

A Study on Human Rights in India

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Abstract – Human rights are moral rights and they are based on ethical reasons. Human rights conceived without the fundamental right of freedom of thinking and expression which respects the dignity and uniqueness of all men and women. It was recognized that mankind cannot develop without human rights. For this reason, in the last 60 years individual human beings have progressively gained more human rights and responsibilities, and we have seen loss of human ideals and rights during and at the time of the two World wars.

Keywords – Human Rights, Indian Constitution, Fundamental Right.

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1. INTRODUCTION

Human rights are our fundamental rights and freedoms, from birth to death. Wherever you are, what you believe or how you decide to conduct your life, they apply. The rights of all people regardless of race, sex, citizenship, language, religion or other status, everyone has the right, without prejudice, to these rights.

Human rights are now penetrated both nationally and internationally. The concept has been stated to be present in national systems, although it is based on recent beginnings and has been in the international system for some 400 years. Some basic rights of the people have always been recognised as an Indian civilisation, one of the earliest civilizations. In India, the current normative protection of human rights has developed ever since the time of the struggle for independence and then later on. The present study examines the evolvement of the concept of human rights according to the Constitution, the nature and content of fundamental rights and the State Policy Directive, the distinction between human rights under the Indian Constitution, and the International Charter on Human Rights and the Constitution.

2. HUMAN RIGHTS

Human rights are primarily ethical and moral rights. Without human rights, one cannot conceive the fundamental right to the freedom of opinion and expression, which respects the dignity and individuality of everyone. It has been recognized that mankind cannot develop without human rights. This is why human rights and responsibilities have progressively grown in the past 60 years and we have seen loss of human rights and rights during and throughout the

World Wars. But many countries gained independence after the Second World War and have managed to preserve the human rights and freedoms. By inclusion into the Constitution and via appropriate law, they have legalized human rights. The meaning of human rights was explicitly laid out in the Charter of the United Nations. It states that the United Nations' Charter aims "to establish international cooperation in the resolution of international economic, social, cultural and humanitarian problems and to promote and promote respect for human rights, fundamental liberties and rights of all, regardless of race, sex, linguistic or religious circumstance." Universal Declaration on Human Rights asserts, in Article 1, which says that "Everyone is born freely and equal in dignity and rights." This declaration supports all freedoms and rights regardless of race, colour, sex, language, religiosity, political or other viewpoint, national and social context, property, birth or any other status. Judge Fatima Bevy pointed out that the concept of human rights has taken on the international dimension in recent decades, because all nations have been subject to international inspection by the international organization charging Member States with violations.

3. TYPES OF HUMAN RIGHTS

Positive and negative rights normally, there are two types of rights; both good and bad. In order to achieve good human rights the state must take active action. The right to food, jobs, education, etc. Negative human rights; for instance, refers to the freedoms that the State should not affect. Free of torture, free arbitrary detention, etc. For example, The main part of social, cultural and economic rights

is good, whereas civil and policy rights are mostly bad.

4. HUMAN RIGHTS AND INDIAN CONSTITUTION

Rights are claims which are fundamental to people's survival and growth. A lengthy list of rights will exist in this sense. With all these socially recognized rights, the State recognizes and consists of some of the most significant rights. These rights are referred to as basic rights. There are two reasons why these rights are essential. First of all, the Constitution that guarantees them is mentioning them, and secondly, they may be justified, i.e. enforced by courts. If a government enacts a legislation that limits one or two of the rights, it must be ruled illegal by courts. If it is justified, the person shall seek courts for its protection. The Indian Constitution provides certain rights in Part III. Six basic rights of Indian people are guaranteed by the Constitution: (I) the right to equal rights (II) the right to freedom (III) the right to freedom of religion (V) cultural and educational rights and (VI) the right to constitutional remedies. Initially, the Constitution included seven basic rights. In addition to the aforementioned six rights, the right to property was also established. Since it caused many issues in achieving the objective of socialism and the equal distribution of income, the 44th constitutional amendment withdrew it off the list of fundamental rights in 1978. However, its removal does not imply that we are not entitled to purchase, maintain and disposal. Citizens still have the freedom to enjoy it. Now, however, it is a law and not a fundamental right.

