

Changing Dimensions of Human Rights in India: An International Perspective

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Abstract:

This study investigates the dynamic evolution of human rights in India through an international lens. It explores the intricate shifts and diverse dimensions that shape the interpretation and enforcement of human rights within India. By examining a range of international perspectives, encompassing legal structures, cultural influences, and global standards, this paper provides insights into the challenges and opportunities confronting India in its efforts to protect and advance human rights. Furthermore, it underscores the interconnected nature of India's domestic policies and international obligations, emphasizing the necessity of holistic approaches to effectively address human rights issues. Through thorough analysis, this research contributes to the ongoing discourse on human rights in India, emphasizing the importance of incorporating international viewpoints to propel human rights agendas on a global scale.

Key words: Human Rights, international obligations, cultural, and religious rights

Introduction:

Recent years have witnessed a discernible shift in the discourse surrounding human rights in India, driven by both internal developments and global influences. This transformation signifies a departure from conventional interpretations of human rights towards a more nuanced perspective that integrates international viewpoints. This paper endeavors to explore these evolving dimensions of human rights in India from a global standpoint, analyzing the evolving landscape within the context of worldwide standards, legal frameworks, and cultural dynamics.

As India increasingly asserts itself on the global platform, its approach to human rights has faced heightened scrutiny from international observers. Issues such as freedom of expression, minority rights, gender equality, and socio-economic rights have garnered attention both domestically and internationally. A thorough understanding of these issues requires comprehensive analysis that incorporates insights from diverse international perspectives.

Through an examination of the intricacies of human rights in India from an international perspective, this paper aims to elucidate the challenges and opportunities confronting the nation in its pursuit of upholding human rights principles. It will delve into the intersection of India's domestic policies with its international obligations, emphasizing the necessity of a comprehensive approach to effectively address human rights concerns.

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Furthermore, this paper will evaluate the impact of India's engagement with the global discourse on human rights on its internal landscape, including legal reforms, policy initiatives, and societal attitudes. Through a nuanced exploration, it seeks to contribute to a deeper understanding of the dynamic evolution of human rights in India and underscore the importance of considering international perspectives in shaping its future trajectory.

The ethos of Indian political thought and philosophy has long embraced the concept of human rights. From ancient times, Indian thinkers and philosophers have demonstrated a profound concern for safeguarding human rights and fundamental freedoms. This dedication to human rights traces back to the earliest epochs of Indian civilization, including the Vedic age.

In ancient Indian Brahmanical society, the philosophy of human rights held immense significance. The legal framework, grounded in the principles of dharma, emphasized equality and justice without any tolerance for religious discrimination. Texts such as the Mahabharata and the Bhagavad Gita emphasized the pivotal role of righteousness and dharma in shaping human behavior and societal coherence.

The Vedas, Upanishads, and Smritis reiterated the principles of equality and dignity, epitomized by the notion of "vasudhaiva kutumbakam" (the world as one family). Indian scriptures consistently underscored moral conduct and the welfare of all beings.

Furthermore, the teachings of Buddha and the enlightened governance of Emperor Ashoka further underscored the significance of human rights and social welfare. Ashoka's initiatives in establishing a welfare state and ensuring basic freedoms for his subjects exemplify a historical commitment to justice and human dignity.

In essence, ancient Indian jurisprudence laid the groundwork for advancing human freedom, liberty, and equality. It cultivated a collective ethos of human unity and harmony, transcending divisions of race, color, language, and religion. The enduring influence of these principles persists in shaping contemporary discussions on human rights in India and worldwide.

Various Aspects:

Human rights, a perpetual theme within the legal realm, represents a dynamic discipline characterized by an ever-expanding array of interconnected issues. Emerging rights continuously evolve from preexisting frameworks, necessitating an enduringly progressive approach for the comprehensive realization of human well-being. The profundity and universality inherent in human rights embody a categorical imperative resistant to mortal challenge, akin to divinity. Rooted in the intrinsic truths of human existence, these rights transcend individual perspectives and manifest universally. Foundational principles guiding human rights, though lofty and often beyond conventional comprehension, center on the intrinsic value of humanity rather than material manifestations.

