

Human Rights Bill and Its Impact on the Life of the People around the World

Abstract

Jurisprudence is an ever expanding area with so many new things getting added to it. One of the most important addition to it is the laws regarding Human Rights. Human Rights are probably the only rights which are universal and available to the people of all the nationalities, colour, creed and sex. The theorists of law have traced the human rights to the Natural Law Theory propounded by the Greek and Roman jurists, Positivism and theory based on Equality of respect and concern etc. Whatever may be the origin of the Human Rights, they are the most important statutes passed in the recent times. The Human Rights have given the status of Human to all the people who were earlier oppressed and exploited; and were treated as sub-humans. The impact of passing of Human Rights Bill is visible all over the world especially in the third world countries where the people were oppressed and exploited by the ruling governments. The current paper is a study of impact that Human Rights had on the world.

Keywords: Human Rights Bill, Jurisprudence.

Introduction

The universal declaration of Human rights was adopted on 10 December 1948 by the General Assembly of the United Nations. However, it is pertinent to mention that the term Human Rights was not used for the first time in 1948. The term found its mention much earlier in 1776 in the United States Declaration of Independence. A bill of these rights was also added in the constitution of the United States. In 1929, the Institute of International law which is situated in New York came up with a declaration of Human Rights and Duties. All these developments were significant as far as the Human Rights were concerned; but the Human Rights attained a shape and universal appeal only after the adoption by the United Nations. The Universal Declaration of Human Rights along with the International covenant of Economic, Social and Cultural Right for the International Bill of Human Rights. The third ingredient, to these Rights is International covenant on civil and Political Rights.

Review of Literature

Human Rights at present is the hottest issue around the world and the observers around the World are now churning a lot of literature regarding it. The latest report available on the Human Rights is the World Report 2019 published by Human Rights watch, an organization based in New York. Another recent book that offers a good keep into the subject is Human Rights written by Dr. S. K. Kapoor in 2017. Other important books on the subject include. The cultural politics of Human Rights (2009) by Kate Nash, Human Rights in the 'War on Terror' edited by Richard Ashby Wilson in 2005.

Aim of the Paper

The aim of the paper is to study the impact of International bill of Human Rights on the societies in various countries. The concept of Human rights strikes at the base of racism and discrimination. It indemnifies the people against oppression and exploitation.

Human Rights are the natural rights that a human being gets by a virtue of being a human. According to J.E.S. Fawcett the Human Rights are:

Sometimes called fundamental rights or basic rights or natural rights. As fundamental rights or basic rights are those which cannot, rather must not, be taken away by any legislature or any act of the government and which are after set out in a constitution. As natural rights they are seen as belonging to men and women by their very nature. They may also be described as "Common rights"

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for they are rights which all men and women in the world would share, just as the common law in England for example, was the body of rules and customs which, unlike local customs which, unlike local customs governed the whole country. (151)

The definition given by the united Nations more lucid:

Human rights are the rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture freedom of opinion and expression, the right to work and education and many more. Everyone is entitled to these rights without discrimination. ("Human Rights")

Without any doubt the UN charter of Human Rights was framed with a single agenda to make this world a better place to live. The impact this declaration had on the lives of the people around the world is immense. The world became a much fairer, just and better place to live in.

It is important to note that the Universal Declaration of Human Rights did not take place suddenly, rather there were many things that lead to these declaration. In the last two centuries the biggest abuses of the human rights was colonialism. Under the colonial system the only dictum was 'might is right' colonialism acted at multiple levels. At physical level, the armies of the colonial masters subdued the natives, orchestrated genocides and treated the natives frugally Jean Paul Sartre asserts:

Conquest occurred through violence, and over exploitation and oppression necessitate continued violence, so the army is present. There would be no contradiction in that, if terror reigned everywhere in the world, but the colonizer enjoys, in the mother country, democratic rights that the colonialist system refuses to the colonized native (XXIV)