5. NATURE OF HUMAN RIGHTS

Human rights are considered to be 'inalienable' since none of us grants us those rights or anybody is able to take these rights away from us. Human rights are also said to be universal, interconnected and indivisible. This implies that, regardless of religion, community and caste, class, gender and age, social or economic position, they are part of everyone. Moreover, it cannot be separated from the economic, social and cultural rights to protect civil and political rights. In other words, without political freedom to participate in the process including freedom to dissent, economic and social progress cannot be accomplished.

6. DEVELOPMENT OF HUMAN RIGHTS

Human rights were established in India long ago. The fundamentals of Buddhism, Jainism, may readily be identified. The human rights provisions are included in Hindu religion books and holy writings like Gita, Vedas and Arthashastra and Dharmashastra. Muslim leaders like Akbar and Jahangir also had great appreciation for his respect for rights and justice. The people experienced a major infringement on several rights during the early British period and this contributed to the creation of contemporary Indian human rights law.

7. THE CHARACTERISTICS OF HUMAN RIGHTS

1. Human rights are demands on society made by individuals or organizations.
2. Such rights are inalienable and are granted by birth to people.
3. These rights are the fundamental minimal condition for human existence in society.
4. Universal, but not absolute, in character.
5. The State's power shall safeguard and enforce it.
6. These rights are intended to safeguard human dignity.
7. Such rights are important and indispensable to people's growth.
8. Everyone has the same and irrevocable
9. Natural rights based on natural law are these rights.
10. The dynamic and evolving character of human rights.

8. FUNDAMENTAL RIGHTS

Fundamental rights were very enthusiastically incorporated in the Indian Constitution, since the American concept of "Bill of Rights" was one of the motivating factors as the Indians struggled to liberate the English. Even under a foreign rule, Indian nationalists requested that the Indian Act of 1935 include a Bill of Rights. However, their request could not be realized, because the British people didn't like the idea of a written list of rights. You think that Parliament creates the rights. The President of the Simon Commission, Sir John Simon, rejected the notion of include in the Constitution a Bill of Rights. The British Constitution idea, he believed, indicated Parliament's sovereignty. Consequently, all rights in England begin in this House. Secondly, it is only when autocracy reigns that basic rights are necessary. But there is no need for basic rights when there is a parliamentary form of governance. Thirdly, with respect to basic rights there can be only two options; they are either legitimate or unjustified. Other British people's opinions were similar. But there was an important distinction between the British constitutional system that developed in the course of a few centuries and the not-good-system Indian system, and the fractured social structure. Finally, without reference to basic rights, the Government of India Act of 1935 was enacted.

9. FUNDAMENTAL RIGHTS IN THE INDIAN CONSTITUTION

During our fight for independence, the leaders of the freedom movement understood the significance of rights and asked the British authorities to respect human rights. Back in 1928 the Committee of Motilal Nehru requested a bill of rights. It is inevitable, then, that there were no two views on the inclusion and protection of rights in the constitution when India became independence and the constitution was being written. The constitution identified particularly protected rights and referred to them as "basic rights." The basic term indicates that certain rights are so essential, that they have been mentioned individually in the Constitution and specially protected. Fundamental rights are so essential that they are not infringed by the government by the Constitution itself. Fundamental rights are not the same as other rights we have. Although conventional legal rights are protected and enforced under ordinary law, the constitution of the nation protects and guarantees fundamental rights. Ordinary rights may be modified by the legislature via an ordinary legislative procedure, but only the modification of the Constitution itself can alter the fundamental right. In addition, no government body may behave in such a way as to contravene them. The court, as we will look at in this chapter, has the authority and the duty to safeguard basic rights against breaches by government acts. The court may deem executive and legislative acts unlawful if they infringe or unreasonably limit basic rights. Fundamental rights are nonetheless neither absolute nor limitless. Government may impose legitimate constraints on our basic rights.