Human Rights Day, annually observed on December 10th, commemorates the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations General Assembly in 1948. This declaration symbolizes the collective aspirations of global citizens towards equality, dignity, and

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peaceful coexistence. Aligned with Article 1 of the UDHR, emphasizing the innate freedom and equality of all individuals, this year's theme, 'Equality,' underscores the ongoing pursuit of these ideals. Celebrations reaffirm a commitment to humanity, acknowledging the inherent equality of all individuals regardless of sex, race, caste, class, ethnicity, nationality, religion, or orientation. Various events and initiatives seek to raise awareness surrounding socioeconomic, political, cultural, and religious rights inherent to human existence.

Human rights serve as the foundational framework underpinning all fundamental rights guaranteed by the Constitution of India. These rights, integral to human life, uphold the constitutional mandate of equality for all. Legislative measures aimed at protecting women, children, minorities, vulnerable communities, and the differently abled reflect progressive steps towards this end. Dignity, intrinsic to human life, remains the paramount goal of human rights, fostering inclusivity and equity within a diverse society.

The National Human Rights Commission (NHRC) in India acts as a vigilant guardian, ensuring the preservation of human rights against any form of infringement. The commission's initiatives underscore its unwavering dedication to this cause.

At the core of human rights discourse lie principles of compassion and empathy towards all individuals. To effectively address human rights violations, such discourse must permeate grassroots levels, reaching those embroiled in daily struggles. Poverty-induced indignity, evidenced by dire circumstances forcing individuals into degrading situations, underscores societal failure in upholding basic human rights such as food, shelter, and clothing.

A paradigm shift is imperative in the current human rights discourse, emphasizing provision-based interventions alongside aspirational ideals. State-sponsored welfare schemes must address issues of awareness, education, and accessibility to ensure equitable distribution of resources. Moreover, societal biases rooted in caste and class prejudices must be dismantled to foster a truly inclusive society. In an era of globalization, where borders are increasingly porous, humane treatment of migrants, both legal and illegal, is paramount.

To surmount the multifaceted challenges hindering human rights realization, the State must design programs and policies aimed at educating, providing healthcare, and fostering opportunities for skill enhancement and employment. Cultivating a human rights-sensitive conscience and fostering an environment of mutual respect and unity are imperative. A meticulously planned human rights movement, supported by stringent measures against transgressions upon human dignity, is essential to uphold these principles.

Declaration to Covenant in Human Rights Discourse

The evolution of human rights, both in conception and practice, has occurred through institutional mechanisms and thematic advancements. Thematically, notable disparities emerge between the Universal Declaration and its subsequent 1996 Covenants, among the Covenants themselves, and in comparison to subsequent Conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the United Nations Convention on the Elimination of All

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Forms of Discrimination Against Women (CEDAW), and the United Nations Convention on the Rights of the Child (CRC).

The Universal Declaration differs in nature from the 1996 Covenants. While some argue that the Declaration primarily served as a statement of principles rather than a binding agreement among states, it articulated a universal concept of humanity grounded in reason, conscience, and freedom. Conversely, the 1996 Covenants constitute legally binding agreements between states, delineating specific rights and imposing corresponding legal obligations. This distinction signifies a transition from abstract assertions of human rights to concrete provisions aimed at safeguarding individual freedoms.

The second significant development pertained to the inclusion of economic, cultural, and social rights within the International Covenant on Economic, Social, and Cultural Rights (ICESCR). These rights encompass the right to work, equal education opportunities, and access to reliable information. Embedded within these rights are civil liberties such as freedom of speech, association, religious expression, and access to legal remedies.

Interpretations regarding the scope of the rights outlined in the 1996 Covenants vary. Some argue that economic, cultural, and social rights, while directed towards groups and collectives, also extend to individuals. Conversely, others view these rights as embodying societal objectives and, consequently, falling within the purview of state policy.

A pivotal distinction between the two 1996 Covenants lies in the means by which the rights enshrined within them could be exercised and enforced. The International Covenant on Civil and Political Rights (ICCPR) emphasizes non-interference and protection, thereby imposing both positive and negative obligations on states. The realization of these rights relies on active social agencies, altering the relationship between individuals and society. Subsequent conventions, such as the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Committee Against Torture (CAT), blend elements of both individual freedoms and societal goals. Conversely, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC) incorporate a combination of protective and developmental obligations.

The tension persists between the traditional conception of human rights grounded in individual freedoms as delineated in the ICCPR, the vision of rights intertwined with societal objectives evident in the ICESCR, and the notion of rights influenced by historical development disparities as articulated in the Right to Development. This ideological discord echoes through contemporary human rights discourse, with Cold War dynamics giving way to a North-South divide that threatens to overshadow previous East-West tensions.

