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PAPER – HUMAN RIGHTS & FEMINISM

TOPIC : DIFFERENT CHARACTERISTICS OF HUMAN RIGHTS

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Justice (Dr.) D.D.Basu defined as Human rights are those minimal rights which every individual must have against the state or other public authority by virtue of his being a member of human family irrespective of any consideration. This definition brings out the essence of human rights. Universal Declaration of Human Rights 1948 Define human rights derived from the inherent dignity of human person. Human Rights when they are guaranteed by the written constitution are known as **fundamental rights** because a written constitution is the fundamental law of the state.

Characteristics of Human Rights :

Human rights are universal: Human rights are universal because everyone is born with and possess the same rights regardless of where they live or their gender or race or their religious, cultural or ethnic backgrounds. Universality of human rights is included in and compassed in the words of **article 1 of the Universal Declaration of Human Rights** all human beings are born free and equal in dignity and rights.

Human rights are inherent: As they are not granted by any person or authority, they belong to people simply because they are human.

Human rights are fundamental rights: because without them the life and dignity of man will be meaningless.

Human rights are Imprescriptible : Human Rights do not prescribe and cannot be lost even if a man fails to use or assert them even by a long passage of time .

Human rights are inalienable: Human rights are conferred on an individual due to the very nature of his or her existence. They are in hand of all individual irrespective of their caste, religion, sex and nationality. Human rights are conferred to an individual even after his death, the different rituals in different religious bear testimony to this fact. Human rights are inalienable because they cannot be rightfully taken away from free individual and they cannot be given away or be forfeited. They should not be taken away except in specific situations and according to due process, for example, the right to Liberty may be restricted, if a person is found guilty of a crime by a court of law.

Human rights are indivisible: Human rights are not capable of being divided they cannot be denied even when other rights have already been enjoyed. All human rights have equal status and cannot be positioned in a hierarchical order. Denial of one right invariably impedes the enjoyment of other rights. Thus, the right of everyone to an adequate standard of living cannot be compromise at the expense of other rights eg. Right to education

Human rights are essential and necessary: In the absence of human rights the moral, physical, social and spiritual development of human being is meaningless. Human rights are also essential as they provide suitable conditions for the material and supplement of the people.

Human rights are necessary for the fulfillment of their purpose of human life.

Human rights are in connection with human dignity: All individuals are equal as human being and by virtue of the inherent dignity of each human person there should not be any discrimination on the grounds of race, colour, ethnicity, gender, age, language, sexual orientation, religion, political or other opinion National, social, Geographical origin, disability property, birth or other status. Human dignity should we maintain for example, India has enacted laws that forbids the practice of carrying human excreta, this law is called the **employment of manual scavengers and dry latrine Provision Act**

Human rights are interdependent and interrelated: Human rights are interdependent because a fulfillment or exercise of one cannot be had without the realisation of the other. Each one contributes to the realisation of a person's human dignity through the satisfaction of his or her developmental, physical, psychological and spiritual needs. The fulfillment of right often depends wholly or in part upon the fulfillment of others. For instance the fulfillment of the right to health may depend in certain circumstances on the fulfillment of right to development, to education or to information.

Human rights are irrevocable: They cannot be taken away by any power because these rights originated 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 similar to moral rights. No government has the power to curtail or take away the rights which are sacrosanct inviolable and immutable.

Human rights are participative and inclusive: All people have the right to participate in and access to information relating to the decision-making processes that affect their lives and well-being.

Human rights are never absolute: Man is a social animal and he lives in a civic society which always put certain restrictions 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 recognised and guaranteed by the state through its laws to the individual as such each rights have certain limitations.

Human rights are dynamic: Human Rights go on expanding and changing with social, economic, cultural and political development within the states. Judges have to interpret laws in such ways as are in tune with the changed social values

Human rights limit State Power: States and other duty bearers are answerable for the observance of Human Rights. In this regard they have to comply with the legal norms and Standards enshrined in international Human Rights instruments. Human Rights limit the State Powers. Where they fail to do so aggrieved rights holder are entitled to Institute proceedings for appropriated redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law in form of writ petitions. For example, six freedoms that are enumerated under the right to Liberty forbid the state from interfering with the individual, the media, civil society and the international community play important role in holding governments accountable for their obligation to uphold human rights.

Thus, above all characters of human rights safeguards humanity from all kinds of sufferings.