

**WORLD CONSTITUTION AND FUTURE OF HUMAN RIGHTS**

**Mansing Dhondiram Bisure**

Vidya Pratishthan's Vasantrya Pawar Law College, Baramati Pune.

**ABSTRACT**

Proposed Earth Constitution plays vital role towards the protection of basic human rights in the modern Era irrespective of territorial boundaries. Human rights are highest paramount rights of human beings which ensures right to life and liberty and without which we cannot live. World Constitution ensures to human beings to develop their personality, talent, and dignity. As per the preamble of the World Constitution we all the people irrespective of citizenship are the source of proposed constitution. That means political sovereignty vested with “we the people of world...”. Article 12 of the Earth Constitution gives some fundamental rights to the people of the world. The concept of World Constitution develops the humanity among between the people of the world. It also ensures that Justice, Equity, Fraternity to the people on the earth.

**INTRODUCTION**

Since the 17th century, if not earlier, human thought has turned to the theory that man has some necessary, fundamental, natural and inalienable right or liberty, and that it is the function of the state to preserve human liberty, develop human personality, and that right and liberty Recognizing them led to an effective social and democratic life to allow free play.

The basic idea and some basic human rights is to take them beyond the reach of the fleeting political majority. It is therefore imperative that these rights be established in such a way that they will not be violated, tampered with or interfered with by an oppressive government.. With this end in view, some written constitutions guaranteed a few rights to the peoples and forbid governmental organs from interfering with the same.

Human rights are to be known as natural rights which means it is vested with human being by birth. These are intangible and inalienable, it cannot be taken away at any cost irrespective of any cast, sex, race, religion, and place of birth as well as the citizenship of any territory. That’s why there is need of world constitution in order to safeguard some certain natural rights.

## CONCEPT OF WORLD CONSTITUTION

World constitution is a proposed document for whole of the world irrespective of Religion, Sex, Cast, Race, Place of birth and territory. It is the law of the land for whole earth which ensures to protect the minimum certain natural rights. It is a source to establish a political government which controls to the states from oppressing as well as interfering in human rights or so-called fundamental rights of the individuals.

Furthermore. World constitution guarantees *“Conscious that Humanity is One despite the existence of diverse nations, races, creeds, ideologies and cultures and that the principle of unity in diversity is the basis for a new age when war shall be outlawed and peace prevail; when the earth's total resources shall be equitably used for human welfare; and when basic human rights and responsibilities shall be shared by all without discrimination”*<sup>1</sup>

The preamble of the world constitution in order to ensure that, *“Conscious of our obligation to posterity to save Humanity from imminent and total annihilation; Conscious of the inescapable reality that the greatest hope for the survival of life on earth is the establishment of a democratic world government.”*<sup>2</sup> It also realizes that, Humanity today is at a critical juncture in its history and we are on the threshold of a new world order that promises to usher in an era of peace, prosperity, justice and harmony.

## CONCEPT AND EVOLUTION OF HUMAN RIGHTS

The concept of human rights can be traced to the natural law philosophers, such as Locke and Rousseau. The natural law philosophers philosophized over such inherent human rights and sought to preserve these rights by propounding the theory of “social contract”.<sup>3</sup>

According to Locke, *“man is born with a title to perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the law of nature”* and he has by nature a power *“to preserve his property i.e., his life, liberty and estate, against the injuries and attempt of other men.”*<sup>4</sup>

The declaration of the French revolution, 1789 which may be regarded as a concrete political statement on human rights and which was inspired by the Lockian philosophy declared: *‘The aim of all political association is the conservation of the natural and inalienable rights of man’*

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<sup>1</sup> Preamble of the Earth Constitution

<sup>2</sup> ibid

<sup>3</sup> Lloyd, Introduction to jurisprudence, 117-123, 159(1985).

<sup>4</sup> Extract from, Locke, ‘Two treaties of government’

The concept of human rights protects individuals from state extremism. Human rights represent an effort to protect individuals from oppression and injustice. In modern times, it is universally accepted that the right to liberty is a fundamental principle of a free society and should always be protected. The idea of guaranteeing certain rights is to ensure that a person has at least guaranteed freedom.

## **FUTURE OF HUMAN RIGHTS**

In modern times, the concept of fundamental human rights has been given a more concrete and universal texture if human rights were enforced by the UNO<sup>5</sup> and the European Convention on Human Rights. The preamble to the UDHR declares: The recognition of the innate dignity and equal inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. The concept of fundamental rights thus represents a trend in the modern thinking. The enforcement of the human rights is the matter of major significance to modern constitutional jurisprudence. The incorporation of human rights so called fundamental rights as enforceable rights in the modern constitutional documents as well as the internationally recognized charter of human right emanate from the doctrine of natural law and natural rights.

