

Human rights give an identity of a full-fledged human being



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1. You specialize in human rights studies. How do you define human rights? How crucial are human rights in shaping an individual's identity?

Rights are nothing but claims against the State or government or individual persons. In other words, human rights are those conditions of life that allow us to develop and use our human qualities of intelligence and conscience and to satisfy our spiritual needs. We cannot develop our personality in their absence. They are fundamental to our nature; without them we cannot live as human beings. They aim to secure for individuals the necessary conditions for leading a minimally good life. The concept of human rights is closely connected with the protection of individuals from the exercise of State, government, or authority in certain areas of their lives; it is also directed toward the creation of social conditions by the State in which individuals are to develop their fullest potential. They are considered absolutely essential for the survival, existence, and personality development of a human being. To deny human beings their rights is to set the stage for political and social unrest, wars, hostility between nations and between groups within a nation—and that denial leads to urgent demands for a better life in larger freedom. Human rights, far from being an abstract subject for philosophers, political scientists, and lawyers, affect the daily lives of everyone—man, woman, and child. Thus, in sum, it can be said that human rights give an identity of a full-fledged human being.

The Universal Declaration of Human Rights, adopted by the United Nations on 10 December 1948, has provided the catalogue/substance of rights. It provides the following civil-political and social, economic, and cultural rights:

Articles 3-21 deal with civil and political rights such as right to life, liberty, and security of person; the right to freedom from slavery and servitude; the right to freedom from torture and cruel, inhumane, or degrading treatment or punishment; the right to recognition as a person before the law; the right to equal protection of the law; the right to an effective judicial remedy for violations of human rights; the right to freedom from arbitrary arrest, detention or exile; the right to a fair trial and a public hearing by an independent and impartial tribunal; the right to be presumed innocent until proved guilty; the right to freedom from arbitrary interference with privacy, family, home, or

correspondence; the right to freedom of movement and residence; the right to seek asylum; the right to a nationality; the right to marry and to found a family; the right to own property; freedom of thought, conscience, and religion; freedom of opinion and expression; the right of peaceful assembly and association; the right to take part in government; and, equal access to public service.

Articles 22-28 of the Universal Declaration deal with the economic, social, and cultural rights such as right to social security, the right to work and to form and join trade unions, the right to equal pay for equal work, the right to rest and leisure, the right to education and, the right to participate in the cultural life of the community.

2. As a human rights academician, what have been your impressions of human rights practice in the Eastern and Western world based on your work experience in various parts of the world?

The Eastern and Western countries differ in many respects. The former places importance not only on human rights, but also on duties of the individuals toward other individuals, parents, and the society at large. The oriental societies also stress the group/minority rights of the marginalized. To achieve complete equality between people of different groups, some of them advocate affirmative action policies or reservation provisions for persons of backward classes as prevalent in India. The Western world prioritizes rights over duties besides giving primacy to civil-political rights over socioeconomic rights.

3. Minority and *dalit* (the oppressed) rights also have been one of your streams. In light of this, do reservations still hold value after so many years of independence vis-a-vis a merit economy?

Affirmative action/reservation is permissible in jurisprudence and international human rights law as a temporary measure to rectify historical injustice meted out to certain groups like dalits or minorities. The principle of equality has to be applied to people who are equal in fact. Unequals should be treated differently, with an objective of protective policies. Since dalits were outside the fold of power and rights for 2,000 years, how can we achieve complete equality in seventy years? Discrimination toward dalits persists even today. For example, in 1998, a judge of Allahabad high court, asked his office staff to clean his office with Ganga jal, as it was occupied earlier by a dalit judge (as if Ganga water is pure). This was criticized in Parliament, but no action was taken by the Union Government headed by Atal Bihari Vajpai.

4. Our country is diverse and unique in many ways, also when it comes to our unique challenges. What do you think is the most pressing challenge at hand presently? What should be the first steps to tackle it?

Major challenges before the nation are poverty, illiteracy, and attacks on dalits and minorities. There should be a Ministry of Human Rights. Basic income of citizens should be ensured through the social security system. Right to health should be guaranteed, which requires more spending on health. The human

development index should be enhanced by spending more money on education, health, and housing.

5. If we talk about the right to education, where both primary and higher education are highly subsidized by the government, what are the reasons for primary education system not being at par or of same quality as higher education institutions? What are the key takeaways?

The standard of education at primary or secondary levels is poor because there is corruption in recruitment (evidenced by indictment of Devi Lal and his son, who were chief minister and deputy chief minister respectively). Quality of education can be improved by recruiting meritorious candidates. Periodically teacher training program should be organized by the State to enlighten teachers on the developments of new teaching pedagogies. Monitoring of schools, accountability of teachers should be established. Poor results of the students should be linked with pay hikes of teachers. Priorities of governments to create world-class universities are wrong. The pyramid begins from the ground. If a good schooling system is in place, our higher educational institutions will automatically be listed among the top 500 universities in the world.

6. When we talk about human rights, we often pay lot of reverence to our religions. Please share your views on how human rights are seen by various religions across the globe; viz; Christianity, Hinduism, Islam and others?

The major religions in the world also talk about human rights. The Ten Commandments of Judaism and Christianity have embedded the idea of human rights in them, e.g., don't kill others, or don't steal, imply respect to right to life and right to property. Islam gave many rights to women, like consent for marriage, inheritance rights, etc. Islam introduced the concept of universal brotherhood—believing in right to equality; there was no scope for racial discrimination. It abolished church or priesthood, so that an individual worshiper can directly establish a link with God in spiritual matters. The system Zakat/charity helps reduce economic inequality among believers. It supports minority rights. Muslim states did not impose their laws on Christian and Jewish minorities in matters of marriage, divorce and inheritance (i.e., personal laws). Hinduism during the Vedic period believed in the inviolability of human life. Its religious maxim/ precepts were that there is an image of God in every living being. By killing a person, you kill the image of God. Hence the doctrine of ahimsa (nonviolence) was born: Jainism and Buddhism were offshoots of Sanatana Dharma. All religions teach us to be morally high pedestrians. But followers of these religions often misinterpret their religious doctrines to suit their political ambitions. If religion is separated from politics, there will be fewer problems in the world, and human rights conditions will improve. One should learn from history how the Roman Church was exploiting both people and the political authorities before Martin Luther challenged their illegal and nonreligious activities.