

A LOOK AT THE DECLARATION OF HUMAN RIGHTS BY THE UNITED NATIONS

By

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Introduction :—It is a coincidence with great significance on the red letter day of Human Rights adopted on December 10, 1948 by the General Assembly of the United Nations. It is known as Universal Declaration of Human Rights and every year on this 10th day of December, the Globe celebrates Human Rights day. It is a small endeavour to highlight the various rights being enjoyed by the mankind.

What is right :—Freedom is fragile and evanescent. 1453 BC recorded history a very tiny percentage of men have lived under the Rule of Law and Civil Liberty. (The Constitution and the Common Man - by *N.A. Palkhivala*). Men include women. The axiom of jurisprudence says the capacity to direct another to oblige in a particular act or forbearance is called right. Rights are classified as (i) perfect and imperfect rights (ii) positive and negative rights (iii) rights *in rem* and rights *in personam* (iv) proprietary and personal rights (v) rights *in repropria* and *realiena* (vi) principal and accessory rights (vii) legal and equitable rights and (viii) public and private rights.

India has never known true democratic freedom to enjoy any sort of right in its entire history except during the past 50 years of independence.

Rights at present :—In India political freedom and civil liberty are the keystones of the Indian Constitution. Our Constitution is primarily shaped and moulded for the common man. It is a Constitution meant not for the Ruler (The Constitution and the Common Man by *N.A. Palkhivala*). Our Constitution is a lucid document with

395 Articles and 12 Schedules envisaging fundamental rights. Human beings cannot be robbed of their humanity. Therefore, the General Assembly of the United Nations adopted on 10-12-1948, the Universal Declaration of Human Rights. According to *Starke*, this Declaration is a manifesto, a statement of ideals, a path-finding instrument. The Preamble stresses the “dignity and worth of the human person”. It recognises rights to life, liberty and security of person and the right of a person to a fair trial. Slavery, torture, cruelty, inhuman or degrading punishments, arbitrary arrest, arbitrary interference with home, family or correspondence are outlawed. It proclaims the economic and social rights. These include the rights to work, to periodic holidays with pay, and to protection against unemployment, the right to choose a job and to join a trade union and the right to equal pay for equal work. The Declaration recognises everyone’s right to adequate standard of living including housing, medical care and security, the right to education.

Conclusion :—We have enough law to safeguard and protect our rights in India. There are Constitutional safeguards addendum to several statutory protections. There is no need to list out at present. The need for the hour is effective implementation of our law on the land by the concerned, i.e., Executive. There is no need be no confrontation between the Executive and the Judiciary. According to *Alexander Hamilton*, “Judges are the guardians of the Constitution. Judiciary is the Custodian of the Constitution. It protects and vindicates the freedom and rights of the common man”.

The root cause of Nation's ills are poverty, population, pollution, corruption, illiteracy and communalism. Proper education will control the conundrum of population. Thus, poverty is reduced, then remaining will be checked. We have law against begging. It is better to group all beggars, poverty-stricken at a place in order to introduce co-operative tilling on the waste land through the media of our Agricultural Department so as to improve production.

Under the provisions of Section 21 of the Protection of Human Rights Act, 1993, every State may constitute a State Human Rights Commission. All Human Right Protection Agencies, Statutory bodies, voluntary organisations shall be kept under

the social control of the State Human Rights Commission. An ombudsman for child protection on the lines of Norway may be appointed. Similarly Ombudsmen for Women Protection to be appointed. State Human Rights Commission should be given powers to adjudicate litigation arising out of rights. Alternative Dispute Redressal system to minimise litigation is to be augmented. The existing service rules may be redrafted with brevity, clarity and particularity in order to minimise litigation cropping in service jurisprudence.

Let us believe in the famous maxim "*Salus Populi Est Suprema Lex*" which means The Safety of the People is the Supreme Law.

CHANGING TEXTURE OF HUMAN RIGHTS AND THEIR RELEVANCE

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Introduction

In the present world situation, with the active role being played by National Human Rights Commission in India, Human Rights occupy a significant place in societal relations.

In simple terms, Human Rights are those natural rights that should be available to a human being to enable him to develop his personality to his natural heights. These Human Rights are variously called "Basic Rights", "Fundamental Rights", and "Common Law Rights" in judicial parlance.

Whatever may be the synonym, these rights are very much necessary to a human being to enable him to lead a civilised life.

The 19th and 20th centuries have seen on several occasions the attempt to bring together systems of rights having their own legitimacy, the rights of State, the rights of the Nation, and the rights of the man.

To have a better appreciation of these rights a historical approach is necessary. These rights were never static. They have evolved to their present state with the passage of time *pari passu* with the growth of civilisation, need for flexible approach to conform to the changing human values and aspirations.

In earlier times the fountain of these rights was the State and the interest of the humanity revolved within the framework of State Policy. Later with the awareness of humanity of their inherent rights coupled