

RIGHT TO LIFE AND SOCIAL LIMITATIONS CONCERNING HUMAN RIGHTS

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ABSTRACT

Life is what we get only once. Throughout life, we have the people around us which we call a society. The right to life is a right that cannot be separated from a person on any basis. The present article focuses on the different ways of getting the rights and society's views on the right to life and human rights. Social limitations are an essential part of society but it doesn't mean just imposing limitations and giving no scope of freedom and enjoying rights. Every group has its views on the various topics or matters, and issues of the society. Limitations for one group are freedom for others and it includes a variety of thoughts and the principle of morality. This article has covered various things that are in support and opposition to the right to life. This article has covered dominance, discrimination, amalgamation of old and new thinking, and positive and negative impacts of the limitations on one's life and society. The article has also covered the various treaties, organizations, NGOs, and their role and the role of binding nature of law and its impacts on redundant thoughts of society or a group of society, traditions, cultures, and morality. The article has tried to cover up the idea of taking action and doing something rather than just talking about things. The article focuses on amalgamating old and new thinking rather than sticking to just one kind of thinking and has carried out the simplified meaning of life, freedom, liberty, and rights.

Keywords: Rights, Life, Freedom, Society, Discrimination, Development, Security.

INTRODUCTION

"Well done is better than well said"

-Benjamin Franklin¹

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¹ Benjamin Franklin, 'Well done is better than well said' (BrainyQuote, 20 June 2024)

<https://www.brainyquote.com/quotes/benjamin_franklin_103731>, accessed 20 June 2024

We all are parts of society as a base, a pillar of it. To stand, society needs to have a strong base, and the pillars it has are people, rights, laws, culture, and traditions. All these pillars are to develop the society and not to hold it back.

Society needs both freedom and limitations to perform its functions in a better way. Only having one out of two will create a mess, and chaos in the society. Freedom is a right and having it doesn't mean the absolute ownership of it. Freedom never means arbitrariness. Depriving one from getting his rights means one is using his freedom as arbitrariness.

Every person is free in this world with some limitations that one imposes on others by society. Life and its meaning vary from person to person. The right to life too has many shades the word 'life' alone is made up of various aspects and things. It includes a variety of things from food to freedom and growing by various means and in various fields.

Though we all are humans and have many things in common, there are still groups among us created on various bases like age, gender, profession, religion, culture, and so on. It is said that man is a social animal and it's true. We cannot live without society and sometimes society makes one feel like they do not live anymore. It simply means that the unnecessary impositions by one person or a group on another are a thing that emerges from the different ways of thinking and the environment.

Over time things, beliefs, and humans change but, it doesn't happen in a day or two; it takes several years of hard work, fights, dedication, sacrifices, and so on. The things we want, need, and demand are not easily accessible; it has to go through fights, sacrifice, hard work, and even rebellion. It can be seen through the battles and revolutions in history like the War of Independence, the French Revolution, and so on.

Change is the nature of nature and society. Nothing seems to be changing day by day but pretty soon, everything changes. There are still people and various groups that are deprived of basic needs or rights under the right to life. We claim that this is the 21st Century and we have come so far well it cannot be completely denied but at the same time, it cannot be completely accepted unless the last person gets all the rights. Only then, we can claim our development and how far we have come. Sticking to old things that are holding someone or any group back is an insult to human rights and the right to life. From time to time we must accept the things that should adapt to the changing nature of society.

HISTORY AND DEVELOPMENT OF SOCIETY

The actual history and development of society has its roots back to prehistory but as per the available records and information, it is believed that the first human-like beings emerged about two million years ago. The primitive human beings were nomads but later on, nomads started to adopt and understand various things and move forward in making various tools, and agriculture and they also formed various groups which later took place as villages. This development has its stages from the Stone Age to the Iron Age and beyond. The beginning of community life can be called the beginning or first phase of society, its norms, and the emergence of cultures and traditions.

The inventions and the developments of society are on one side and the other side consists of the people, their lives, and rules for the society. Ups and downs are part of the change and many times in history, several things have changed to date, they are changing but there are many things that we still follow to date but know no logic behind them; just following them blindly either as a tradition or as a fact that these things work only in this manner and nothing else. These things are male dominance and their supremacy over the matters of society and family and the binding nature of their decision on the family or other matters.