The concept of a right to freedom as something to be achieved rather than an innate, protected, and preserved right is a notion that resonates throughout the works of philosophers spanning from Immanuel Kant to John Stuart Mill, Georg Wilhelm Friedrich Hegel, and Karl Marx. Indeed, contemporary developing nations are grappling with the pursuit of the human rights articulated by these eminent thinkers.

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Human rights embody both protective and liberating dimensions. The Western narrative predominantly emphasizes the protective aspect, reflecting the accomplishments of advanced industrialized societies. Conversely, developing nations pin their hopes on the potential transformation of their overall circumstances. Their focus lies on viewing human rights as a means of emancipation from poverty and underdevelopment, which they perceive as significant impediments to the full realization of their human rights.

India's Position

India's stance on human rights does not entail a contradiction between individual welfare and societal well-being, nor between natural rights and development. Enshrined within India's Constitution are all human rights and fundamental freedoms as delineated in the Universal Declaration, alongside recognition of certain inherent rights intrinsic to human dignity. Human rights in India extend beyond mere protection; they encompass the belief that individuals must have the opportunity and resources to attain freedom. Both democracy and development play integral roles in promoting human rights by fostering freedom of thought, action, and existence.

In global discussions on human rights within the United Nations forums, the development argument is sometimes portrayed as a pretext for justifying political repression or rights violations under the guise of societal benefit. While such instances exist, it is important to acknowledge that the West has at times supported such policies rather than opposing them. Drawing broad generalizations from isolated incidents would be unjustified. Similarly, efforts to advocate for civil and political rights in countries where such rights are systematically violated should not be uniformly labeled as political interference.

Institutionally, the United Nations Charter organs and intergovernmental processes, exemplified by the Commission on Human Rights, have evolved to include new treaty-based legal bodies governed by international covenants and conventions. This evolution has witnessed the establishment of a multitude of intergovernmental and treaty-based mechanisms dominated by experts, with an increasingly significant role. The establishment of the Office of the High Commissioner for Human Rights during the World Conference on Human Rights underscores this trend. While the precise role of the Office remains a subject of debate, efforts are underway to endow it with greater independence. Additionally, recent years have seen the United Nations Security Council become involved in human rights issues through specific peacekeeping operations. Recent instances of international human rights violations have spurred the creation of new institutions at the forefront of humanitarian and human rights law, such as the International Tribunal in former Yugoslavia and Rwanda, as well as ongoing negotiations for the establishment of an International Criminal Court.

India's Stance on Human Rights

India stands as a pioneer in embracing human rights, evident in its proactive role in integrating human rights principles into both the United Nations Charter and its own Constitution half a century ago. Rooted in a rich tradition of social and philosophical humanism, India's values of non-violence, tolerance, pluralism, coexistence, and the pursuit of truth are deeply ingrained in its civilization.

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Figures such as Lord Buddha, Emperor Akbar, Rabindranath Tagore, and Mahatma Gandhi exemplify this tradition.

India's commitment to democracy and the advancement of human rights transcends borders, reflecting its dedication to promoting these values worldwide. Importantly, India's dedication to human rights predates the Universal Declaration, as it anticipated the principles articulated in the 1996 Covenants by proclaiming and guaranteeing basic human rights and fundamental freedoms for all citizens, regardless of caste, creed, race, religion, or sex.

In interpreting the responsibilities of states under the 1996 Covenants, India emphasizes the imperative for each state to strive towards recognizing and implementing the rights and duties enshrined within them through the most effective means available. Recognizing the influence of a country's size, population, social structure, and political environment on the assurance of rights, India underscores the importance of embracing cultural diversity and ensuring the enjoyment of protected human rights for all segments of society.

India perceives it as the duty of the State to foster awareness of rights among its citizens and to establish robust mechanisms to ensure compliance with these rights. Consistent with the preamble of its Constitution, India acknowledges the responsibility of every individual to uphold the rights recognized therein and to take proactive measures to prevent the deprivation of these rights from the community as a whole by individuals or groups.

Against the backdrop of increasing acts of terrorism and disruptive activities, India underscores the significance of a nation's commitment to translating the enjoyment of rights into reality for its people. This commitment, India believes, is paramount for the overall well-being and progress of society.

