liberty by holding that the right to life does not indicate merely a negative duty on the part of the government but also imposes a positive duty to provide the basic conditions necessary to lead a life with dignity necessarily contributing for the human development.

The contribution of the Supreme Court in regard to recognizing the basic Human Rights as reflected in the constitution of India by expanding the meaning of “right to life” under Article 21 is phenomenal. Every judgment in this regard helped/help directly or indirectly, immediately or over years for development of the people of this country to live with dignity.

In a significant judgment in *Consumer Education and Research Centre of India vs. Union of India* [1995 3 SCC 42], the Supreme Court took the view that “the right to health and medical care is the fundamental right under Article 21 of the Constitution and it is essential for making the life of the workmen meaningful and purposeful with dignity of person. Right to Health to a worker, according to the court was an integral facet of meaningful right to life. The health of the worker enables him to enjoy the fruit of his labour. Medical facilities to protect the health of workers are therefore the fundamental rights to make the life of workmen meaningful and powerful with dignity of person”.

Right to education is a core Fundamental Right for a strong and enlightened nation. It is education which greatly helps wholesome development of a human personality. The judiciary in India has shown its deep concern in the matter of providing education to children in

the country. In *Mohini Jain vs. State of Karnataka* [(1992) 3.SCC 666], the Supreme Court took the view that right to education flows directly from right to life guaranteed under Article 21 of the Constitution.

A series of judicial decisions were given in protecting various Human Rights as in-built or embodied in Part III read with Part IV of the Constitution such as right to speedy trial. (*Hussainara Khatoon vs. State of Bihar* [AIR 1976 SC 1360] and right to provide legal assistance (*M.H. Hosekote vs. State of Maharashtra* (AIR 1978 SC 1548))

Supreme Court judgments show how law can be used for advancing for development and welfare of people so that even common men feel that the Constitution is not only for privileged few or the handful rich but it is meant for every Indian. That must be our ambition. Our culture of sacrifice and service is still alive and vibrant. This generation has to activate and accelerate the same culture to serve those who are in dire need with a view to help human development, enabling everyone live life with human dignity.

Human development of an individual and national development are inter-dependant and mutually supportive in building a strong nation. No doubt, all efforts are to be made for development to be on par with the moving world. But true and sustainable development has to be pro-people, pro-poor, pro-nature, pro-gender and pro-children.

- I. In the name of development of an industrially and economically backward region, there should be no denudation of the forest and destruction of the natural habitat. Otherwise, it negates sustainable development.
- ii. If development becomes enemy of environment, it has to be resisted.
- iii. An antithetical development to the native genius, culture and habitat should never be super-imposed on the people.

- iv. Only such development is desirable which is positive and responsive to the genuine needs of people while serving their native environment

In addition, critical awareness is to be created of the following:

- (i) Hardly 1/3rd of the original forest is left in the world.
- (ii) In our country, barely 20% of the country's total geographical area is left with a forest and vegetal cover.
- (iii) Nearly 150 million tons of firewood and many million tons of wood for building and industrial uses are consumed.
- (iv) The practice of over-cultivation, over-grazing and denudation of forest deprives the soil of nutrients and organic matter. Consequently, a vast extent of semiarid land goes out of production every year.
- (v) Denudation of forest indiscriminately has brought about extinction of many species of birds and mammals.

There are certain disquieting features adversely affecting eco-system at regional, national and global level such as depletion of O-zone, global warming, sea rising etc.

One thing that is equally and without discrimination available to everyone is Time. Time cannot be stored and restored. It is only to be used appropriately. One should budget the Time in the morning and audit it at night. Growing old is mandatory whereas growing wise is optional. Hence, it is the time for all of us in different walks of life to exercise the option of being wiser to commit and contribute for the welfare and development of every one in the Country without any discrimination and differentiation so that individuals develop their potentialities, contribute their maximum to build happy, healthy and strong nation.