THE Real HUMAN RIGHTS

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S. H. NAQVI

INTRODUCTION:

The Holy Quran has used two words for man - Bashar and Insan. Every human being is Bashar but every Bashar is not Insan. Even an Uneducated and uncivilised human being falls in the category of Bashar but Insan is one who is educated, cultured and maintains certain standards and norms which endear him to other human beings. To turn Bashar into an Insan is the cherished goal of Islam. To achieve the level of Insaniyat the Bashar has to follw certain norms set by the society, the religion and the state. Islam prescribes rudimentary, simple and easily workable norms which enable all - young and old ladies and gents, black

and white, Westener and Eastener to achieve the status of Insan.

To make the Bashar an Insan, the U.N.O declared Universl Human Rights in December 1948. It was a symbol of guarantee of the freedom of human beings all over the globe. though it was not mandatory for all the states to adopt and implement its 30 articles, it was expected that all the states would implement the charter in word and spirit. In fact it was an assurance for the human beings that in future there would be no repetition of devastating wars like the two world wars. The delaration of the charter of Human Rights is certainly welcome .

However, it must be known to all and specially to the West that almost 14 hundred years back Islam had enforced a code of conduct for all the Muslims irrespective of their cultural traditions and political commitments. this declaration was prescribed by the Holy Quran and enforced by the Holy Prophet. It was agreat achievement of the implementation of Islamic Rights that it bestowed upon ladies and gents, slaves and free men, black and white, the rulers and the rulled egual rights so that may achieve the status of Insan. However, there is a need and an urgent one, to piece together all the Islamic Rights in a coherent form to make them appear contemporary. One has to be bold enough to defend the penalties like stoning whipping and amputation however barbaric they may appear to one who does not care to go deep into the psychology of the criminals.

GRADUAL DEVELOPMENT OF HUMAN RIGHTS;

The Italian humanist, petranch was the first to talk of human rights. This proved to be one of the major steps for the French Revolution and resulted in the adoption of 17 clauses by the France's National Assembly in August 1789. The renowned Magna Carta of England had already given impetus to the clamour for acknowledgement and recognition of human rights by all the states - monarchical, democratic and socialist alike. France was the first state to be benefitted.

There was univeral condemnation of war due to huge destruction and autocratic regimes which had trampled over the freedom of man. To pacify the suffering humanity, the U.N.O. adopted the universal Human Rights with apious hope to restore to the people their natural rights.

It called upon all the nations to adopt and implement it.

The 'pious hope' has remained 'plous' so far because still there are black spots the world over Vietnam, Bangladesh, Afghanstan, Iraq,Iran, Lebanon, Palestine, Nicaragu, South Africa, Chechanya, to quote only a few where tens of thousands of people have been killed for petty political aspirations. The Super powers, which were responsible for framing and declaring the Human Rights, have themselves played condemnable role repeatedly.

CRITICAL ANALYSIS OF HUMAN RIGHTS:

All the framers of charters, constitutions and commissions including those behind the universal Human Rights have tried to keep in view the aspirations, expectations, ideologies and beliefs of the people but they inadvartently or out of enthusiasm for the western view failed to incorporate the Islamic view of Rights.

THe circumstances leading to the Declaration of Universal Human Rights and the government playing major role behind the curtain, failed to take into consideration the spiritual aspect of human life. They tilted towrds political, economic and social needs of the people so much so that they not only ignored the contribution of Islam but even of christanity and Judaism.

No talk of Rights seems relevant without reference to complementary and corresponding duties. Incedently in this charter there is no refrence to duties of the people, the nation and the governments. This has resulted in its defiance by the dictators, army rulers and belligernt nations.

When we talk of Human Rithts, do we or should we also consider the rights of the child in the womb? why not? It is coming to the world and has a right to flourish in times to com. The chrter is silent on this issue too.

The mechnism for the enforcement of Human Right is most ineffective rather absent. THe defying states have flouted the provisions and even the Amnesty International has failed to restore to the people the Rights provided in the chartet.

