



## A PERSPECTIVE STUDY OF HUMAN RIGHTS IN INDIA

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### Abstract

*Human beings are born equal in dignity and rights. These moral claims are articulated and formulated in what is today known as human rights. Human rights are rights inherent to all human beings whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status. We are all equally entitled to our human rights without discrimination. The origin of human rights may be found both in Greek philosophy and the various world religions. In the Age of Enlightenment the concept of human rights emerged as an explicit category. Origin of the idea of human rights in India though the Rigveda Period. The term Human Rights refer to those rights are considered universal to humanity, regardless of citizenship, residency status, ethnicity, gender, or other considerations. The present topic is a burning issue and has a great significance in the world especially the developing nations like India. The experience of the last five decades in the area of human rights has become a matter of deep concern. The early history of human rights movement can be traced from 13<sup>th</sup> century. India was closely and actively participating in all these developments, Finally Government of India introduced the Human Rights Commission Bill in the Lok Sabha on 14<sup>th</sup> May 1992.*

### Keywords:

*Human Rights, National Human Rights Commission, Discrimination, Human Values, Education, Fundamental rights, Constitution*

## 1. INTRODUCTION

Human beings are born equal in dignity and rights. These moral claims are articulated and formulated in what is today known as human rights. Human Rights are commonly understood as inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being. India being a diverse country with its multicultural multiethnic and multireligious population. The phenomenon of human rights is connected not only with the protection of individuals from the excesses of state but also directed towards the creation of Social conditions by state in which individuals may develop to their fullest extent.

## 2. WHAT ARE HUMAN RIGHTS

Human rights are rights inherent to all human beings whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated



interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

### 3. HISTORICAL BACKGROUND

The origin of human rights may be found both in Greek philosophy and the various world religions. In the Age of Enlightenment the concept of human rights emerged as an explicit category. Man and women came to be seen as an Antonymous Individual, endowed by nature with certain inalienable fundamental rights that could be invoked against a government and should be safeguarded by it. Human rights were hence forth seen as elementary preconditions for an existence working of human dignity.

Origin of the idea of human rights in India though the Rigveda contemplates the bedrock of human rights in its earliest meaning, with the coming of the later Vedic Age and the society being divided on the basis of 'Varna' was Evidence of the mere mockery of the earlier concept of human rights. In medieval period Emperor Akbar took certain measures for the protection of the rights of the citizens.

### 4. DEFINITIONS

- ❖ The term Human Rights refers to those rights are considered universal to humanity, regardless of citizenship, residency status, ethnicity, gender, or other considerations.
- ❖ Human Rights refer to a wide variety of values and capabilities reflecting the diversity of human circumstances and history. They are conceived of as Universal, applying to all human beings everywhere, and as fundamental, refereeing to essential or basic human needs. Human rights have been classified historically in terms of the notion of three 'generations' of human rights.

The present topic is a burning issue and has a great significance in the world especially the developing nations like India. Our leaders have never seriously thought over the future Impact while signing the Agreement but today we are facing new challenges in various fields, difficult to digest and the condition is worsening day by day which our ancestor never expected this prevailing situation. Now we have left no other option but to face boldly the forth coming situation as our Human rights effected largely than other countries in the world.

The experience of the last five decades in the area of human rights has become a matter of deep concern. There has been massive violation of human rights. Though, the human Rights movement in India has come a long way and many Human rights centered legislations have also been enacted by the legislatures but unfortunately most of these rights exist only in the statute



books and are ignored in reality. Unless human rights are made the focal point in good governance, no progress is either possible or sustainable as no amount of economic development can be sustained without a baseline of respect for human Rights. India got its independence in the year 1947, just a year before UDHR (Universal Declaration of Human rights) was adopted. The founding fathers of Indian constitution were all aware that India's freedom struggle had taken place in the context of the demand for basic human rights but economic backwardness of the country would make it impossible to immediately satisfy all the aspirations of people. So, they adopted a pragmatic approach. They described certain rights as 'fundamental rights.' Now a days Due to the effect of liberalization, privatization and globalization, the existing system was collapsed due to flow of western thoughts and their culture adoption by our people due to free market economy and indigenous products are thrown out from the market there is a great threat for survival of our existing culture, is much difficult to restore human values and the cordial relationship within the family. Everywhere we saw the breakage of family system and other kind illicit relationship, peoples now a days becoming more dishonest and corrupt. The Un-pleasant situation we are experiencing throughout the corner and the state is unable to control the real situation on many reasons.

