Human Rights Law

4th Semester

Dear Students,

Welcome to the page of Human Rights Law. If you recall, we had covered most of our mid-term topics before the lockdown. Here is the list of topics we covered during our regular sessions:

1. History and Development of Human Rights Law (Chapter One)
2. The Philosophy of Human Rights Law (Chapter One)
3. National Human Rights Law Regime: Fundamental Rights in Pakistan (Chapter 15)
4. Enforcement Mechanisms of the Fundamental Rights in Pakistan (Chapter 15)

The remaining topic is as under. Kindly read, comprehend and prepare the following topic being inclusive of your mid-term examination.

1. Principles of Policy in Pakistan (Chapter 16)

What are the general features of the Principles of Policy?

The Principles of Policy possess the following important features.

1. **Aspirational:** These are aspirational in nature. In other words, these are what we can call them – the wish-list of Pakistan. The State and People of Pakistan only wish to acquire the principles in somewhat remote future. These are general statements. In simple words, these are principles and not rights.
2. **Non-justiciable**: Principles of Policy can not be enforced through any court of law in Pakistan. As we stated before, these are aspirational lacking the enforcement or realization mechanism. We already know from our previous regular sessions that Fundamental Rights are ‘justiciable’ – subject to justice or having their enforcement mechanisms under Articles 199 and 184 of the Constitution of Pakistan. There is no such Article in the country constitution ensuring the enforcement of Principles of Policy. When something can’t be enforced through court such attribute, quality or feature is called ‘non-justiciability’.
3. **Entrenched:** The Principles of Policy are entrenched in the Constitution of Pakistan. As far as their subject matter or contents are concerned nobody can take them away.
4. **Guiding Principles:** Principles of Policy are the guiding norms and principles for all the judges, politicians, legislators, lawyers, bureaucrats and people of Pakistan.

**Overview of the Principles of Policy**

1. Promotion of Islamic Way of Life (Article 31): Pakistan will take steps to enable Muslims of Pakistan to live their lives in accordance with the concepts and teachings of Islam.
2. Promotion of Local Governments (Article 32): Pakistan will encourage local governments in all its urban and rural areas. The idea behind the local government is to devolve power from the top to the bottom. In true democratic states, local people understand the solutions to their problems better than the leaders at the top. So, Pakistan promises to empower local people to run their local governments.
3. Discouraging the Prejudices ( Article 33): Pakistan promises to discourage all types of prejudices, racism, favouritism and discriminations in all walks of life.
4. Women Participation: (Article 34): Pakistan promises that all women should be given equal opportunities to that of men to participate in all spheres of national life.
5. Marriage and Family ( Article 35): The State shall protect the marriage, the family, the mother and the child. Here Pakistan seems to follow communitarianism – school of thoughts promoting family and social life as opposed to liberal individualism supporting an individual.
6. Minority Rights (Article 36): All religious minorities will be protected in Pakistan. If you recall there are other categories of minorities such as ethnic, linguistic and minority groups on their sexual orientations.
7. Promotion of Social Justice (Article 37): Social justice is very broad including equal opportunities for all in education, employment, religion, and protecting weak against the powerful etc.
8. Well-being of the People in General ( Article 38): Equitable distribution of wealth, labour rights, ensuring the rights of the oppressed etc.
9. Participation in Armed Forces of Pakistan (Article 39)
10. Strengthening Bonds with Muslim World and Promoting International Peace (Article 40)

You are required to prepare all of the above topics for your mid-term examination.