

Legal Route To Human Dignity

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Abstract: *Human Dignity is an individual or group's sense of self respect and self worth physical and psychological integrity and empowerment. It is the most important human right from which all other fundamental derive. Dignity of human is part of substance of any right protected by International Human Right law. This right has been held to be the heart of the constitution, the foundation of other laws. In Menka Ghandi Vs Union of India Supreme Court gave new dimension to article 21 and held that right to live is not merely a physical right but includes within its ambit the rights to live with human dignity. Article 21 assures the right to live with human dignity free from exploitation and State is under constitutional obligation to see that there is no violation of fundamental right of any person. The State has duty to protect the life liberty, dignity and worth of an individual. The Supreme Court in number of cases excepted that human dignity implies expressing oneself in diverse forms and acknowledges that the value and worth of all the individuals in the society and it is clearly established that the right to human dignity is a very much a part of fundamental rights under the constitution of India.*

Moral, ethical, legal and political discussions use the concept of 'human dignity' to express the idea that a being has an innate right to be valued, respected and to receive ethical treatment. In the modern context, dignity can function as an extension of the Enlightenment- era concepts of inherent, inalienable rights. The English word "dignity" attested from the early 13th century, comes from the Latin term 'dignitas' which means 'worthiness' and from the French term 'dignite'. In ordinary modern usage it denotes 'respect' and 'status'. The term 'human dignity' is however, rarely defines out right in the legal discussions. The International Proclamation have thus for left dignity undefined and many legal commentators cite it as a 'reason' but are ambiguous about its application.

We live in a world in which the idea of human dignity is everywhere invoked and everywhere contested. As a matter of constitutional practice and the basis of legal/judicial decisions, in the decades since the end of world war-II, human dignity has emerged as the organizing idea of the ground breaking paradigm in the public law. In jurisdiction around the world including India, human dignity is invoked as a right or value that imposes an overarching obligation on all public authorities, as the underlying basis of the constitutional rights, as an interpretive principal for determine the protections that particular constitutional rights afford, as a constraint on the

kind of constitutional amendments that may be lawfully enacted, and as a standard against which limitations of constitutional rights must be justified. From the point of legal practice, the significance of human dignity cannot be overstated and together these conditions create, refine and sustained legal order in which human dignity of each person forms a justiciable constraint on the exercise of all public authorities.

Human dignity can be generally defined as "an individual's/group's sense of self respect and self-worth, physical and psychological integrity and empowerment." The duty to respect and protect human dignity generally for which making any human being as a mere object of the action of a state. All other fundamental rights are derived from human dignity and thus, it can be rightly known as the most significant human right of all. Human dignity is the greatest aspect of human rights. Although the concept of human dignity plays an important role in the development of human rights, yet it does not provide an agreed content to human rights but contributes to particular methods of human rights interpretation and adjudication.

The dignity of an individual finds special mention in the Constitution of India. Furthermore, in Part III of the constitution of India, 1950, the provision of fundamental

rights protects the dignity of the individuals at large. The constitutional Courts also have emphasized dignity as a fundamental right in many cases, and have developed the decisional jurisprudence regarding human dignity. The Article 21 of the Indian Constitution is the heart and soul of our constitution. It provides for the protection of and advancement of human dignity and its scope is being widened in an ever expanding horizon, by various judicial pronouncements. The major landmark decision which led to the widening concept of Article 21 is the case of Maneka Ghandi Vs Union of India, 1 SCC 248(1978), wherein a broad interpretation was adopted. In this case a number of progressive propositions were made to make Article 21 more meaningful and Article 21 was given an expanded meaning to road the ambit of the Fundamental Rights rather than attenuate their meaning and content by a process of judicial construction. Judge Iyer remarked, "The spirit of man is at the root of article 21

Further in the case of Prem Shanker Shukla Vs Delhi Administration the Supreme Court observed that human dignity forms part of our constitutional culture. In Francis Corlie Mullin Vs Administrator, Union Territory of Delhi and Others AIR 1981 SC 746, the Supreme Court through Bhagwati J. observed that "We think that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter etc. Every act which offends against or impairs human dignity would constitute deprivation pro tanto of his right to live and it would have to be in accordance with reasonable, fair and just procedure established by law which stands the test of other fundamental rights".

In P.U.C.L. Vs Union of India the Supreme Court of India while laying down the standard of telephone wiretapping had observed that the right to privacy and to human dignity is an integral part of fundamental right to life enshrined under article 21 of the constitution and this right shall be avoidable only against the state. In the recent case of Naz foundation Vs Govt. of NCT and Others (160 Delhi Law Times 277). The Delhi High Court observes that "Its clear that the constitutional protection of dignity require us to acknowledge the value and the worth of all individual as members of our society. At the root of the dignity is the autonomy of the private will, and a person's freedom of choice and of action."