10. FUNDAMENTAL RIGHTS AND HUMAN RIGHTS

One of the Indian Constitution's distinctive features is that most of human rights are called basic rights and the power to enforce basic rights itself has been established as a fundamental right. The fundamental rights of individual freedom and human rights are a major charter of the Indian Constitution. The fundamental rights of individuals provided for in Articles 14-31 of the Constitution are the rights of equality, freedom, the right to be exploited, the freedom of religion and cultural and educational rights (Desai, 1986).

11. FUNDAMENTAL RIGHTS UNDER INDIAN CONSTITUTION

Fundamental rights are the people's fundamental rights and the constitutional charter in Part III of the Indian Constitution. It ensures civic freedoms so that every Indian, as citizens of India, may conduct his life in peace and harmony. The Seven fundamental rights which the Indian Constitution recognizes are as follows:

Right to equality (Article 14-18): It covers equal rights before legislation, ban on discrimination based on religion, race, caste, sex or place of birth, the elimination of untouchability, and equal opportunities in work. Article 14 to Article 18 of the Indian Constitution provides for the right to equality.

Right to freedom (Article 19-22): It covers freedom of expression, freedom of assembly, association or association or cooperatives, freedom of movement, movement, residence or right of profession and occupation, rights to life and freedom, protection against conviction in crimes and protection in some cases against arrest and detention. Article 19 through 22 of the Constitution grants the right to freedom.

Right against exploitation (Article 23-24): It bans all kinds of forced labor, child labor and human trafficking. Articles 23 and 24 of the Indian Constitution provide this.

Right to freedom of religion (Article 25-28): It comprises freedom of conscience and freedom of profession, religious practices and diffusion, freedom to handle religious affairs, freedom from some taxes and freedom from religious teachings in certain institutions of education. The right to religious freedom lists in Article 25 through 28.

Cultural and Educational rights (Article 29-30): Preserve the right of every citizen segment to maintain its culture, language and script and the freedom of minorities to set up and manage their choice of educational institutions. Article 29 of the Indian Constitution and Article 30 provide out cultural and educational rights.

Right to constitutional remedies (Article 32): This is available for fundamental rights enforcement. Article 32 through 35 of the Constitution of India provides.

Right to Education: In 2002, a new Article 21A is added to the right to education by means of the 86th Constitutional amendment in the Fundamental Rights Chapter. It is a significant step to rid the nation of analphabetism. It could however only be implemented in 2009, when the Right to Education Act was approved by Parliament in 2009. This Act is designed to ensure that all kids aged 6 to 14 years old, who are not in school in India, go to school and get high quality education.

12. HUMAN RIGHTS AND DEMOCRACY: INDIA'S EXPERIENCE

The meaning and definition of the notion of human rights must be assessed by people. Human rights for everyone, regardless of their inborn or acquired differences, are universal and equal. People have certain rights, often referred to as human rights, since they are reasonable. From the beginning of

their birth, people's rights belong to those rights. All rights of individuals are born regardless of caste, creed, religion, sex and country. The individual's autonomy and dignity are important because they are linked to the body's moral, social and spiritual wellbeing. These rights are vital to moral and material growth as well. Human rights are also essential in human existence as fundamental rights, fundamental rights and birth rights. There is a link between the idea of justice and human rights. There is an important link between justice and human rights. Human rights not only protect people's dignity but also affirm every person's dignified existence. People have a life to live, but life is worthy, life is irrelevant. However, certain social bodies, unfortunately, do not allow individuals to live with or use their rights with dignity. The prevailing social forces seek an egoistic and unjust understanding of human rights. Structural transformations are thus necessary to make effective use of human rights. This means that justice is properly distributed since the rejection of justice denies the right of individuals.

The Indian Constitution foresees parliamentary governance and the nation becomes a sovereign republic, a socialist, a secular and democratic. The Constitution also ensures certain fundamental rights for the people of India. The constitution of India is one of the world's most right-wing constitutions. In its preamble, it provides for the ethical foundations of human rights and, respectively, in the Parts III and IV of the constitution, the basic laws and the State Policy Directive. The Indian constitution's preamble is intended to guarantee the equality of all people, social, economic and political fairness. Freedom of thinking, speech, religion, worship, equal opportunities and positions. Furthermore, the Indian Constitution does not discriminate against all people in accordance with Part III. It deals first and foremost with civil and political rights. The State Policy Directive also contains numerous guiding principles for government management.