Rewpect for the territorial bounderies of the countries is most needed guarantee from the worle body. Every day we find reports of terrorism wherein alleged terrorists cross over to the land of the neigbouring country and indulge in activities which result in loss of human lives and porperties. Hijacking of planes, throwing of bombs, killings of innocent people including heads of states and governments is the common occurance. The Right to life is thus wilfully ignored and no remedy seems imminent.

THE ISLAMIC RIGHTS:

The Islamic Rights are the most effective solution to the strife - torn contemporary world.

These Rights become operative from the time the child is conceived till his birth, his -entire life and even when he is dead. Right are given by Allah Alimigtg and are ir revokable.

No government, hosoever strong it may be, can withdraw These Rights. They come automatically to one who embraces Islam and remain with him in this world and even in the Hereafter, say from Mahad to Lahad.

The Rights of the children from the conception to education and marriage are enforceable as the Shriah has detailed provisions for bloodmoney even against abortion.

Right to life, property, reputation and chastity has been defined and stringent punishments have been provided if some one flouts them.

The Holy prophet preached the divine princeples for human cultuer which included the principles of Natural Rights.

The Holy Quran preached a number of principles which result in eradication of injystics, poverty, racial and gender bias, slavery, tyranny and similar social discriminations and ills.

Islamic Rights are bestowed even upon enemies and foriegners who try to sabotage the efforts of the lawful governments. Even the criminals are to be shown required sympathy and benevolent treatment till the penality is pronouced.

CODIFICATION OF ISLAMIC RIGHTS:

The superiority of Islamic Rights has been acknowledged not only by muslims and believers but by many political thinkers and philosophers all over the world. Some of the provisions have been incorporated, though in modified pharaseology and without acknowledgment, in criminal, civil and social laws of non - Muslim countries.

We have rather failed in our efforts to educate the present day legislators, thinkers, philosophers and rulers in respect of the Islamic Rights and their efficacy. The Islamic Rights are scattered and not embodied in legal terms and terminologies.

The West has wilfully down - played the contribution of Islam and even tried to contain its

philosophy to the Islamic world. They are apprehensive of the popularity and expansion of Islam even today and wish to ignore it to the best of their ability and take direct and indirect tactial steps to isolate the Muslim World.

There is, therefore, urgent need to codify the Islamic Rights as enunciated by the Holy Quran, the Hadiths of the Holy prophet and the Infallible Imams and their practices.

THE PROCEDURE OF CODIFHCATION:

There are five schools of thoughts among the Muslims - The Hanafi, The Shafai, the Maliki, the Hanabli and the Jafari. They all differ on certain issues including the interpretations of the diction of Holy Quran and the Hadith. But the binding force is that they all believe in ond Allah, one prophet and one book - the Holy Quran.

Efforts can be must be made to assemble the exponents of all the schools of thoughts with the aim of codifying the Islamic Rights which may be acceptable to all shades of thought.

The second step should be to invite Muslim legal exprts to prepare a charter of Rights as agread upon by the congragation of experts of various schools of thoughts.

The third and the final step should be to invite the heads of Islamic governments or their representativees to evaluate the charter as prepared by the Muslim legal experts. As soon as a unanimity is arrived at, the Islamic Rights may be adopted by the Muslim countries.

Later on the concurrence of U.N.O. may also be sought.

The only apprehension to such a declatation is that then there can be charters of christian Rights, Jewish Rights, Buddhist Rights, Hindu Rights, Paris Rights, Sikh Rights, and a host of other rights based on religious philosophes. Yes the danger, rather the possibility is there. But what is the harm? No religion can plead for terrorism of gender discrimination or the like.

There will, ultimately be a declaration of Universal Human Rights which will certainly be universal and which will be the out come of best minds of the world feel let down and ignored today.

Let there be a beginning. Let the organisers of this International conference throw a stone

in the stagnant water and watch the ripples. It will be a welcome step.