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HUMAN RIGHTS AND CONTEMPORARY SOCIETY: UNDERSTANDING THEIR SYMBIOTIC RELATIONSHIP

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ABSTRACT

Contemporary society which we look at as modern society is inconceivable without adherence to the principle and practice of human rights. Those societies which do not respect and practice human rights receive international criticism and condemnation and lose image in the comity of nations. They are not modern, even though they exist in the contemporary era. Human rights and contemporary society (or in other words, modern society) share a very close relationship. This is not to suggest that human rights violations do not take place in modern societies. In fact, they do and they have institutional mechanisms to deal with them but what is argued and highlighted in this paper is that without a basic belief and faith in the principle and practice of human rights, modern societies cannot claim to be modern.

KEY WORDS : *Human rights, modernity, human rights violation, crime against women.*

INTRODUCTION

Human rights are rights of human beings by virtue of being members of human society. Collective existence will be impossible without recognition of, and respect for, certain basic and fundamental rights, which belong equally to all members of the human family. These rights are integral to human existence. Without these rights, human beings cannot live as human beings. Such is the importance of these rights. As it is often stated, human rights were born with mankind. Human society has evolved over a period of time, so have human rights- from first and second generation rights to third generation rights. In the contemporary scenario, in the globalized context, human rights have acquired new dimensions and become more relevant. So, in such a backdrop, it is important to grasp and analyse sociologically the salience of human rights in human life in the contemporary society.

APPROACH

In this paper, it is argued that human rights constitute the foundation on which human society, especially the contemporary human society, should and must be based. It is an imperative and not a choice. Only then can it claim to be modern and humane. Morphological structures or use of modern technology will not make a society modern. Modernity is, more than anything else, a relational concept: how we look at other fellow human beings and treat them. Sometimes the state may be modern and may believe in human rights; and sometimes a particular society may be yearning for rights or may be living without any rights because the state has no regards for the rights of its citizens. So the paper will try to analyse the practices and the extant situations in the contemporary society (with a primary focus on Indian society) and find out whether they are anchored to the principles of human rights.

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CONCEPTUAL CLARITY
Human Rights

Human beings are entitled to certain basic and 'natural' rights that define a meaningful existence (these rights are human rights). Equal dignity of all persons is the central tenet of human rights. These rights have been designated to be universal in application, inalienable in exercise and inherent to all persons (SAHRDC, 2007: 1; bracket is added). Leah Levin very explicitly simplifies the meaning of human rights. According to her, human beings are born equal in dignity and rights. These are moral claims which are inalienable and inherent in all human individuals by virtue of their humanity alone. These claims are articulated and formulated in what we today call human rights, and have been translated into legal rights, established according to the law-creating processes of societies, both national and international (Levin, 1998: 3).

Human Rights: A Brief Evolutionary Sketch

The term 'human rights' was for the first time used by Henry David Thoreau in 1848-49 in his essay "Civil Disobedience." Prior to it, the expression "rights of man" was in use. From natural rights, derived from natural law, through rights of man to human rights, there has been a long history to the discourse of rights, but, human rights as we know today became a globally important discourse in 1945 with the establishment of the United Nations and subsequently since 1948 when the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR) on 10th December. According to Upendra Baxi, much of the Christian twentieth century, and especially its later half, will undoubtedly be recalled as an Age of Human Rights, as no preceding century in human history has been privileged to witness such a profusion of human rights enunciations on a global scale (Baxi, 2002: 1). This was because the Second World War witnessed gross human rights violations and led to the formation of the United Nations with two objectives: the first object was to prevent war in future; and the second object was to protect and promote human rights (Tarkunde, 2000: 4). The Secretary General of the United Nations, in his inaugural remarks at the 1993 Vienna Conference on Human Rights, stated that human rights constitute a 'common language of humanity' (Baxi, 2002: 1).