## 5. FACTORS LEADING TO HUMAN RIGHTS MOVEMENT

The early history of human rights movement can be traced from 13<sup>th</sup> century. Magna Carta 1215, the petition of rights 1628, Bill of Rights 1689, Virginia Declaration of Rights 1776, The American Declaration of Independence 1776, the French Declaration of Rights man and citizens 1789, and the Bill of Rights 1791, were the documents which gave human rights their initial constitutional status, most of these documents were the result of long struggles of the people After the first world war, world community started showing its concern for global mechanisms to protect Human Rights. After the formation of the league of nations first international effect was made for human rights on 25<sup>th</sup> June 1930 a conference was held on forced labour. On 10<sup>th</sup> December 1948 UN adopted the Universal Declaration of Human Rights and subsequently adopted two more covenants on 16<sup>th</sup> December 1966 and they came into force on 3<sup>rd</sup> January, 1976 and 23<sup>rd</sup> march 1976 respectively.

India was closely and actively participating in all these developments, Finally Government of India introduced the Human Rights Commission Bill in the Lok Sabha on 14<sup>th</sup> May 1992. On 28<sup>th</sup> September 1993 President of India promulgated an ordinance namely Protection of Human Rights Ordinance. This ordinance was replaced by the Protection of Human Rights Act 1993 which was passed by both the Houses of Parliament. The bill became an Act, having received the assent of the president and it was published in the Gazette of India, Extra ordinary part II, section-I, on January 10, 1994.



Human Rights must be ensured to all human beings for their prosperity and Happiness. India being a democratic country, provides such rights to its citizens. Our fundamental rights are based on these rights.

- a) Rights to freedom of speech and expression enable a person to discuss freely for public and national well-being.
- b) Rights to have judicial remedy enable a citizen to move and court if his rights are encroached upon by the Government, any person or any agency.
- c) Rights to vote freely and to take part in the government of one's country ensures political rights to a citizen.
- d) Rights to have equal pay for equal work same a citizen from economic exploitation.

In India is no less concerned about human rights. H.R Act- 1993, created NHRC with the following provisions

- a) The commission is authorized to conduct enquiry on a petition presented to it by a victim or into complaint of violation of human rights or negligence by some public servant in Prevention of such violation.
- b) The NHRC can also intervene in any proceeding involving any allegation of violation of Human Rights pending before some court with the permission of the court.
- c) The commission can visit any prison in the country to study the living conditions of its inmates and make recommendations there about.
- d) The commission can review the existing safeguards and laws protecting Human Rights and can make suggestions for effective implementation thereof.
- e) The NHRC encourages NGO's and institution and promotes research in the field of Human Rights.

It also include ending of child Labour, provision of elementary education to all and guaranteeing a certain Level of exception of all levels of society that they can live under protection of an adequate and effective legal system.

These Rights have great importance for the Indian people. They are necessary for the all-round development of a human being. It is unfortunate that violation of human rights still continues in



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most parts of the world. Ethnic cleansing and genocide can still be seen in several parts of the world. Large section of world population are deprived of basic necessities of life i.e., food shelter and Security of life right to minimum basic needs are work health care, education and shelter are denied to them.

The highest aspiration of the common man is to lead a life where he can enjoy freedom of speech, freedom of belief and have no fear of suppression. Human rights are a much used and abused term today, and is used extensively for political gain. The term used to defend human freedom as well as closing it people tend to attach importance to particular human rights issue according to ideology and political convenience. If a man is not have recourse or rebellion against tyranny and oppression, taking law in their own hands, Human rights should be built in to the society as a natural rule.

There is no denying however, that in spite of all the constitutional provisions and safeguards, there have been certain aberrations and lapses with regard to the practice of human rights in India. A healthy sign however is the free discussion about it. Our media records daily cases of abuse of authority by law enforcement authorities, custodial deaths and rapes, excessive use of force and torture by security forces, terrorist violence against innocent populace and extensive use of draconian laws of detention without trial. Education and employment are yet alien to many people. Child labour and bonded labour exist in many parts of our country. Transportation of human excreta by scavengers can be seen even today. Certain aberration and the poor record in human right enforcement may partly be attributed to the lack of will and resources on the part of the Government and partly to the specific cultural fabric and historical moorings of India. For the greater realization of human rights the attitude the normative behavior, the value system of individual and different social groups, and social psyche have to be changed. Such changes cannot be brought about over night or even in few days. India is made great efforts towards developing. Human rights after getting rid of colonial rule which had through perpetrated blatant violations of human rights of the natives.