As society developed, some roles were allotted to everyone based on gender, caste, and so on. Slowly this turned into practice and some rules were formed which even today work as a frame of the laws and norms of the society for one. The point of focusing on practice and the nature of society is only that why do we need to discriminate against someone based on unnecessary reasons? Discrimination and dominance are not only limited to men and women but also involve the rich-poor, educated-illiterate, religion, and even area or territory or country. Sometimes discrimination and dominance in a society take place based on someone's image in the society. The dominance and discrimination followed largely which sometimes can amount to negative things like it can cause depression to someone or can lead one to take any serious step and one even becomes so uncontrollable that the person becomes a criminal. The victim of dominance in many cases when unable to bear the abuse often tends to end their lives. The largely affected group of any dominance is children. They are vulnerable and the dominance can have a deep impact on them, mostly the psychological one.²

² Indian Bar Association, 'Domestic Violence – Male Dominance in a Mute Society' (Indian Bar Association, 20 June 2024) <<https://www.indianbarassociation.org/domestic-violence-male-dominance-in-a-mute->

There are several laws like the Protection of Women from Domestic Violence Act, of 2005³ (India), the European Convention on Preventing and Combating Violence against Women and Girls⁴, the Universal Declaration of Human Rights, and many more but laws cannot help us unless we reach out to them. But many of the victims of violence are so blind that they cannot even step out of the house so it's very hard for them to reach out to the authorities to seek help. This does not only keep them apart from their right to life but also does not make them even live their life.

Many victims of dominance, either in a depression or in a lack of will to survive through all this, lose their lives but some of the victims stand and fight for their rights. But on the other hand, some victims tend to become criminals to take revenge. Taking revenge is a psychological nature with many aspects emerging from a sense of justice, emotions, self-esteem, and many similar things.

The development of human rights and the right to life and its access differs from country to country and even culture to culture. Many of the first world countries are quite free and relaxed in the matters of rights but many of the countries, which are either strict or tilted to culture seem to have less eye on the matters of rights like India and some of the Asian countries excluding Nepal, Taiwan and Thailand are the one which are still not allowing the LGBT marriages. This is one of the most recent matters or can be called as foremost part of the law, society, and old and new thinking.

Social limitations have their history in the culture as well as in migration. People migrate from one place to another for various reasons and with them, they carry their own culture and thoughts which impacts the society they have migrated even in the indigenous society there also impacts the thinking patterns and the way of thinking of migrated people. This migration does not only work in exchange of thoughts but it also makes one either form new things or get access to new things or thinking and its adaptation just like the environment.

[society/#:~:text=They%20don't%20feel%20safe,have%20a%20deep%20psychological%20effect>](#), accessed 20 June 2024

³ Protection of Women from Domestic Violence Act 2005, India Code

<https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf>, accessed 22 June 2024

⁴ Council of Europe, 'Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence' <<https://www.coe.int/en/web/gender-matters/council-of-europe-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence#:~:text=The%20Convention%20aims%20to%20protect,in%20order%20to%20adopt%20an>>, accessed 22 June 2024

The spark of any thought and its demand can be so strong and fast that it reaches the people and the entire world within no time. Law is flexible and amendments are a need of law and that is what makes the framers of the law and the government make some changes in law according to the needs, demands, and changing nature of rights of the society.

All these rights and demands seem to be on the board or table only in the developed or developing or we can say that only in the first and second world countries but there are some countries which are poor and people there struggle to get food at one time. These poor or underdeveloped people have nothing to do with the burning issues of the world like war, flood, or LGBT marriages; what they focus on is getting food, health, and good living with all the very basic needs that a person needs throughout life. Limitations are imposed when one or society steps out of the frame of rules and laws but countries that are not getting food to eat and do not have basic needs are a limitation on the people of such countries who are by all these reasons deprived of their right to life. Having the right to life and getting access to it doesn't mean going to the Supreme Court or reaching out to the government for various demands, but it means having access and availability of all the basic needs. Well, the responsible factors for the lack of basic facilities are climate crisis, economic ups and downs, clashes, and more, like the occupied countries like Mali, Sudan, and Haiti which are occupied by Palestine, and the other areas of the world occupied by other countries at the lowest in having food and other basic facilities.⁵

AMALGAMATION OF OLD AND NEW THINKING

We cannot only stick to one thought or the same way of thinking. We need to change as per its vital role in society and our lives. Over time things and their pattern of following gets changed and something new arises from it.

