

Principles Of Humanity & Social Solidarity: Indian Perspective

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Abstract

Humanity is a revolutionary & hypothetical concept and base of human rights. Right is a beauty, ability, quality, liability, power as well as the dignity of the individual itself. Without humanity cannot successfully the goal of human rights. Humanity is the mother of all freedom, respect, equality, and fraternity; it is the commitment of a strong civilized society. Rule of Law, access to justice have also encapsulated the concept of humanity. It is not new concepts that are already prevailing initially from the society. Every moment of the country depends on humanity; if humanity is escaped from society definitely, peace and security already would be missing out. It is realized the value of power, security, peace, the value of life, economic values, equalitarian values, ethical values, educational values, and skill labour, environmental values, etc. during the Coronavirus pandemic. Humanity is a strong weapon, tool, and technique itself and helped to resolve all unrespectable phenomenon's in society. Human right is a pillar of liberal and constitutional democracy. International communities are also connected through the humanity & Human Rights principles to each other. It is the backbone of all relationships from individual to individual, society to the individual, state to state, and state to the international community. This paper focused on the essence of humanity, the need of exploring humanity and social solidarity as well as how connected and managed the legal system through it. Social solidarity theory focused on internal awareness of individual and increased ethics, the value of life, and promotion of duty, etc. the method of research study is descriptive and analytical through the legal document. The conclusion of the research study social solidarity & humanity is dynamic concepts and inherent in the rule of law and the concept of justice.

Key Words: International Convention, Rule of Law, Theory of Value, Constitutional Ethics, Social solidarity, Humanity.

INTRODUCTION

The Principle of Human Rights is a dynamic humanistic struggle for dignity, the human rights agenda, and the core ingredients of a solution to many problems of the world. The theory for inquiry about human rights (Myres S. McDougal, 1969) is played a greater role in considering humanitarian law in every country. The humanitarian law has provided a limitation of government and protection of defenseless individuals in the country. The international humanitarian law is a guide for the global to incorporate and understand the principle of rule of law. Martin Ewald is rightly said Rule of law is today an international hurrah term, i.e. joy and approved term on the lips of every development agency, offered as a support for economic growth, democracy, human rights, and much else (Martin Ewald John Krygier, 2010). Thus rule of law is a process, too & techniques to check humanity in society. Corona world is asking a lot of questions to human society like what natural rules or crises are examined humanity of society? What is Humanity and human right both similar things? What humanity is the backbone of law? Without humanity, a civilized society cannot be sustained? What Lack of humanity and violation of human rights is brought the Corona crisis? The corona crisis once again demanded to considered humanity & the theory of human rights. It is governed by all democratic countries like the United State of America, the UK as well as Canada. Europeanisation has accepted the humanities tool to make sense of phenomena in CEE which involve domestic policy processes in the context of international relations it is also promoted balances of power (Heather Grabbe, 2002) in the society.

HUMANITY IS THE BACKBONE OF DEMOCRACY

The establishment of a good democracy does not a simple and easy task for any country. India is a pluralistic society and many types of religion and community as well as ideology moving and prevailing which is produced and intimated a lot of the problems and inequalities in the society. For this reason, the question of humanity is becoming more important for discussion on the national and international levels. Jeremy Bentham has believed healthy international relations are increased the greatest happiness between the counties. Law ought to be also rooted theory of humanity and conserved to the protection of human rights. International law ought to be the leading principle of the greatest happiness principle (Bowring, XI).

Lon Fuller who has an American philosopher is clearly said the law has internal morality like a generalization, public welfare, non-retroactive, comprehensive, cleared, implementation, administered, etc. (Fuller, 1978). Rawls suggested that to achieve a just or fair society, decision-makers should operate from the original position of equality behind a so-called veil of ignorance, where they have no idea of their circumstances, to promote a just society (Micheal Anthony, Lawrence, 2016). Earl Warren who has an eminent justice of the US Supreme Court supported John Rawls's view and given numerous landmark judgments in the areas of freedom of speech and expression & religion and voting rights it is a very crucial part of humanity as well as protection and positivity of human rights. In this context, John Rawls's concept of Justice is Superior to the utilitarianism principle because the utilitarian theory was more promoted to the greatest happiness of the greatest public at large (Micheal Anthony, Lawrence 2016). They have supported the only

utility of things not considered fairness which depends on humanity. Justice as fairness is a combination of two unique principles-

- Equal basic liberty
- Fair equality of opportunity and different principles

In the Indian context, equal basic liberty means freedom of speech and expression (Art., 19), freedom of religion (Arts. 25-28), right to life and personal liberty (Art., 21), etc. Indian constitution is protector and promoter of this liberty, but some liberty is not absolute it is subject to reasonable restriction under mentioned Article 19(2) to Article 19(6) as well as Article 25 of the Constitution. Notably, John Stuart Mill has supported the liberty of a person but also given the principle of Harm, which indicated the restriction of liberty of the person. It is a decided limitation of liberty and connected theory of humanity because humanity is formulated self-restriction as well as promotes security to others.