Another area of operation of colonialism was social sphere while operating in social sphere, the colonialism, displayed ruthless ethnocentrism. Blinded by ethnocentrism the colonial masters treated the local cultural as deviant and tried to obliterate the native cultures. The policies that were devised to annihilate local culture were ruthless and diabolic. In some of the colonies, the children of the natives were taken away in the name of civilizing them in Australia such policy is known as "Stolen Generations". Before the universal declaration of Human Rights, these were not crimes. Thus one of the achievements of these declarations was that the rights of people were specified. Article 27 of the declaration read:

In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities

shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language. (Crawshaw 56)

The Native Australians, Native Americans and Natives of Canada were not allowed any such rights. The invaders declared that the Natives were not civilized or cultured. They were treated as barbaric brutes who practiced a religion that was a bundle of arcane beliefs and devilish customs. An elaborate facade of lies was constructed to justify the lies. Sidonia Smith, for instance, writes about the lies that were used by the whites:

The clash of cultures was built on a number of fictions the fiction that the first British flag planted by captain James Cook who was greeted as he disembarked from the ship Endeavour by the Gadigal tribe of Eora people was sufficient to establish British sovereignty over the land or the fiction of the continent as terra nullius, empty unoccupied, and open to European possession, without negotiation or compensation to its indigenous occupants. (86)

Thus Human Rights declaration was a positive step in the direction of elimination of the oppressive infrastructures erected by colonialism.

Racism and Human Rights

Racism was another problem that created a great divide between the people. But the universal declaration of Human Rights enumerated some rights that struck at the base of the racism. The civil and political right enumerated under the declaration include:

1. Right to life, liberty and security of person.
2. Prohibition of slavery and slave trade.
3. Prohibition of torture, cruel, inhuman degrading treatment or punishment.
4. Right to be recognized as a person before law.
5. Equality before the law and protection of law against any discrimination in violation of the declaration.
6. Right to marry and to found a family and equal rights as to marriage, during marriage and its dissolution.
7. Right to freedom of thought, conscience and religion.
8. Right to take part in the government of his country. (Kapoor 35, 36)

In all the above points, stress is onequality. Equality is the idea that was missing in the society. In Europe and America the constant influx of people from different nations changed the uniform nature of the societies. Many a times, the people who were brought were black slaves. These slaves were treated as animals, were kept in shabby condition; were kept tied in chains. They were allowed to marry slave girls so that their marital union could produce more slaves. They did not have any social cultural or political rights.

The same problem occurred in South Africa where the government of the Nationalist party enacted such laws where the whites and blacks were segregated. The blacks and whites could not inter-dine, they could not inter-marry; they could not even go to same parks or restaurants. The policy followed by the government of South Africa was called "apartheid."

The colonized nations played a huge role in the development of the charter of human rights. However, there are certain people who thought otherwise. Rolan captures the situation:

Neither of these positions has fully captured the complex and contradictory constellation of outcomes that followed decolonization. The politics of anti colonialism both advanced and obstructed the progress of international human rights. In some areas, the Third World's role was undoubtedly positive. It confronted European colonialism and Western racism and demanded the recognition of universal human rights. In others, such as the right of petition, the results were less clear. A number of Arab, Asian and African diplomats pioneered efforts to recognize individual petitionary while others worked tirelessly to prevent them. Given the diversity of Arab Asian bloc and the changing political complexion of the states that constituted it, the consequences of decolonization were inevitably complicated and unpredictable. The significance however, was unmistakable.(6)

The final assault against racism was made when the conference of experts convened by UNESCO in 1964 made an announcement:

All the men living today belong to same species homo sapiens and are derived from a common stock, pure race in the sense genetically homogenous population do not exist in the human species. There is no national, religious, geographical, linguistic or cultural group which constitute a race ipso facto. (Cobo 8)

This was a definitive blow to the concept of racism where the colour of the skin, of an individual was the source of a person's superiority or inferiority. Because the whites were the ruling class, so whiteness became the symbol of superiority. Racism acquired many forms over the decades. Fanon quotes Cesaire:

When I turn on my radio, when I hear that negroes have been lynched in America, I say that we have been lied to Hitler is not dead; when I turn on my radio, when I learn that Jews have been insulted, mistreated persecuted, I say that I have been lied to Hitler is not dead; when, finally I turn on my radio and hear that in Africa forced labour has

been inaugurated and legalized, I say that we have certainly been lied to Hitler is not dead. (Cited in Fanon 66)

The quote of Aime Cesaire shows how racism was an extremely elastic concept and manifested itself in many forms. The extremist racist ideas are evident in the slavery, in the Hitler's treatment of Jews and South Africa's policy of apartheid.