The amalgamation of new and old thinking works better together and becomes compatible with the contemporary world. A thought is an idea and thinking is a choice.⁶ But thinking as a choice tends to involve more in the pattern of society and some customs and traditions. Thinking is

⁵ Action Against Hunger, 'The Hungriest Countries in the World' (Action Against Hunger, 7 June 2024) <<https://www.actionagainsthunger.org.uk/our-impact/stories/the-hungriest-countries-in-the-world>>, accessed 20 June 2024

⁶ Richard Paterson, 'Thoughts and Thinking' (Think Less and Grow Rich, 20 June 2024) <<https://www.thinklessandgrowrich.com/thoughts-and-thinking/#:~:text=The%20main%20difference%20is%20that,commentary%2C%20%E2%80%9CThis%20is%20bad>>, accessed 20 June 2024

something that you can choose to engage in or not and many people either choose to go with old thinking or some choose to go with new thinking and amalgamation of these two. This can be seen through the support of elders in live-in relationships and their finding a live-in partner in their 60s or late 60s. As per the one survey conducted in Pune, Maharashtra, about 70% of seniors were open to the idea of a live-in-partner. But on the same thing, many of their children opposed the idea.⁷ The Same happens with youngsters who belong to the LGBT Community and due to the stigma, and fear of parents and society, they do not come out of the closet and if come they go through uncountable challenges and issues. Society supports straight marriages where the husband treats his wife like a thing and gives no value to her, beats her, and keeps torturing her but society does not support the couple which belongs to the LGBT community and respects each other.

All these things are rights but there needs to be some limitations just to not let the chaos arise in society and to maintain law and order. In a recent judgment by the Madras High Court in the case of *P. Jaychandran vs A Yesuranthinam and Ors (Appeal Suit No. 340 of 2016)*, the Court stated that an extramarital relationship between a married man and another woman cannot be termed as 'live-in-relationship'.⁸

Society runs in the right direction and in a better way when it follows the mixed nature of thoughts or thinking rather than sticking to one pattern or stereotype. Every culture is rich but the over-domination of any group or person leads one to blame or hate the entire culture, customs, or traditions.

Limitations imposed today will not be suitable or will not belong to the limitations anymore in the future. Freedom, rights, and limitations always change their nature over time, and following the same for years and years creates a mess. That's why it needs to have a strong flexible nature without altering or causing harm to the basic principles like morality and humanity. Principles are also set as per the time they too can be changed if it feels necessary.

The 21st century and the age of modernity and science and technology are just for us because though we live on the planet, still many tribes are isolated and have no contact with the outside

⁷ The Wire Staff, 'How Elderly Citizens in India are Finding Love' (The Wire, 14 February 2023) <<https://thewire.in/society/how-elderly-citizens-in-india-are-finding-love>>, accessed 20 June 2024.

⁸ Law Trend, 'If One Partner is Married, Cannot Be Termed as "Live-in": Madras High Court' (Law Trend, 19 June 2024) <<https://lawtrend.in/if-one-partner-is-married-cannot-be-termed-as-live-in-madras-high-court/>>, accessed 20 June 2024.

world except their area. The Sentinelese are believed to be the most isolated tribe on the Earth which lives only on the islands of Great Nicobar.⁹ Such isolated people or tribes are not only found in the Andaman and Nicobar Islands but in many other parts of the world. Such groups or tribes are like Mashco Piro awa who belong to the Amazon rainforest. Korowai from the rainforests of Papua in Indonesia, Yanomami from Amazon and Venezuela, Jarawa from the Andaman Islands, Ayoree from Paraguay and Bolivia, etc.¹⁰

All these tribes and groups are so different from our world and still live the way they used to live hundreds of years ago.

