



## "HUMAN RIGHTS AND AN EXAMINATION OF ITS RELEVANCE IN THE PRESENT INDIAN CONTEXT"

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### ABSTRACT :

*The idea and implementation of Human Rights dates back to 3rd Century Before Christ in the history of human civilization when Aristotle and his master Plato seriously attempted for the security of common man. Of course Aristotle desired to prevent the atrocities and sins of the powerful on the weaker sections of the society through the fear of Religion. But when the suppressors and oppressors started using Religion itself as an instrument against to the people, the purpose and insight of Aristotle was defeated. Hence the rebellion of Martin Luther of Germany and Nietzsche against the hierarchy of Popes, Arch Bishops of church. However the importance of Human Rights was remarkably realized by mankind after the First World War and the Second World War when the military powers started committing excesses against the innocent people and the prisoners of war of the respective countries.*



**KEYWORDS :** *history of human civilization , Human Rights , natural law stemming.*

### INTRODUCTION :

The aftermath of the two world wars and the emergence of the French Revolution the terrifying fear of violence committed and the bloodshed motivated the . i n emerging democratic countries for the formation of the Human Rights. It is this sense that Human Rights are considered as important and vital for the survival of mankind on the Earth.

### The Concept, Scope and meaning of Human Rights:

The actual origin and basis of the concept of human rights can be summed up as the law of the land to protect the common man. Several theoretical approaches have been advanced to explain how and why human rights became part of social expectations. On the other hand human rights are seen as evolvement of natural law stemming from different philosophical or religious grounds. Other theories hold that human rights codify moral behavior which is a human social product developed by a process of biological and social evolution (associated with Hume). Human rights are also described as a sociological pattern of rule setting (as in the sociological theory of law and the work of Weber). These approaches include the notion that individuals in a society accept rules from legitimate authority in exchange for security and economic advantage-a social contract. The two theories that dominate contemporary human rights discussion are the 'interest theory' and 'will theory'.

Interest theory argues that the principal function of human rights is to protect and promote certain essential human interests, while 'will theory' attempts to establish the validity of human rights based on the unique human capacity for freedom.

Later on the Human Rights have been classified in to two major categories such as (1) civil and political rights and (2) economic, social and cultural rights. However the scope of the rights can be summed up in simple description of — right to work, to education, to health and housing and of course chiefly the right to security. Now, let us examine the validity and credibility of these rights in the present Indian context

### **The Right to Security and the Problem of Naxalism and Terrorism:**

It must be very carefully noted that Naxalism and Terrorism do not mean some ideology or a 'clishe' but they imply the precious youth of the country, especially the rural youth. The dismal failure of Government in the implementation of the policies, regular climatic disorders, natural calamities like famine, draught and floods and the consequent starvation in the villages and the tribal areas are some of the factors which are driving the rural youth to embrace Naxalism and Terrorism in India today. In our democratic country the common man is declared as a free independent human being to choose anything he wants while the poor man is gripped with the fear of not getting anything. He is described by academicians as free to choose any religion he desires when the modern man is suffering from spiritual anxiety and a sense of isolation and facing his identity crisis. The society proudly declares about solidarity as the fruit of democracy while the common man is desperately longing for 'belonging' to anybody, any community and any group that can accept and invite him.

It is against this existential absurdity that our rural youth are seeking asylum in Naxalist and Terrorist groups in order to survive themselves. Should we condemn them for doing so ? Besides, the Government, every privileged society and for that matter every citizen is directly responsible for their present destiny. But how many of us are really ready to share their existential crisis and suffering ? When the ignorant youth are being exploited by the terrorist leaders who are in turn are being used as agents by enemy countries for carrying out violent activities against masses like igniting explosives, such youth need psychological counseling. On the other hand the Defence and Police forces begin committing excesses in the garb of combing operations on the innocents and the culprits alike for the matter of their 'records of achievements'. It is in this area and by violence that the security of people is threatened and the innocent youth are deprived of their right to live with dignity and safety. One must realize the truth that this rural folk of our country from Kashmir to Kanyakumari constitute the majority of our population against whom the Human Rights are blatantly violated. There is no denying that the U.D.H.R. (Universal Declaration of Human Rights) urges its member nations to promote a number of human civil, economic and social rights, asserting these rights as part of the "foundation of freedom, justice and peace in the world". But such agencies and the Government authorities must go to the grass root level of society where the terrifying conflicts are embedded and which must be resolved in the best possible manner in order to prevent further victimization of the rural masses. Poverty and food are the major issues which are responsible for the present raise and spurt of Naxalite and Terrorist activities. If the Government and NGOs and other Agencies take initiatives for resolving these problems, then not only the recruitment to Naxal groups is prevented but the consequent violation of Human Rights by the culprits, police and military forces is also contained.

