

CHAPTER-3

EFFECT OF NOVEL CORONAVIRUS: THE CHALLENGES FOR SURVIVAL OF HUMAN RIGHTS

DR. RUCHI RANI SINGH

Assistant Professor,
Department of Law,
Dr. Harisingh Gour Vishwavidyalaya
(A Central University), Sagar (M.P.)

MR. NYAYVERDHAN SINGH

Pursuing LL.M (HRDE) (BHU),
Advocate, Lucknow, (U.P.)

HUMAN RIGHTS AND JURISPRUDENCE

"Human Rights" are the rights which are possessed by a person for being born as a Human Being. But in real sense, there exists no ideal definition to explain Human Rights. According to Jerome J. Shestack, "Rights is a chameleon-like term that can describe a variety of legal relationships. Sometimes right is used in its strict sense of the right holder being entitled to something with correlative duty in another. Sometimes "right" is used to indicate immunity from having a legal status altered. Sometimes it indicated a privilege to do something. Sometimes it refers to a power to create a legal relationship".¹

'Human Rights' are the outcome of efforts of the United Nations. The term 'Human Rights', for the first time, came into existence before the world through the Universal Declaration of Human Rights (in short UDHR). Prior to the Universal Declaration

of Human Rights, the rights are mainly studied as Natural rights and even to that as Natural law whereas the study of socio-economic rights is the innovation of UDHR. However, the study of "rights" (whether Human rights or Natural Rights) run through a long history of efforts by the intellectual individuals of different era. The most emphasized portion of history responsible for the evolution of rights of the individual, in a society, begins from the Greeks and Roman Empire. Professor Edgar Bodenheimer explains, the Greek empire, in the words, "if we start our survey of the evolution of legal philosophy with an account of the legal theory of Greeks rather than that of some other nation, it is because the gift of philosophical penetration of natural and social phenomena was possessed to an unusual degree by the intellectual leaders of ancient Greece."² The Greek tragic writer 'Sophocles' tried to explain the concept of individual rights under natural law, the rights that the characters in Sophocles' play claims to exist, in the state of Nature, through the play called Antigone. Professor Bodenheimer explains about Antigone that "King Creon forbade the burial of Polyneikes, brother of Antigone, because he had offended against the laws of the state. Antigone, convinced that her action would expose her to certain death, heroically defies this command and buried her brother in accordance with the prescribed rites of the Greek religion. When the king called her to account, she pleaded that in burying her brother she had broken Creon's law, but not the unwritten law."³ Another most important empire which contributed to the development of law, some of which are being used even in modern era, especially in the field of human rights or Natural rights, is the Roman Empire. Cicero, Roman philosopher, is influenced by the stoic school of philosophy. Cicero regards as the "most foolish notion of all" the belief that everything was just which was found in the customs or laws of nations.⁴ Would this be true, he asked, even if these laws had been enacted by tyrants? Could for instance a law be