DEVELOPMENT OF COUNTRY AND WAY OF THINKING

The developed country in the eyes of today's world is a country that has many missiles, nuclear power, a strong defense system, and an army. America, Russia, China, and North Korea are such countries considered developed and have a very strong base and defense system and mechanisms. This is a development and investment of any country for its people but just focusing on having a strong army will not be the sole reason to get and have access to the right to life. Countries mentioned here like China, Russia, and North Korea have strong defense systems. They might be at the top in such things but at the same time, they have lower rank in the freedom index. Many of the surveys on freedom and happiness have shared a report on the rank of such countries in the freedom and happiness index. Other countries like Sudan, Syria, Iran, Iraq, and so on also share the same page of lower freedom index.¹¹

The reasons behind having low happiness and freedom rates can be the type of government, discrimination due to culture, and dominance over one group by another. These reasons have their roots and emergence in the way of thinking and stereotypes that do not let other people enjoy their right to life. Limitations too gave their limitations. A foot of limitations stepping out of the frame of limitations becomes the sole reason for depriving one of his rights and becomes the reason for further consequences.

⁹ Survival International, 'Sentinelese' (Survival International, 20 June 2024)

<<https://survivalinternational.org/tribes/sentinelese>>, accessed 20 June 2024

¹⁰ India Today, '8 Tribes with No Contact with the Outside World' (India Today, 19 October 2023)

<<https://www.indiatoday.in/visualstories/education/8-tribes-with-no-contact-with-the-outside-world-70898-19-10-2023>>, accessed 20 June 2024

¹¹ World Population Review, 'Freedom Index by Country' (World Population Review, 2024)

<<https://worldpopulationreview.com/country-rankings/freedom-index-by-country>>, accessed 20 June 2024

The Universal Declaration of Human Rights (UDHR) is a declaration of human rights that treats all people equally and gives or declares the rights to all as human beings. Article 1 of the UDHR says that "All human beings are born free and equal in dignity and rights". This Article alone says that we have the rights from our birth and no one can deny them to us unless it is a matter of law.¹²

The same has been mentioned in Article 21 of the Indian Constitution, "No person shall be deprived of his life and personal liberty except according to the procedure established by law. Footnote 11 means that a person can have all the rights under the right to life but if it causes trouble to others or society or enters into arbitrariness then the state has the right to capture the person and curtail his liberty but cannot deprive him of other rights unless the Court declares him as guilty for any severe offense and gives capital punishment."¹³

The development of a country and its way of thinking depends on the environment of the country, like what type of thinking, people, culture, and traditions we have been surrounded by. Our choices decide our future and sticking to the same way or pattern of thinking will lead to us nothing. If denying to accept the change will continue then we will always be at the same place, point as we are today. Discussing more such things shifts our focus from the main things or matters of society like basic needs, infrastructure, and so on.

Laws do not only need the sanction from the government or the public or society; they need to be sanctioned and accepted by both otherwise they will have no value and will not benefit the people for whom it is or has emerged. Government and society work hand in hand one cannot run the entire nation and society otherwise it will be a monopoly of either people or government on society.

The thinking cannot be changed completely but we can try to think about particular things in a different way which will lead us to stand in a better and firm way. Things never work the same; the direction is what makes the difference in the results.

¹² UN, 'Universal Declaration of Human Rights' (UN, 1948) <<https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=Article%201,in%20a%20spirit%20of%20brotherhood>>, accessed 20 June 2024

¹³ Lawctopus, 'Article 21 of the Constitution of India: Right to Life and Personal Liberty' (Lawctopus, 23 January 2024) <<https://www.lawctopus.com/academike/article-21-of-the-constitution-of-india-right-to-life-and-personal-liberty/>>, accessed 20 June 2024

All over the world, it is easily said that women are not safe and they should stay at home very often but the main thing is ignored. Why are women not safe nowadays? From a two-year-old girl to a fifty-year-old lady is not even secure. The way of thinking of society regarding a particular group is getting worse. The word 'Security' many times, gives the waves of insecurity instead of the feeling of security and no threat or fear. The question is where does society move? On one side India is getting developed and getting recognition on the international platform but on the other hand, the offences like rape on dead bodies from Karnataka, India makes one silent and unable to utter a single word.¹⁴

It takes years to change things; nothing changes in a day but there comes a day when everything changes and we, as a society of good, and morality and as humans, have to keep on things and work in a manner to make a change and make our world beautiful.