Society with/without Human Rights

When modernity started in the 16th/17th century with the ascendency of science, certain ideals and value framework of modernity started gaining ground. These ideals and value framework provided the impetus for the emergence of a human rights discourse in the course of time. So, the choice before the societies of the time was to recognize the human rights-based aspirations of their people or to ignore them. And this ambivalent approach continued till the establishment of the United Nations and continues even now. So, the division seems to be between societies which recognize human rights of its citizens and those that do not believe in human rights. Those societies which recognize human rights of its citizens are modern societies, but modernity with its emancipatory potential is not without contradictions and paradoxes. According to Anthony Giddens, "Modernity, as everyone living in the closing years of the twentieth century can see, is a double-edged phenomenon. The development of modern social institutions and their worldwide spread have created vastly greater opportunities for human beings to enjoy a secure and rewarding existence than any type of pre-modern system. But modernity also has a somber side, which has become very apparent in the present century" (Giddens 1990: 7). He further argues, "In the wake of the rise of fascism, the Holocaust, Stalinism, and other episodes of twentieth century history, we can see that totalitarian possibilities are contained within the institutional parameters of modernity rather than being foreclosed by them" (Ibid.: 8). Similarly, as he continues to argue, "Not just the threat of nuclear confrontation, but the actuality of military conflict, form a basic part of the "dark side" of modernity in the current century. The twentieth century is the century of war, with the number of serious military engagements involving substantial loss of life being considerably higher than in either of the two preceding

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centuries. In the present century (20th century) thus far, over 100 million people have been killed in wars, a higher proportion of the world's population than in the nineteenth century, even allowing for overall population increase. Should even a limited nuclear engagement be fought, the loss of life would be staggering, and a full superpower conflict might eradicate humanity altogether" (Ibid.: 9-10; bracket is added).

Despite these contradictions inherent in modernity, it is still an era (starting from the end of 19th century till now) that is conscious of human rights, notwithstanding gross human rights violations seen all around.

Modern Society: Not without Human Rights Violations

When we look around we see contemporary societies are full of human rights violations. Such violations are derived from multiple sources: war (internal and external), terrorism, racism, caste, gender, disability, migration, poverty, state excess, regionalism, nationality, ideology, religion, etc. Thus, many contemporary societies which are committed to human rights values also witness the violation of the human rights of their societies. Therefore, what is important is not only the belief in the ethos and principles of human rights but also their practice in everyday life and in case of violations, the institutional mechanism for ensuring human rights justice. Let us see the case of India which reflects the gap between formal pledge to uphold human rights and the reality of everyday life.

The Case of India

Indian society through the Constitution, judiciary and various other quasi-judicial organs along with a plethora of legislations shows its commitment to provide, safeguard and promote human rights, but despite these institutional mechanisms, what we see day in and day out is flagrant violations of human rights in the society at large. Crime against women that includes rape, eve-teasing, murder, sexual abuse, sexual harassment at work place, domestic violence, women trafficking, sexual exploitation, acid attack, dowry deaths, forced prostitution, female foeticide (sex-selective abortion), forced marriage, honour killing, etc.; caste-based discrimination and crime against Dalits; child abuse, child trafficking, child labour, etc.; crime against tribes and minorities to name a few reflect how the society at large openly flouts the formal commitment the state has made. While the state claims to be modern, the society does not reflect the values compatible with modernity or human rights praxis. Even sometimes the state itself becomes the violator of human rights as is reflected in the cases of development-induced displacement of tribals and others (Tehri dam, for example), state excesses through Armed Forces Special Power Act (AFSPA) or anti-Naxal operations at Maoist infested areas, etc. This brings us to the question: what the contemporary societies which claim to be modern need to do in order to be recognized as modern in the real sense of the term?

Modern Society: The Normative Requisite

As argued earlier, modernity is not to be seen only in terms of morphological structures or technological advancement. It certainly includes all those things, but it is more than those aspects, notwithstanding its own dark side. It needs to be seen as a relational/behavioural concept: how we treat our fellow beings. This is where human rights discourse and praxis provides modernity the scope to realize its emancipatory and libertarian ethos, notwithstanding the fact that modernity engendered human rights ethos in the first place. It is apparent in many cases that such societies only exhibit the superficial aspects of modernity and hence we may make an argument that modernity without human rights foundation will lose its credibility as a period/stage of progress, growth, possibilities, opportunities and emancipation. Treating the other with dignity, respect and as a co-equal will make the contemporary societies truly modern.

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CONCLUDING REMARKS

To conclude it may be averred that in the contemporary era, if any society thinks and believes that it will deprive its citizens of human rights and still get away with its head held high, then it is making a serious mistake, because this era is the era of human rights and such a country is living in a different era. Of course, we must not be oblivious to the political economy behind the human rights discourse at the global level, but this issue requires a separate discussion altogether. We can only argue that a truly modern society has to be based on the cardinal principles and values of human rights not only at the institutional level but also at the practice level of everyday life so that a truly humane society is engendered that will spread love, respect, happiness, peace, fraternity, harmony and tolerance.

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