13. HUMAN RIGHTS AND WOMEN IN INDIA

It is a very frequent and severe issue in Indian society when it comes to domestic violence. Although the word violence against women is not clearly defined under Indian law, violence against women is described as:

“any act of gender-based violence that leads or may cause bodily, sexual or psychological damage or suffering to women, whether in the public or the private sphere, including a threat to such actions, compulsion or an arbitrary privation of freedom.”

A young married woman is burned, abused or suicide zed every six hours, as the NCRB states. Every three minutes a crime is perpetrated against a woman; rape is committed every two-and-a-half minutes; dowry murders are performed every 77 minutes, and lastly one male spouse and family is recorded every 9

minutes. In 2012, women's crime (both under the IPC and under SLL) amounted to a total of 2, 44,270 compared to 2, 28,650 in 2011, up 6.4% compared to 2012. Those crimes increased steadily between 2008-2012, with 1,95,856 of 2008, 2,03,804 of 2009, 2,13,585 of 2010, 2,28,650 of 2011 and 2,44,270 of 2012. A total of 24,923 rape incidents occurred in the country in 2012. The authorities are never notified in most cases of rape. One single rape incident is the fastest-growing and worrying crime in India. This offence increased by 902% between 1971 and 2012. More offences, including gang rapes, acid attacks, stalking, etc., have just been recognized by the Criminal Law Amendment Act 2013. Because criminal acts such as 'honor murder' are not recognized by law, there is no true information on this crime. Gender violence is, of course, not only violence. Official statistics for 2012 include 8,233 deaths in a dowry (section 302/304 of the IPC), 106,527 instances in husband/females (section 498-A of the IPC), 45,351 in a woman's insults (section 354 of the IPC) and 9,173 insults in a woman's modality (sections 354 of the IPC) (section 509 IPC). In 2012, every other crime against women increased by about 6% in comparison with 2008, with the exception of dowry deaths in 2012. 2.84 cases occur every hour (nearly 1 case every 20 minutes) in India in the 2012 NCRB report, 3.55 in 2012. In fact they are in detention, the incidence of human trafficking increased by 1.1 percent (3,554 cases in 2012 as compared to 3,517 in 2011).

14. HUMAN RIGHTS AND CHILDREN IN INDIA

Education is considered to be one of the main human rights. In a democracy like India, children must have adequate schooling facilities. Government education is not obligatory, free and universal; only around 59 percent of children between the ages of 5-14 are enrolled in school. The Constitution was changed in 2002 to provide free and compulsory education to all children between six and 14 years of age. The constitution was amended. Child abuse is considered to be one of the worst human rights violations. Although banned by legislation, in Indian society it nevertheless remains. In Indian civilization, women's infanticide is a grave issue. Day each day, the proportion of females to males decreased owing to pregnant and female infanticide sex determination. There were 933 women for 1000 males according to the 2001 Census. A hundred years ago, the ratio of women to men was considerably greater. In 1901, there were 972 women for 1000 men. Child abuse is a significant issue in educational institutions at both public and private levels. In 2012, the frequency of crime against minors increased by 15.3 percent compared with 2011. During 2012, a total of 38,172 child criminal cases in the nation, compared to 33,098 in 2011, were recorded. Professors beat kids frequently. Child marriage is banned in Indian culture, particularly in northern India, following the Child Marriage Restriction Act (amendment). While

the legislation increased the marriage requirement for girls between 15 and 18 years, the government fails to effectively apply the act.

CONCLUSION

The significance of selecting 'human rights' as study topics is founded on the idea that no development can be envisaged without a human right foundation; and that no nation can achieve progress until human rights are the focus of the excellent Indian government and thus. The International Law of Human Rights (IBR) was chosen for that comparative research goal, as it clearly incorporates major international human rights treaties and in a nutshell, world-renowned human rights bill. The UN Univocal Declaration of Human Rights (UDHR), the ICCPR, two ICCPR Facts and the International Covenant on Economic, Social and Cultural Rights (ICESCR), are a significant international human rights document established by the United Nations (ICESCR).

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