EMERGENCE OF RIGHT TO LIFE

A person gets right with the birth. With the changing nature of society and its development, the right to life started to get more attention and importance as well. This right not only gives us the right to live life but also protects us from all the odds one has to face throughout life. This includes torture, harassment, violence of any kind, and other things.

Human rights are the rights we get based on being human which we get by birth and the right to life is a right we get based on being a person and which is guaranteed and protected under the Constitution of many countries including India.

The Constitution of any country is the supreme law there and it is the legally binding document. The constitution is for its people. When the society was far behind the idea of a constitution; the general rules made by the leader of a village used to be considered true, legal, and binding but still it had a low scope of equality if compared with all the groups of society. With the idea of state and constitution, we get the permanent protection of the right to life and other rights included in it.

¹⁴ Indian Express Web Desk, 'What is Necrophilia and is it an Offence in India?' (22 June 2023) *The Indian Express* <<https://indianexpress.com/article/explained/explained-law/what-is-necrophilia-and-is-it-an-offence-in-india-8644222/>>, accessed 22 June 2024

The right to life is not the same all over the world. As per the state, religion, culture, and history there, the right to life and human rights seem to have a different image, stands, and values. The type of government and the way it works also makes a big difference in this kind of situation.

LIFE BEFORE AND AFTER THE CONSTITUTION

With the framing of the constitution, many things have been taken care of from the last person to the state and internal as well as external affairs, sovereignty, and many more.

After the independence from colonial rule, many of the countries adopted their constitution which taught more about their people and their well-being. Life before the constitution was just a life without having any rights and duties either towards the King or the colonial government. People at that time were going through several issues and life and rights were just considered as any other thing than a valuable asset. The life of one used to be treated as a thing by a person like he owns that person and has all the rights of ownership over that person like slavery.

The entry of UDHR and the constitution changed the pattern of behavior of a person or a group over others' rights and duties. The constitution and the UDHR gave recognition to people, their rights, duties, and their lives as a valuable asset and as a life.

The UDHR and constitution of various countries with the provision of rights also established a body or a separate department for the promotion and protection of all these rights. The Human Rights Commission is one of the best examples of this statement. It exists on both national and international levels. Many other organizations like the United Nations and NGOs like Amnesty International also work in this regard by arranging events or by organizing campaigns and fights for human rights throughout the world.

All these legal bodies and organizations have established security in one's mind that the rights are protected and there is a remedy available in case of any violation of these rights or if someone prevents one from getting the rights.

The social limitations in the case of UDHR and the constitution have less value as they cannot be forcefully applied to one. Limitations are given by the law itself not to discriminate or dominate but to protect everyone equally with equity, liberty, and dignity.

Life of social limitations with the emergence of laws and their binding nature has been changed and itself get limited but the lives of people have grown and developed which every state and

its citizens dream of. Though the Constitution plays a significant role in society and country, some of the strict provisions still need amendments from time to time to protect the core, stand, and base principle of humanity and of the Constitution itself.

In the case of life before and after the constitution the main thing of great notice is the legally binding nature of the laws and the judgments on that particular state and its people. The mandatory authority in the U.S. shows the binding nature of decisions. As per this authority, All courts, federal and state, are bound by the decisions of the U.S. Supreme Court on U.S. Constitutional and other issues of federal law.¹⁵

GENERATION GAP AND TURNING POINT OF CHANGE

The generation gap specifically mentions the parents and children in the frame of society. Parents have many life experiences and children have life experiences the common thing in both groups is a decision and the way they think about particular things either because of their environment or of the period they belong to. Children have to try new things whereas on the other hand, the parents have to protect them and this is what becomes the point of the clash between the two. Parents have seen a different life which is not completely similar to the life of their kids. Both the kids and parents are true and right at their level but the kids have an entire life to explore and try things.