The United Nations declaration of Human Rights tended to end all these prejudices and biases and tried to create a just society internationally. This included the creation of infrastructure to observe that Human Rights are available to people all around the world. The various organizations that make the implementation of various laws made regarding Human Rights are put into practice these include:

1. Human Rights council: Human Rights commission was abolished by the General Assembly on 16 June, 2006 and it was replaced by Human Rights council.
2. International covenant on Civil and Political Rights, 1966. This covenant came into force in 1976. This covenant adopts the mechanism of individual complaints.
3. International covenant on Economic, social and cultural rights 1966. It includes a system of reporting. All the reports in it are submitted to the U.N. Secretary General who then forwards for the consideration to ECOSOC.

In addition to it there are non-government organizations like Human Rights Watch. Human Rights watch is an organization that is based in New York and has offices in many countries of the world. These organizations play a very important role in observing and reporting Human Rights violations around the world. The cover page on the Human Rights watch reads:

Human Rights watch is dedicated to protecting the human of people around the world. We stand with victims and activists to prevent discrimination, to uphold political freedom, to protect people from inhuman conduct in wartime, and to bring offenders to justice (World Report 2011).

These kind of organizations are playing a great role in the enforcements of human rights.

India and Human Rights

India has also erected Human Rights infrastructure to look in the violations of Human rights and to offer remedies for the violations. In Indian society the majority of the violations have been regarding the rights of children and women. Children faced the problems regarding child education, child labour and child pornography. In the recent times many scandals regarding the child shelter homes have been unearthed. The Times of India reported:

A Bihar Shelter home has turned into a house of horror as the survivors give testimonies of being drugged, starved and raped night after night. Girls between the ages 7-18, many suffering from speech impairment, have alleged

that they were fed food mixed with sedatives, made to sleep naked and beaten mercilessly at the slightest sign of protest. The number of girls who have been raped went up to 34 on Saturday, according to recent medical reports (Tripathi).

A similar incidence was reported from RohtakApnaGhar. In this case also the people who ran the Shelter home used to send the girl for sexual purpose (Gupta).

In addition to these the problems like honour killing, child marriage and not sending girl child for education remain perennial in Indian society. But these problems have been addressed to by the Human Rights Commission that have been established the central government and the State government.

Another problem that plagues the Indian society is regarding the prevailing caste bias. Untouchability has been abolished by the constitution of India:

The Constituent Assembly debates of India 1947-49, reveal the impetus behind the constitution ban on untouchability. The Advisory Committee on Fundamental Rights, of which Ambedkar was a member, was appointed by the resolution of the constituent Assembly of 1947, the committee's Interim report on Fundamental Rights set forth the key justifiable provision that would form the body of the Fundamental Rights section of the Indian constitution untouchability was abolished in clause 6 of the Interim Report, adopted on 29 April 1947, which read: "untouchability" in any form is abolished and the imposition of any disability on that account shall be an offence (Keane, 121).

Conclusion

Human Rights address all the problems regarding the human experiences of oppression and exploitation. The impact of the passage of Bill of Human Rights has made a visible impact in the countries around the world. Now the oppression cannot go on without notice. If the local Human Rights

authorities fail to take any action against such oppressive regimes, then the international organizations like United Nations take actions. After the passage of Human Rights Bill many criminals who were responsible for genocide in their countries have been brought to justice by then courts. Human Rights offer an indemnity against all kinds of oppression and exploitation, but many of the people are not aware of their rights. If at all they know about their rights then they do not know about the authorities to whom the violation of rights should be reported. The infrastructure is now in place what is needed now is the awareness. The governments should take appropriate measures to make people aware of their rights. Once everybody become aware of their rights, the world will become a better place to live.

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