Fair equality of opportunity and difference principle is incorporated International Covenant on Social Economic and Culture, 1996 right under mentioned known as the second generation of human rights. It is included wealth, income, opportunity; labour is distributed on the ground of fair equality of opportunity. Article 14 to Article 17 of the Indian Constitution is a prominent provision to protect from inequality deal by any institution, organization, and industry. Indian judiciary has played a wonderful role in the establishment of the humanitarian aspect of society.

Our Indian Constitution is respected international conventions their ideals and promises and tries to incorporate and enforcing in the country. International humanitarian law (ICRC, 2004) is not only concerned with limits arm conflict and individuals besides all hostilities activities which are against the social solidarity in the society. It is also concerned with the United Nations charter which is promised to bring peace and security, a collaboration between nations, and promote civilization, and the welfare of the public at large. The main agenda of the international humanitarian law to prevent fighting and warfare is concerned with armed conflict. It is also banned more use of weapons i.e. chemicals & biological weapons which are dangerous for human health and the growth of nations. Red Cross organization is the main branch of these types of law. It is called help, defense, and respect for other countries. It is also played a greater role in the protection of basic rights known as human rights. Geneva Convention has appealed to all states to make a law in their sphere for the implementation of international humanitarian law and fulfill the concept of social solidarity between the States.

THEORY OF HUMANITY & SOCIAL SOLIDARITY

Humanity is incorporated many essential points to the basis of law and policymaking in the society i.e. protection of human rights stated in the context to save humanity. Various theories of humanity are said the primary object of law and state is the maintaining of security, social justice, equality, fraternity in society. It is the origination and rethinking of humanity on the national & international level. The principle of humanities is discussed in the following manner.

1. Natural Law Theory

Under Natural law theory, humanity is the creation of God and the method of discovering perfect law (Dias, 2014). The main thinkers of the natural law theory are Scotus, Thomas Aquinas, Plato, Aristotle, Kant, Hume, Stammler, John Rowls, and John Finnis, etc. According to this theory, social schemes that contravene basic values and practical reasonableness are unjust. Moral obligation to obey laws directed to achieving the common good. Here the moral obligation and common good term is the seed of humanity.

2. Utilitarian Theory of Humanity

The utilitarian theory is also talked about humanity as a utility of the development of society. According to Jeremy Bentham, the task of laws should be to bring about the maximum happiness of each individual; it has resulted in happiness for all (Bentham, 2004). John Stuart Mill has said the greatest happiness with little person happiness is basic for justice. No doubt, if it is said the utility is humanity itself, should not be an extraordinary thing. Altruism utilitarianism has concerned to do well for others as well as being safe with the harms; it is also connected to self-sacrifices, well-being, perfection, and moral motivation (Altruism, 2020). It is needed recent epidemic crises and a very concerning part of social solidarity with humanity.

3. Functional Theory

Dean Roscoe Pound was a strong supporter of the functional school of jurisprudence and promoted the law as working as an engineer and balancing the competing interest of the society, he has founded interest theory that also has been supported by Inhering. The sociological school has incorporated the humanity principle in the way of balance between competing interests. The Jural postulated has increased the valuation of humanity in law-making. Duguit was a French jurist and propounded social solidarity theory. He was inspired by Durkheim who was given common needs and aptitudes. It is basic for mutual transactions humans to society. He also believed in and supported the division of labor (Durkheim, 1911). The social solidarity principle is talking about the interdependence of people of human society. Without following the duty it cannot achieve it. According to Duguit law is a tool and technique of social solidarity in society.

4. Responsibility Theory.

The theory of responsibility has come into existence with the welfare state. More power is demanded more liability. In the wider sense Hohfeld said rights as a power with having more responsibility. It is incorporated the humanity concept because humanity is based on fair judgment, honest administration, and the establishment of social justice. Responsibility is to generate duty and ability with leadership which is the footing of humanity and social solidarity in society.

5. Realistic Theory

The realistic theory is promoted humanity applied in a real manner in society. The judges have played a greater role to spread the concept of humanity like access to justice for weaker sections

and venerable groups, protection of children & women's rights, etc. It is a very significant part of fulfilling the five ideals of the constitution of India. The realistic theory has imposed responsibility on the court to implement the humanity principle in society.