The turning point of the generation gap is the thinking and way of thinking of both groups. It is hard for children to completely listen to and do as per the way their parents ask them to and the same happens with the parents when children ask them for a particular thing.

The lives of parents were different thirty or forty years ago than the lives of their kids today. The difference between their point of view and way of thinking makes one group either agree with them or go in opposition.

The generation gap makes a big difference but the acceptance and adaptation of new things with the amalgamation of old and new thinking can help to make a good change. Parents think more through the way of social limitations rather than thinking through the eyes of the right to life and human rights. The thing needed here is a better analysis of things through various

¹⁵ UCLA School of Law, 'Mandatory Authority' (n.d.)

<https://libguides.law.ucla.edu/c.php?g=686105&p=5160745#:~:text=Mandatory%20Authority&text=All%20courts%2C%20federal%20and%20state,previously%20issued%20within%20that%20circuit>. accessed 22 June 2024

aspects and understanding between the kids and parents. Kids and parents need each other's support, understanding, and lessons of knowledge and experience to go in the right direction in life looking forward with hope and excitement.

LIMITATIONS AND EQUALITY

The graph of limitations changes according to age, gender, and many other things. The thing or concept of life equality sometimes gets buried into the corner and the limitations grow there. Many of the limitations of society emerge from domination and discrimination.

Limitations should be equal and fair. Their flexible nature buries the rights of any one group in society. This we can see through the concept of justice or the concept of speedy trial. Since the occurrence of any crime to the decision takes place the period between this is different for the victim, accused, society, and the law. Like victim has to face many things as torture, harassment, and insult, and the victim goes through mental pressure during this time while the accused either runs or gets behind bars but the family of the accused goes through societal pressure. Society here gets on its alert mode and waits for either the judgment or waits for the new laws. On the other side, the law gets to do justice, not to keep any loopholes in the law and also thinks for the amendments.

Society always sees and interprets as per its understanding and sees what it wants to see but ignores what actually matters or exists there. In the crowd of limitations, rights, and freedom should not lose their existence. The true beauty of society lies in the freedom, rights, and dignity within the frame of the law.

DISCRIMINATION AND FEAR OF LOSING THE AUTHORITY

The authority has two angles in the eyes of people: it is either respected or tolerated. A good example of it is democratic and non-democratic countries. The power is the center and having it all the time triggers one to dominate others. If the discriminated or dominated group tries to rise, people in authority like those who have power in the house or society dominate the other group and do not let them rise.

The male-dominated society has given men the authority by which they rule women and tries hard to keep the power in their hands by any means. They are many times afraid of losing their

authority and power in the family and society. The same happens with rich and poor, government and public, and in such master-servant relationships.

There is a long list of important matters which are neglected and they need to be solved. Only playing between rights and limitations has no scope in the future. Working together and focusing on the important matters of the country and society will help.

CONCLUSION

Over time things change and we need to accept those for our betterment and look forward to being in a better condition in the future. If we are unable to adapt to the environment around us then we either change the environment or adapt to it. But we are not always able to adapt to the environment. Adaptation doesn't always work. No matter how many days you keep the cactus in yellow light; it will never grow unless you keep it in the Sunlight. Putting a cactus in yellow light doesn't mean you are giving it a right to life. It needs to be outside in the Sunlight only then it will grow. Same works with the people and their right to life and human rights. If they will not get the rights they will not be able to live their life by any means.

There is a Japanese proverb, The Japanese say you have three faces. The first face, you show to the world. The second face, you show to your close friends and your family. The third face, you never show anyone as per this proverb it is said that a man has three faces the one he shows to society, the second one to his family and friends, and the third one is only he knows and that is his real face.¹⁶ The same principle applies to the society and limitations it imposes on one. The flexible nature of the society should be pure and not the selfish one.

¹⁶ Reddit, 'Japanese Three Faces Proverb Possible Inspiration?' (n.d.) <https://www.reddit.com/r/LinkinPark/comments/13hvj6i/japanese_three_faces_proverb_possible_inspiration/?rdt=38451#:~:text=The%20Japanese%20say%20you%20have,face%2C%20you%20never%20show%20anyone>, accessed 22 June 2024