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## Human Rights under Democracy

Dr.Jagadeesh Bidrakoppa

Asst.Professor of Political Science

Govt First Grade College Sagar

### Introduction

Human rights are the ultimate norm of politics. Only democracy, within the states and within the community of states, can truly guarantee human rights. It is through that individual rights and collective rights, that is, the right of the people and the rights of persons, are reconciled. It is through democracy that the rights of the states and the right of the community of states are reconciled. There can be no sustainable development without promoting democracy and, thus, without respect for human rights.

'Human rights' are the rights which every human being is entitled to enjoy and have protected. The underlying idea of such rights-fundamental principles which must be respected in the treatment of all men, women and children-exists in some form in all cultures and society. The contemporary international statement of those rights is the Universal Declaration of Human Rights. The Declaration covers the two broad sets of rights-Civil and Political Rights, and Economical, Social and Cultural Rights. These two sets of rights aim to give all people 'freedom from fear and wants'. Both sets of rights must be protected as the 'foundation of freedom, justice and peace in the world'. It is the responsibility of the government to protect the human rights proclaimed by the declaration.

Under the heading Civil and Political Rights, all governments are to protect the life, liberty and security of their citizens. They should guarantee that no-one is enslaved and that no-one is subjected to arbitrary arrest and detention and torture. Everyone is entitled to a fair trial. The rights to freedom of thought, conscience and religion and to freedom of expression is to be protected.

Economic, Social and Cultural Rights implies that all government are expected to try progressively to improve the living conditions of their citizens. For example, they should try to guarantee the rights to food, clothing and medical care, protection of the family and the right to social security, education and employment. They are to promote these rights without discrimination of any kind.

Human rights can be regarded as the civic counterpart of the political powers which is vested in those who govern the state. There is the power of the people and the power of the state arising from human rights. We should try to increase the power of the people-what is called "Lok Shakti", which is developed by the propagation of the human rights among the people and their enforcement by the people. The Lok Shakti must be more powerful the Raj Shakti. Democracy is established when people's power dominate over the power of the state. In fact, the whole movement of human rights is a people's movement.

A democracy is characterised by its representativeness; the government's answerability to the people;and the government' efforts and activities directed towards the welfare and betterment of the people. Democracies can function only when the rule of the human rights prevail,in aition to truly elected governments . The rule of law envisions equality before the law and equal protection of law without any distinction .This has been provided in the Constitution of India and the Universal Declaration of Human Rights .These principles have been reiterated in many Articles of the Internationl

Covenant of Civil and political Rights and the Covenant on Economic ,Social and Cultural Rights.Thus,the foundation of democracy are strengthened by the existence of human rights and their enjoyment by the individuals .Human rights, in fact ensure dignity of ‘human being’, which are the life-blood of democracy. The quality of democracy would therefore depend to a large extent on the digree to which these rights are available to the individuals.

Democracy does not merely mean majority rule it means majority rule coupled with human rights. In the absence of human rights, democracy is not possible. This was so clear after the second world war that the United Nation was founded with two objectives: the first was to prevent war in the future and the second was to protect and promote human rights. This is given in the Charter of the United Nation because the whole history of the second world war showed the importance of human rights without which no democracy and freedom was possible the other aspect is realisation that the present idea of human rights is much wider than what wqas usually understood.

The Charter of the United Nation gave dwe recognition to the importance of international cooperation in dealing with economic and social problems and to the need of safeguarding basic human rights, rights with the word was to be spared from another catastrophe. And there after in order to Make them even more specific, two conventions-one on civil and political rights and the other on economic, social and cultural rights-were passed by the United Nations in 1966. Thus, the entire gamut of human rights which are available and should be made available in a democratic country, is contained in the Universal Declaration of Human Rights and the two Conventions.

Civil society is based on the concept of human rights which are essential not merely to fulfil the biological needs of mankind, but for the dignity of the individuals as well. Without recognising the concept of human rights, no polity can be a democratic one. Every democratic Constitution tries to recognise the concept of human rights in one way or the other. The Indian Constitution recognises the concept of human rights through its Preamble. Besides, the chapter on Fundamental Rights and the Directive Principles of State Policy are an expression of the fundamental human rights of the individuals in the form of civil liberties and democratic rights respectively. These rights are essential for the fullest development of the human personality and for human happiness. Undoubtedly, the concept of human rights has always been regarded as the backbone of every democratic set-up.

However, from the practical aspect of our political system, sometimes it appears that the concept of human rights is more or less a myth. Defence of human rights is considered as a condition necessary for the growth of democratic organisations at the grassroots level, which ultimately strengthens people's confidence and faith in the functioning of democratic institutions. But in a democracy, the government is the "official reservoir of coercive powers". Hence, these powers of the state are to be restrained in order to prevent it from becoming arbitrary and tyrannical, defeating the very concept of "human rights". In the two decades or so, a large number of nonver mental organisations (NGOs), which are

voluntary organisations of the people, have grown all over the country. The functioning of NGOs represents the civic counterpart of political power. These organisations are important as promoters of civil liberties. Their work is aided by other important institutions, such as the independent judiciary and free press. Particularly in recent years they have played a valiant role in defence of human rights

The idea of "participatory democracy" can only be realised if the awareness about human rights is brought about at the grassroots level. Here, it becomes important that we teach human rights to the people; the people must join the human rights movement. The entire gamut of human rights when actually realised by the people, constitute a genuine democracy.

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