Similarly in P. Rathinam Vs Union of India AIR 1998 ALL 331, the Supreme Court of India interpreted "Life" as the right to live with human dignity and with the fulfillment of the bare and basic amenities and the same does not connote continued drudgery. It takes within its fold some of the fine graces of civilization which makes life worth living and that the expanded concept of life would mean the tradition, culture and heritage of person concern.

The case of National Legal Services Authority Vs Union of India on 15th April 2014 by a Division bench comprising Justices K. S. Radhakrishnan and Dr. A. K. Sikri, is historical decision which is a great example of recognition of right to life with dignity and also an example of unique judicial craftsmanship on part of the Apex court of the country.

Further Judgment in the NALSA case conforms to the mandate of international law and human right conventions, encouraging the law makers to incorporate the same into the

municipal of the law of the land and this Judgment also gave the meaning to the interpretation of right to life and human dignity enshrined under article 21. Also in the case of Mohini Jain Vs State of Karnataka (AIR 1992 SC 1858) the Supreme Court of India observed that the mention of "Life and personal liberty" in article 21 of Constitution automatically implies other rights too such as right to livelihood, to education, to human dignity as these are necessary for the full development of personality of an individual.

Again in Consumer Education and Research Centre and Others Vs Union of India, the Supreme Court of India moved by the human tragedy of modern industry, economic waste and health hazards on account of the occupational accidents and diseases and so it was laid down in this case that the expanded connotation of "life" would mean the cultural heritage person concern. The right to health of workers is an integral and vital facet of the meaningful right to life i.e to have not only a meaningful existence but also robust health and vigor. The Apex Court further lay down that the right to life includes the protection of the health and strength of workers as well. In Chandera Raja Kumar Vs Police Commissioner Hyderabad it was held that right to life includes right to life with human dignity and decency. So holding of beauty contest is repugnant to dignity or decency of woman and offends article 21 of constitution only if the same is grossly indecent, scurrilous, obscene or intended for blackmailing.

SUGGESTIONS AND CONCLUSIONS

Human rights are rights relating to life, liberty, equality and dignity of an individual guaranteed by the constitution and enforceable by courts of different nation including Indian Judiciary. Interpretation of human rights is a subject of great importance at any time and in any society. In India majority of people are illiterate, ignorant, poor and exploited where violation of human rights are bound to be more, but where the people are educated, advance their likely to be less pron to in human treatment and human exploitation. The suggestions are as follows;

✓ AWARENESS THROUGH HUMAN RIGHTS COMMISSION

Section 12(h) of the protection of human rights act 1993 sets before the commission the responsibility to spread human rights literacy among various sections of the society and promotes aware of the safeguard available for the protection of these rights through publication, media, seminar and other means.

✓ TRAINING AND EDUCATING ABOUT HUMAN RIGHTS

Backwardness is a handicap in the process of engaging human rights. The rights contained in the political frame work are of no use to the poor people as they are not aware of their laws, rights and cannot enjoy even the basic rights. Also they do not get the advantage of literacy and education. Education which is important for the progressive development of man's innate powers remain beyond the means of back ward people.

The right to development of every human being and nation is impossible without the recognition of the right of education. Human Right education needs to start at the primary level: in teaching the child to respect itself and the adult society to recognize the self respecting child. Teacher should be made able to create awareness in the minds of children about their rights as well as others rights to live a life of dignity and to enjoy justice.

✓ *ADULT EDUCATION*

Adult literacy and universalisation of elementary education need to be given more attention. The basic aim of adult education should be enable everyone to enjoy their own rights as well as to respect other's rights.

✓ *ROLE OF MEDIA*

Media has to be a powerful instrument to create awareness and to built pressure for positive action. For better knowledge Nation Human Right Commission may organization meeting or seminars with media person. Mass media help the ordinary people to acquire knowledge beyond their own experience.

✓ *ROLE OF NGO'S*

There has emerged a number of voluntary which have been promoting the cause of civil liberties. There is however a need to further strength such national and regional organizations which can play more effective role in the process of nation building.

Hence one could observe from the above cases that the Supreme Court accepted that human dignity implies expressing oneself in diverse forms and acknowledges the value and worth of all individuals in the society. The above mentioned cases clearly established that the right to human

dignity is very much a part of fundamental right under the constitution of India. Humans need to understand that all people, weather new borns or elderly, have value. Recognizing importance of human rights promotes the spread of empathy and protects weak from oppressors. Treating the offender with dignity is an essential value for a well functioning of correctional functional. Without dignity none of the protections of the various legal human rights mechanism can have real meaning.

“So many roads, so much at stake,
So many dead ends, I'am at the edge of the lake,
Sometimes I, wonder what it's gonna take,
To find Dignity.”

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