### **Right to Health and Housing in Rural and Tribal India:**

The ruling Government of country proudly declares that majority of our population are fed properly and the nation is progressing well in that direction. But the private and foreign surveys reveal that Sixty percent of our population are still bellow the poverty line and do not have minimum staple food to feed their stomach. Adding fuel to the fire the study of United Nations Inter National Council revealed that South East Asian countries (including India) cannot survive unless each nation creates 10 Lakh jobs per month. The present average per capita income per day is Rs. 15/- in rural and Rs. 25/- in urban population indeed reveal what a hazardous blow is given to our economy as well as to the health

of our young and adolescent citizens. The irony is that though Government succeeds, let us suppose, in creating manual jobs in the country, our youth are not strong and healthy enough to perform the work which again should lead to acute poverty and morbid generation. It is against this back drop that one must consider the need to assess the nutritional requirement needed for adolescents of our country. It is in the light of this striking necessity that one has to recognize the importance of nutritional diet for adolescent in the nation.

It may be noted that the Vidharbha sector of Maharashtra has relatively higher rate of Tribal population in comparison with the other parts of the state where in Melghat consistently exists in the limelight. The tribals are always more under nourished than their rural counterparts. The prevalence of under — nutrition among tribal population is caused by poverty, social barriers preventing the utilization available ; lack of safe drinking water, leading to increased morbidity from water —borne infections; absence of health facilities resulting in aggravation of the diseases. Further the food consumption pattern is depended on the vagaries of nature. They depend on minor forest produce and join manual labour with inadequate income. Hence specific intervention programmes have to be carried out by Government agencies to improve the nutritional status of the children and adolescent of this population. The agencies must also lay special emphasis on the elimination of wrong dietary habits that are likely to cause ill health. Special programmes to improve access and utilization of nutrition services have to be prepared in accordance with the particular area.

The Adolescents comprise one fifth of our total population. It is estimated that the number of adolescents would swell to 215.3 millions by the year 2016. They are undergoing rapid growth and development who are not receiving enough attention and guidance that they actually deserve. Especially children from the poorer segments in India are shorter and weightless. It is unlikely that any extra food at this stage can accelerate or extend the duration of physical growth. Any additional dietary intake at this period can only lead to adolescent obesity. This is not any imagination but the reality in India which is present among the affluent urban and rural adolescents. The surveys also indicate that the prevalence of micronutrient deficiencies are high in the country.

The above discussion reveals that the right to health is in a very bad shape in our nation. If the youth are not strong the nation neither can make any progress nor can it defend itself against her enemies. The Government Institutes like National Institutes of Nutrition, India, the Ministry of HRD, New Delhi, The Ministry of Social Justice and Empowerment, New Delhi and the related ministries of state government should urgently take up the necessary measures in order to ensure that the human right to health is maintained properly.

### **Right to Work and the Child Labour in India:**

Today, every news paper, magazine and mass media advertise bewildering variety of jobs and vacancies. The Government also proclaims its advancement in information technology and other achievements. But how many in our country realize the fact that sixty percent population are illiterates and are lingering in rural and tribal areas ? The point is that national education means imparting education to the rural youth who constitute the majority and a large section of the masses are deprived of work.

It is indeed lamentable matter that though manual labour is offered, many people do not possess enough health and strength to accept the work. And those who are ready to accept the manual labour, are not offered adequate income. Due to lack of health and weakness house hold women can not support the family to feed. Under such miserable conditions and helplessness the poor parents ask their children to join work and fetch money for home in rural and tribal areas. Taking advantage of the poverty, the local industrialists exploit the situation and employ the children in calcium — furnaces and coal — furnaces. The children (age group of - 12-15 years) carry small loads of the raw material and reach them to the tops of the furnaces risking their future health. Still they manage to do so because in adolescence their limbs do not pain them while working, though their future health is ruined in the same manner in the tribal areas too the children are employed for collecting Tendu leaves in forests and are asked to carry weights on their heads. This pathetic situation is a very common sight in our country.

In the light of these grim realities one can not believe that the right to work and the right to education are receiving any kind of justice in our nation. As stated earlier, the HRD, New Delhi and Social Justice and Empowerment are spending thousands of crores of money in the name of the welfare of rural and tribal development. But unfortunately the help is not reaching the deserving people.

**CONCLUSION:**

It is the responsibility of the government and NGOs in the country to ensure justice to the human rights and help the nation to recover in matters of health, education and employment. It is suggested that vocational education and training has to be introduced from V standard to VIII standard in rural schools so that the adolescent children are enabled to join Agro — processing industries. The government has to take adequate measures to prevent the migration of rural youth to urban areas, by establishing suitable industries in the farm lands. Other wise also the urban scenario is worse than rural places in the matters of poverty, health and unemployment. The slums that are growing like mushrooms in cities are also posing a great threat to health and life of the nation. Very much like the tribals in forests, the slum-dwellers are also leading precarious existence by breathing, eating and sleeping among the dirty drainages. In view of these circumstances we can conclude that the Human Rights in India require the attention and care of related world organizations for breathing fresh air in to the soul of the spirit and ideals of Human Rights.

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