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“Declaration of Human Rights and our Constitution”

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Universal Declaration of Human Rights is "Magna Carta of Man Kind". About 55 years ago the United Nation General Assembly adopted it. It was not intended to impose legal obligations on Member States rather to establish a universal formula for recognizing Human Rights of the Human being. That the operative part of the declaration is as follows:

"It was proclaimed this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction."

There are 30 Articles in the Universal Declaration of Human Rights, 1948, such as: Equality in dignity and rights; Non-discriminatory application of right; Right to life-liberty and security; Prohibition on slavery; Prohibition on torture and degrading treatment; Right to recognition as a person before the law:

Equality before the law; Remedies against violations of rights; Prohibition on arbitrary arrest; Right to a fair trial; Presumption of innocence and protection against retroactivity of criminal law; Prohibition on interference with privacy: Freedom of movement; Right to asylum; Right to a nationality; Right to marry and to form a family; Right to own property; Freedom of thought, conscience and religion:

Freedom of opinion and expression; Freedom of assembly and association; Right to participate in Government: Right to social security: Right to work, equal pay for equal work; Right to rest and leisure:

Right to an adequate standard of living; Right to education; Right to participate in cultural life; Right to a proper social order, Duties to society; Prohibition on destruction of rights of others.

After the independence of our country, it was provided in our Constitution by affirming that "it shall be a Fundamental aim of the state to realize through the democratic process a society in which the Rule of Law, Fundamental Human Rights and Freedom, Equality and Justice, Political, Economic and Social rights will be secured for all citizens"

Equality, Human Dignity and Social Justice, are the cornerstone of the Constitution of Bangladesh which is reflected in Proclamation of Independence as well as in the Preamble of our Constitution.

In Chapter III of the Bangladesh Constitution Bill of Rights has been introduced as Fundamental Rights. Rights enshrined in this Chapter include equality of all irrespective of religion, race, caste, sex or place of birth; equal protection of law: private life and personal liberty, non-discrimination in all matters including opportunity in public employment; safeguards as to arrest and detention; protection in respect to trial and punishment under retroactive law; freedom of movement and assembly; freedom of thought, conscience and speech; freedom of profession or occupation; freedom of religion and right to property etc.

The second significant point to be mentioned is that the High Court Division under Article 44 may enforce any of the Fundamental Rights guaranteed under the Constitution under the jurisdiction conferred by Article 102 of our Constitution.

Rights of human being are of many kinds, namely; his personal rights, legal rights, economical rights. social rights, political rights. All these rights are defined in different ways. Rights of different kinds as stated above relate to mankind and its civilization. Jurists, intellectuals and writers of the world have been making efforts through their writings and adopting all other means to protect our rights.

A man is born free. However, after his birth he has to establish or assert his own rights for his survival. This survival of human being against all odds of nature has led human being to make efforts to protect their human rights.

Although such rights are inherent rights of a human being, yet why there is crying in the whole world to protect human rights? If a man wants to protect his own right, why he will forget to protect the same for others. If everybody understands in the similar way, then it appears that such a cry to protect human rights would not have arisen in the world-society. Throughout the world some groups are crying to protect their own rights but at the same time they are taking away other's right for their own interest. Everybody will have the same and similar rights, because all human being are born with equal right to live in this world.

In Bangladesh, as a matter of urgency, now we need to take the following actions to strengthen the mechanism for enforcement of human rights:

- (1) to secure complete independence of the judiciary by ensuring its total separation from the executive.
- (2) to establish an independent Human Rights Commission to promote human rights, to monitor progress and to implement effective enforcement mechanism of human rights.
- (3) to review and reform the existing domestic law to bring them with conformity with standards contained in international human rights instruments.
- (4) to encourage lawyers and human rights activists to enforce the human rights through the court of law in order to make the existing procedure for enforcement of human rights or fundamental rights contained in the Constitution. Legal professional need to be more proactive by bringing necessary steps in the form of litigation, specially Public Interest Litigation (PIL).

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