Further in, 2000, the United Nations Millennium Declaration adopted by the general assembly while retreating the universal respect for human rights, proclaimed that “we rededicate ourselves to supports or efforts to uphold the respect for human rights and fundamental freedoms, respect for the equal rights of all without distinction to Race, Sex, Language<sup>6</sup> .

Equally encouraging is another development, that is, the growing international awareness that has heightened the sense of urgency to promote and project the human rights in every country. Human rights are universal and apply to all persons without discrimination and respect for individual rights need to be upheld at all times, irrespective of circumstance or political systems as stressed time and again by the United Nations<sup>7</sup>. These view of human rights makes them timeless and universal. However, the right of any particular individual or group in certain circumstances can be subjected to certain restrictions.

Article 12 of the World Constitution deals with the Bill of rights for the citizens of earth. The heading of Art. 12 of the world constitution explores that this constitution guarantees to the citizens of earth. This is a new era with respect to the human rights. First time this proposed document expressly mentioned the concept of citizens of earth. Art.12 in order to ensure that

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<sup>5</sup> Council of Europe adopted the European convention for the protection of human rights and fundamental freedoms on Nov, 4 1950.

<sup>6</sup> United Nations, “United Nations Millennium Declaration”, Millennium Summit, New York 6-8 Sept, 2000.

<sup>7</sup> United Nations, “Huma Right’s and Social Work”, Professional training series No.1, Centre for Human Rights, Geneva, 1994, P.4.

the inhabitants of earth who are within the earth federation have certain inalienable rights. It will be binding on the world parliaments, the world executive and all organs and agencies of world government to respect, enforce and enforce these rights, as well as the national governments of all the member nations of the world federation. Individuals or groups who violate or disregard such rights will receive full assistance through the Global Ombudsman, the Enforcement Agency, and the International Court of Justice to resolve their grievances.<sup>8</sup>

**Right to Equality:** Equal rights of all the citizens of the earth and it also includes equal protection and equal applications of world laws.

**Freedom of Speech and Expression:** Each and every citizen of the earth has right to freedom of speech and expression included thought and conscience, press, writing, communication, expression, publication, broadcasting, telecasting, and cinema, except as an overt part of or incitement to violence, armed riot or insurrection.

**Freedom of assembly and association:** Every citizen of the earth has right to form a peaceful assembly association and organization.

**Freedom to Vote:** It ensures to every citizen have a freedom to vote without duress and freedom for political organization.

**Freedom for Research and Investigation:** Everyone have a right to freedom for investigate, research and Reporting.

**Freedom of Religion:** Everyone has the right to freedom of religion, conscience and propagate their religion;

**Prohibition against Slavery:** The Constitution of the Earth guarantees a ban on slavery, peonage, involuntary slavery and labor recruitment.

**Right to go abroad:** Freedom to travel without passport or visas or other forms of registration used to limit travel between, among or within nations.

**Prohibition against torture:** Earth Constitution ensures that, Prohibition of physical or mental pressure or torture during any period of investigation, arrest, detention or imprisonment and cruel or unusual punishment.

**Right to Family Planning:** Right to family planning and free public assistance to achieve family planning objectives.

**Right to Privacy:** Right of privacy of person, family and association; prohibition against surveillance as a means of political control.

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<sup>8</sup> Article 12 of Earth Constitution

Right to Safety of Property of property: Safety of property from arbitrary seizure; protection against exercise of the power of eminent domain without reasonable compensation

Right of Habeas Corpus: To ensure the judicial remedies against illegal arrest or detention.

Rights of Accused Person: No ex-post-facto laws; no double jeopardy; right to refuse self-incrimination or the incrimination of another.

Along with aforementioned Human Rights earth constitutions guarantees third generation rights which is to be known as collective Rights.

### **CONCLUSION**

Human rights are inherent in our nature and without it we cannot live as human beings. They allow us to fully develop and use our human qualities, our intelligence, our talents and our discretion and to meet our spiritual and other human needs. They are based on the growing demands of human life in which human dignity will be respected and protected. The proposed constitution fulfills these demands of all the inhabitants of the earth through their administrative system. The constitution of the earth will be a milestone for development. It is a question of protection of innate human rights.