

## **1.4 Concept of Human Rights**

Human rights are those moral rights that are morally important and basic, and that are held by every human being because they are possessed in virtue of the universal moral status of human beings. Human rights are one of the significant aspects of human political reality. It is the moral rights of highest order. Human Rights are evolved out of self-respect. It is intrinsic to all humans without any discrimination of race, gender, nationality, ethnicity, language, religion and colour etc.

It received new shape when human beings began to think themselves. Each and every human being is entitled to these rights without any discrimination. Human rights comprise of civil and political rights, such as the right to life, liberty and freedom of expression; and social, cultural and economic rights including the right to participate in culture, the right to food, and the right to work and receive an education.

Human rights are protected and supported by international and national laws and treaties. The Universal Declaration of Human Rights (UDHR) was the first international document that spelled out the “basic civil, political, economic, social and cultural rights that all human beings should enjoy.” The declaration was ratified without opposition by the UN General Assembly on December 10, 1948. Under human rights treaties, governments have the prime responsibility of shield and promote human rights. However, governments are not solely responsible for ensuring human rights. The UDHR states

“Every individual and every organ of society shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures,

national and international, to secure their universal and effective recognition and observance.”

### **Characteristics of Human Rights**

1. Human Rights are Inalienable: Human rights are deliberated on an individual due to the very nature of his existence. They are innate in all individuals irrespective of their caste, creed, religion, gender and nationality. Human rights are conferred to an individual even after his death. The different rituals in different religions bear testimony to this fact.
2. Human Rights are essential and necessary: Human rights are needed to maintain the moral, physical, social and spiritual welfare of an individual. Human rights are also essential as they provide suitable conditions for material and moral upliftment of the people.
3. Human Rights are associated with human dignity: To treat another individual with dignity regardless of the fact that the person is a male or female, rich or poor is concerned with human dignity.
4. Human Rights are Irrevocable: Human rights are irrevocable as they cannot be taken away by any power or authority because these rights originate with the social nature of man in the society of human beings and they belong to a person simply because he is a human being. As such human rights have similarities to moral rights.
5. Human Rights are essential for the fulfillment of purpose of life: Human life has a purpose. The phrase “human right” is applied to those conditions which are essential for the fulfillment of this purpose. No government has the power to curtail or take away the rights which are inviolable and immutable.

6. Human Rights are Universal: Human rights are not a domination of any privileged class of people. Human rights are universal in nature, without consideration and without exception. The values such as divinity, dignity and equality which form the basis of these rights are inherent in human nature.
7. Human Rights are never absolute: Man is a social animal and he lives in a civic society, which always put certain limitations on the enjoyment of his rights and freedoms. Human rights as such are those limited powers or claims, which are contributory to the common good and which are recognized and guaranteed by the State, through its laws to the individuals. As such each right has certain limitations.
8. Human Rights are Dynamic: Human rights are not stationary, they are dynamic. Human rights go on expanding with socio-eco-cultural and political developments within the State. Judges have to construe laws in suchways as are in tune with the changed social values.
9. Rights as limits to state power: Human rights infer that every individual has legitimate claims upon his or her society for certain freedom and benefits. So human rights limit the state's power. These may be in the form of negative restrictions, on the powers of the State, from violating the inalienable freedoms of the individuals, or in the nature of demands on the State, i.e. positive obligations of the State.