HUMAN RIGHTS

INTERNATIONAL ORDERS & PERSPECTIVES



Editors:

Dr. Bhavesh H. Bharad Dr. Rekha Kumari R. Singh Dr. Arundhati P. Dasani © Contributors First Published 2021

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STATE AND INDIVIDUAL LIBERTY

— Ms. Prakruti N. Jain & Dr. Bhavesh H. Bharad

5.1 The changing Nature of State with Special References to the developing Countries :

States are the primary subjects of the International Law. They possess rights and duties under the International Law. State means a society of men occupying a territory, the members of which are bound together by the tie of common subjection to a government and which has capacity to enter into relations with other entities. Any entity which possesses even the smallest measure of these attribute may be termed as a State. According to Gerth and Mills (1948), "the state is a human community that successfully claims monopoly of the legitimate use of physical force within a given territory." It establishes own legislature to enact the laws, the bureaucracy to implement the governmental policies, the national security services to enforce the law and protect the state from prospective threats. The State also consists health and welfare services and education.

The role of the State is to create a healthy legislative environment enabling various departments of the state to achieve their endeavours having a high standard which can protect public interest. According to Pacem in Terris, "the role of the state is to attempt to solve all issues that may occur in a way that is both pleasing to their function as a state and to the complexity of the issue that was brought to light."

This may involve general changes in the legislative structure and changes in the moral principles and ethics of the state. However, in classical period it was believed contrarily and the role of the state was thought to be so narrow. The role of the state in modern societies or 'Human Community' is to address the issues and challenges of its people indifferent to regional, identical and cultural differences.

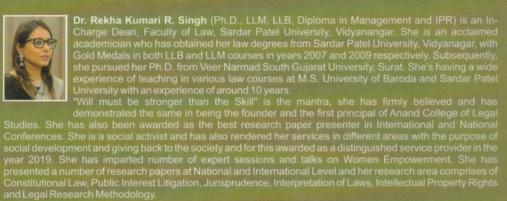
Due to strong and reliable interstate relationships, the role of the State has been changed in the global era. States were created to be sovereign but now, due to globalization the concept of sovereignty has evaporated. Globalization has changed the role of the state in many ways. Globalization is often seen to have lowered the importance of the State sovereignty. However, States have to adapt to various upcoming changes and challenges to compete and complement each other for their growth and development. There were only 60 member states in the United Nations by 1950.

Development aid was virtually non-existent except for the creation and financing of the United Nations Relief and Rehabilitation Agency and the International Refugee Organization to stabilize Europe after World War II, followed by U.S. aid to Greece and Turkey and of course the Marshall Plan. Even the World Bank, which opened its doors in 1946 as the International Bank for Reconstruction and Development, was funding post-war reconstruction, primarily through guaranteeing private investment. Only through competition with the Soviet Union throughout the 1950s did the United States, and then later Western Europe, get into the business of foreign aid. By the time the Cold War was coming to an end around 1990, global technology had advanced considerably and the era of colonialism had passed, with dozens of former colonies and protectorates gaining independence. Indeed, the United Nations grew to 159 members, with Namibia the most recent country to join following its independence from South Africa. But the 1950 global distribution of economic development remained largely consistent, with the exception of a handful of East Asian

Dr. Bhavesh H. Bharad (Ph.D., LLM, MSW & BA) is a Head of Department and Assistant Professor at Department of Human Rights and Duties, University School of Law, Gujarat University, Ahmedabad. His major research and contribution are in the field of Human Rights, Environment Protection Humanitarian Law and Refugees laws as well areas related to vulnerable groups. He has more than 25 number of publications in national and international recognized journals. He has been invited to impart expert lecture on his expertise area and also called for resource person in National Seminar.

He's also presented research papers in volumbers of Read of Studies for the purpose of filliated with page 25 and 25 and 25 areas as a filliated of Studies for the purpose of

affiliated with various Universities as a Members of Board of Studies for the purpose of contribution in academic excellence. He has not limited himself to academician but also rendering his services towards society through number of initiatives in association with NGOs. He is also a Board members of GAP Committee for the academic year 2020-21.



and Legal Research Methodology.



Dr. Arundhati P. Dasani (Ph.D., PGD in Legal Process Outsourcing, LL.M., & M.Com.) is Assistant Professor at Government Law College, Ahmedabad. She has teaching experience of 16 years, written chapters in 5 books and has presented and published papers in many National and International seminars and Conferences. She serves in renowned NGO Grand Academic Portal which works illustriously for society in its own prominent way through the strongest academia who builds next generation in distinguished manner.