The status of woman and depressed classes has visibly improved with respect to education employment opportunities and many other social and economic rights. The practice of untouchability, though it is get to disappear is on the wane. Mine rites and tribal groups have been given sufficient protection though aberrations have occurred. The press in India has largely enjoyed its freedom.

In view of the increasing importance of the subject it becomes necessary that the subject of human rights be recognized by educational institutions as an independent discipline of human rights may vary according to the nature and circumstances of a particular institution but generally it should include the rights of a child, rights of minorities, rights of the destitute and the disabled, right to live convention on women, trafficking of women and children of sexual exploitation etc.



## 6. HUMAN VALUES AND HUMAN RIGHTS

Human values play a significant role for the promotion and realization of human rights in any society. Values help to crystallize any legal action, and play a very important role in the development of society. Since the concept of right and its exercise and regulation contend round basing on a number of values developed from ancient to modern times, they have had a great impact in the realization, promotion and protection of human rights.

The philosophy of human rights is similar with that of the above values. Therefore values are one of the basic aspects of human rights. These values able to achieve peace, security and harmonious living community without any kind of discrimination that exist between individuals and nation states.

### 6.1. *DIGNITY*

Dignity that regulates the behavior of individuals. Dignity is a relative term with regulating nature. It prescribes the norms and ethical standards needs to be followed and adopted. It people across the world follow the ethical norm of dignity without any deviance, the realization of right would be easy.

### 6.2. *LIBERTY*

Liberty is another concept which play a vital role in the promotion of human rights. Liberty is an ancient concept Liberty means, human beings are free to regulate their relations and are able to govern their relations, behave own will. It is a responsibility or duty.

### 6.3. *EQUALITY*

Equality proposes to bring all the people in to one category, and apply the principals of law, and justice without any distinction. The aim of the UDHR's and the contributions of the various countries including India are to treat all the people on an equal footing without any kind of discrimination.

### 6.4. *JUSTICE*

Justice is an important concept which has attracted a number of fields especially law and philosophy. To achieve perfect justice it lays its emphasis on concepts of equality, Morality and ethics. Plato said "Justice being the highest values and to attain it, an individual has to be provided with all the necessary conditions to realize the right, and to discharge his duties towards society.





### 6.5. *ETHICS AND MORALS*

Ethics and morals are considered as equal concepts. Moral deal with the personal character of an individual. On the other hand, ethics lags its importance on social system, which regulates the code of conduct of a group of individuals.

### 6.6. *UNITY IN DEVISING*

Unity in divinity in general means, people of different backgrounds bearing on their socio-economical, political, cultural perspectives have to live like a simple family. This means, the different faiths and characters that people possess have to live in a compatible manner under a single legal roof governed by a state. This being the main of international law to establish a one world concept, it had given birth to human rights.

## 7. SIGNIFICANCE OF HUMAN RIGHTS EDUCATION

Education should encompass values such as peace, non-discrimination, equality, justice, non-violence, tolerance, to live in peace and security and respect for human dignity. These objectives can be achieved only through imparting human rights education, which is an integral part of right to education. Human rights education means a lifelong process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies.

## 8. OBJECTIVES OF HUMAN RIGHTS EDUCATION

- a) Human Rights Education promotes respected of human rights of all individuals.
- b) It develops the knowledge, skill and values of human rights.
- c) It develops the socio – psychological and human personality.
- d) It helps people and policy makers to evolve the way and means to overcome the problems of each nation and that of the international community.
- e) It helps to foster understanding tolerance, gender equality.
- f) It develops friendship among all nations and eliminates racial, ethnic, religious and linguistic differences.



## 9. CONCLUSION

Thus Human Rights are the basic human needs and demands. They are necessary for the all-round development of a human being. Hence it is expected that civilized state will incorporate these rights in its constitution and try to ensure that its citizens enjoy them. If everyone understand their own proper role and are allowed to function freely, being in mind the objectives for which they were established, they would be able to fulfill social expectations and hold promises for victims of human rights violations and society.

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