



Classification of Human Rights

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ABSTRACT

Human rights movement has progressed to a point where in its fundamental conception, it treats members of the human race as members of a global community and therefore, broadly entitled to a common definitions of Human Rights. Some of widely accepted definitions of Human Rights are as follows -

1. The United "Nations Charter for Human Rights defines Human Rights" as those rights which are inherent in our nature and without which we cannot live as human being.¹
2. Human Rights have also been defined as moral rights of the higher order stemming from "Socially shared moral conceptions of the nature of the human person and the conditions necessary for a life of dignity".²
3. Nickel characterizes Human Rights as 'norms which are definite, high priority, universal and existing and valid independency of recognition of implementation in the customs or legal systems of particular countries.'³
4. For Falk, Human Rights are not merely legal or moral abstraction but they "are embedded in historical processclosely intertwined with the ongoing anti-imperial struggle political, economic and cultural structures of intentional domination."⁴

Keyword-- Human Rights can be broadly classified into different perspectives

I. INTRODUCTION

From the above definitions, the following characteristic of Human Rights become evident :

1. These are the rights of an individual or a group of individuals.
2. These rights are inalienable and human beings are entitled to them by birth.
3. It is a universal and legal concept.
4. These rights are meant to uphold human dignity and equality and to set forth liberty and fraternity to all without any kind of discrimination.
5. These rights can be executed only within the society and are protected and enforced by the authority of the state at all levels.

II. CLASSIFICATION OF HUMAN RIGHTS

Human Rights can be broadly classified into different perspectives: Firstly the perspective of various aspects to human life-civil, Social, Economic, Cultural, Political and Moral secondly, from the perspective of the methods of securing them. On the second basis, they are constitutional or legal.

1. Natural Rights

Natural Rights are those rights which are considered to be inherent and integral to human nature. In fact every individual by nature is given an individual property of his own which cannot be taken away by any authority. Such rights include intellectual rights, rights of the mind and also rights of acting as an individual for his own comfort and happiness, provided they are not injurious to natural rights of others.⁵

2. Moral Rights

These rights are based on the general principle of fairness and justice. These are simply aspirations and ideals of the peoples who claims for it. Sometimes, people justify these rights on the ground of the role they perform or the position they occupy in society.

3. Fundamental Rights

There are certain rights which are more important and basic than the others. For example, right to life is the most basic of all rights upon which the enjoyment of other rights depends. These right can never be restricted or taken away by any authority. That is why, every society has a fundamental duty to protect it all the times. Among other basic rights are-the rights to be recognized as a person before the law, the right to equal protection under law and freedom from illegal arrest or detention.

4. Legal Rights

Legal Rights are otherwise known as positive rights. These rights are laid down in law. They also guaranteed and protected by the law of the state. Thus legal rights are uniform and open to all irrespective of the caste, colour, race or culture.

5. *Civil and Political Rights*

Rights that are granted by government or civil society are called Civil and Political Rights. These rights provide the bases for the fulfillment of elementary conditions of the social life without them, civilized life is not possible and they are, therefore, considered very essential for the progressive life of man. Civil and political rights, however, include the right to freedom of speech, of assembly, the right to move freely, to hold property and practice trade or profession and the right to take part in the government of one's country.

6. *Economic, Social and Cultural Rights*

These are entitlements of the individual vis-a-vis the state, in order to eradicate social inequality, economic imbalances and to limit disadvantages caused by nature, age and so-on. These rights, however, are bestowed by the state. The state is not bound to meet these entitlements all at once. It depends upon the economic resources of the society. Most of the Socialist States recognize these rights as fundamental rights of the people. Right to equality, right to work, right to have family, right to privacy, right to information, right to public assistance during old age and sickness, right to health care, right to special care during childhood and during motherhood are some of the examples of these rights.

Aforesaid rights are form some of the major categorizations. But such categorization are not enough in the sense that right have a tendency to grow with the changing circumstances of the society. Certain rights, like the right to development, the right to know and the right to self-determination are of recent origin.

Several governments, however, as well as the news media and other agencies, have come to use the term 'human rights' in very narrow sense, referring only to Civil and Political Rights set out in United Nations Declarations. As a result the term 'human rights' is often broadly misused to mean only Civil and Political rights and to exclude from consideration as a matter of rights, fundamental issues like the right to food, health, education and social security.

The Vienna Declaration, issued after a Conference on Human Rights, 14 June 1993, in which representatives of 171 countries and hundreds of non-governmental organizations participated, unambiguously affirmed that all human rights are universal, indivisible, interdependent and inter related. It has also been affirmed that democracy is the sole guarantor of individual rights-civil, political, economic, social, cultural and collective rights within states and within community of states.⁶

III. THREE GENERATION OF HUMAN RIGHTS

Though Human rights are indivisible, but they are also inseparable from the major aspirations of time. It is therefore vital to foster constantly an awareness of the

links uniting human rights, development, peace, disarmament and many other issues. This broad vision ties in with the thinking of those who call for and urge the formulation of "Three generation" human rights.

These are-

1. The first generation of human rights are those which originated in Europe and American in the 18th Century. These rights emerged from the American revolution (1776) and French revolution (1789). They were aimed at securing the citizen's liberty from arbitrary action by the state. These rights correspond by the large to the civil and political rights in the International Bill of Rights such as the right to individual freedom, freedom of speech, thought and faith, the right to own property and so on. These rights were meant to impose 'negative obligation on governments to desist from interfering with the exercise of individual liberties. These rights were among the major concerns of all liberal and democratic movements since the nineteenth century.

2. The second generation of human rights emerged in the 19th century out of the political and economic struggles of the emergent working class and included political and economic demands like the right to participate in the exercise of political power, the rights to universal adult franchise; the right to fixed hours of work, the right to minimum wages, the right to form unions and so on. These rights were conceptualized and legalized in the West in course of a series of agitation and struggles corresponding to the various stages of economic growth under a capitalist system. These rights are also said to be "security-oriented" as it provides for social, economic and cultural security. These rights-social, economic and cultural are more positive in nature, that they make it the duty of the state to ensure that these rights are realized. The Universal Declaration of Human Rights reflects the consensus on the principles which form the basis of the first and second generation rights.

3. The third generation of human rights emerged in the twentieth century through the socio-political turmoil of the two World Wars. These rights are a response to the phenomenon of global interdependence. These rights are of relatively recent origin. They have evolved in response to various new concerns over which international consensus has emerged in recent years. These include environmental, cultural and developmental rights. They are concerned with the rights of groups and peoples rather than of individuals and include such rights as the right of self-determination and the right to development. The Declaration on the Right to development adopted by the UN General Assembly in 1986 is the most important example of these rights.

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