6. The Value Theory

The value theory is a very significant essence of moral, social, feminist, religious, and political philosophy. It is concerned with what is good and bad and promoted just and fair processes and principles. Humanity and social solidarity principles are to some extent good and fair, right and wrong which means the value of activities of government & people as well as individuals. In *M. Nagaraj v. Union of India* (2007) the Chief Justice K.G. Balakrishnan has adopted value theory to justify the secularism principle incorporated by the Indian Constitution. It is a very magnitude and leading case regarding social justice as well as equality. Justice without equality cannot survive and humanity and social solidarity cannot bring justice and freedom. Therefore, the result of the analyses above theory the concept of humanity, and the benefit of principles are the cornerstone of every rule & regulation which is promoting justice of general people.

The Government of India has enacted a law concerning the Geneva Convention Act, 1960 is promoted the protection of the human rights of prisoners found during the war. In this context, Fundamental rights themselves as humanitarian law and promoted do duty. The ancient Dharma and Buddhists have also followed a prominent duty for peace and security (Rajan, 2019).

HUMANITY & SOCIAL SOLIDARITY: INDIAN CONSTITUTION

Our Indian Constitution has estimated humanitarian principles in every provision. Rule of law, democracy, respect of all people, corrective and distributive justice, the standard of life of the laborer, free & fair election, and judicial review, etc. a very excellent tools to ensure and promote the concept of humanity in society. International conventions have also discussed the importance of humanity globally. It is a basic part of peace and security. It also encourages self-determination, self- the resilience of the state and individuals. Socialism and secularism principles have also incorporated the principle of humanity in the form of respect for all religions in the county. It is an indefinite aspect of social solidarity in the Indian legal system. Basuddhav Kutumbkam's theory is the spirit of the Indian Constitution as well as universal truth in the history of humanity.

Rule of law is head of the Indian Constitution; it is a dynamic principle in the form of the right to equality. In *re Arundhati Roy* (2002), Justice R Sethi has explained a significant aspect of the rule of law. It is a basic part of governance and the footing of a civilized democratic country. Social justice is the main target of the rule of law. The establishment of social justice does not an easy task; it depends on the principle of humanity and mutual relationship in human mankind.

A lot of Government policies have also incorporated humanity principles like the social security code, 2019, Atmanirbhar Bharat, Jandhan Yojana, Bati Padho Bati Bacho, Sab ka Sath Sab ka Vikash, etc. Protection of Scheduled Caste and Scheduled Tribe is the main motto of government policies. Article 17 has declared untouchability is a crime and against humanity and well social justice. Garib Kalyan Yojana is served to all groups of people who are affected by the

corona Pandemic. Svamitva Scheme is notified by the central government a very significant for the survey of records in the rural area. It is also helpful for financial assistant according to property and better development of gram panchayat (Svamitva Scheme, 2020).

During the corona pandemic, the government of India has taken effective steps for the implementing rule of law and made grassroots schemes for the development & help of the poor, illiterate, and weaker sections. The National Backward Classes Finance and Development Corporation is played a greater role in the corona crises in improving access to Healthcare Services through Mobile Van for, Mewat, Haryana, etc. Indian Ministry has played a crucial role to protect and initiating a new policy for the protection of rights of weaker sections and bringing social solidarity to the society.

Swachhta Udyami Yojana is promoted through Swachhta Se Sampannta Ki; it is initiated by the National Scheduled Castes Finance and Development Corporation. It's promoted financial assistance to Scheduled Caste who engaged in sanitation activities. Humanity is promoting mapping in the manner of general that is concerned with human rights problems, focusing on surroundings, their human rights are violated, the relevance of advocacy, policy, and decision, etc. Schemes of government are played a crucial role in the development of the social, economic, and ethical ability of a person; it is also helped the social security of the public at large.

It is also initiated by Covid-19 Emergency Ration Relief to Poor. The project is helping the very needy person affected during a pandemic; it distributed the Ration Kit for Daily Wage-earners, street vendors, fruit vendors, rickshaw pullers, etc. in and around the office premises and poor localities or slums of Delhi is being done. Corona crisis time is indicated a need for collaboration between time, people, and government. Humanity is a changeable concept it changes according to time and circumstance. Government policy is also launched to save humanity and social solidarity in society.

CONCLUSION

The conclusion of the research study humanity is the key technique to ensure justice, peace, and security in the country. Without any doubt, humanity is the best norm and rule for dealing with and maintaining the people at large. Covid-19 has exposed without humanity human mankind cannot survive. The authors suggested that discrimination against anyone on the ground of caste, religion, birth, and place, etc. is against humanity and a barrier to social solidarity. The Indian Constitution is a bundle of ambitions i.e. welfare state, social justice, gender justice, rule of law, etc. it is not possible without acceptance of humanity and it is the mother of social solidarity. The Duguit has rightly said social solidarity is excellent rule and regulation itself, and sovereign authority is no need for peace and security. Humanity is the basis of social solidarity which is emphasizing doing duty, understanding own responsibility, and respect for others' rights. Nowadays, should be a demand for awareness about the duty of individuals, people, and Governments.

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