The Conclusion of the Cold War era sparked aspirations for a new global order built upon principles of collaboration, equality, and mutual understanding. The adoption of the Vienna Declaration and Programme of Action marked a pivotal moment in consensus-building within the realm of human rights, reaffirming the universal applicability of human rights and fundamental freedoms. Emphasizing that the promotion and protection of all human rights must be a priority for the United Nations in line with its principles and goals of international cooperation, the Vienna Declaration underscored the international community's legitimate concern for the protection of human rights. Crucially, it articulated the notion that all human rights are universal, indivisible, interdependent, and interrelated, urging the global community to treat human rights with equal emphasis and fairness.

India embraced the Vienna Declaration as a positive stride towards international cooperation in safeguarding and advancing human rights.

Challenges to Overcome Regrettably, the envisioned shift towards a more comprehensive and cooperative approach to human rights is encountering obstacles once again. Previously framed as an East-West conflict, the post-Cold War phase has witnessed a growing trend of viewing human rights through a North-South lens, with the perception that human rights obligations are imposed upon the

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developing world. This trend evokes parallels with the missionary zeal of colonial times, marked by double standards, selectivity, politicization, self-righteousness, and biased approaches to human rights enforcement. Such tendencies, coupled with accusations of moral superiority and the misuse of political leverage against developing nations, have reignited divisions between the North and the South.

Criticism of the UN's human rights agenda often centers on Western influence, questioning both the West's own human rights record and its claim to championing human rights globally. Moreover, critiques highlight distortions and shortcomings within the international human rights system and its application in diplomatic relations. Similarly, there are criticisms directed towards developing countries for their perceived lack of emphasis on civil and political rights.

Conclusion

In conclusion, it is worth recalling the insight of Dag Hammarskjold, who observed that the conflict over different conceptions of human liberty, dignity, and individual rights is perpetual. This conflict transcends political and geographical boundaries, existing within ourselves, our societies, and in interactions with other nations. The ultimate struggle lies between the human and the sub-human, emphasizing the universal nature of the quest for human dignity. It is perilous to believe that any individual, nation, or ideology possesses a monopoly on righteousness, liberty, or human dignity. India holds the belief that democracy, tolerance, and pluralism serve as the most robust safeguards for the complete realization of human rights. Democracy, in particular, provides a framework where both individual and collective rights can harmoniously coexist. However, it's imperative to recognize that while democracy offers an optimal political environment for upholding human rights, efforts to ensure social and economic rights are equally crucial to enable individuals to lead lives of dignity. Development plays a pivotal role in achieving comprehensive democratization, as essential as political rights. Eleanor Roosevelt eloquently described "freedom from want" as a fundamental human right during United Nations negotiations, highlighting the significance of development in expanding the realm of human rights enjoyment.

India underscores the interconnectedness of development, democracy, and human rights, viewing them as interdependent facets of societal progress. Despite facing challenges like poverty, underdevelopment, and cultural diversity, India has undertaken significant initiatives in democracy and development on an unprecedented scale. These initiatives encompass combating poverty, eradicating discrimination based on caste and gender, empowering marginalized groups through affirmative action, and safeguarding minority rights. These efforts transcend conventional human rights frameworks, constituting expansive social development projects. While challenges are inevitable in endeavors of such magnitude, it's crucial to contextualize issues and acknowledge the remedial mechanisms inherent in democratic systems.

Despite acknowledging the triad of democracy, development, and human rights, the development aspect remains relatively underemphasized. To truly prioritize this triad, development must be accorded equal importance within the human rights framework, paralleling the focus on democracy. Bridging the structural gap between the North and the South requires concerted efforts to elevate

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development to an equal footing with democracy in international human rights discourse. Concrete steps are needed to create a conducive international economic environment for developing nations.

The international human rights discourse has been marred by false dichotomies between universality and particularity, individual and state, and natural and developmental rights. Both violators and protectors of human rights have perpetuated these contradictions, undermining the objectivity and balance necessary for effective human rights promotion. Human rights must transcend partisan agendas and propaganda, restoring objectivity, proportionality, and balance in their promotion and protection.

Furthermore, there's a compelling case to broaden the philosophical foundation of international human rights beyond its narrow post-reformation secular European roots. Incorporating ethics derived from diverse religious and spiritual traditions can enrich human rights discourse, infusing it with moral dimensions beyond individualism and utilitarianism. Non-Western ethical frameworks, deeply rooted in indigenous spiritual traditions, offer valuable insights into human conduct and societal obligations, complementing the predominantly legalistic approach of current human rights philosophy.

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