



A study on the different facets of human rights in India

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Abstract

India's long history of respecting human rights demonstrates how the nation's views on civil liberties and social values have evolved. Human rights are crucial to people's complete growth. Basic rights, commonly referred to as fundamental rights, are guaranteed by the Indian Constitution to both foreign nationals and citizens. The differences between Unspecified and Specific Fundamental Rights are highlighted. At times, the rights guaranteed by the Constitution are also equivalent to those guaranteed by the International Covenant on Civil and Political Rights (ICPPR), a global agreement. Individuals are not covered by the ICCPR; only States are. Because of this, a state's internal legislation must include the rights entrenched therein before it can be said to have done so. Before the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly on December 10, 1948, the International Labour Organization had already established the rights of workers to form unions and organizations, the abolition of forced labor, and the right to collective bargaining through conventions dating back to 1920. This included addressing issues related to collective bargaining. Consequently, the concept of Human Rights gained prominence. Vigilant cow protection groups carried out many attacks, while human rights advocates and organizations continued to be the targets of intimidation and harassment. The violence and injustice that Dalit communities experience was the subject of thousands of protests. Labor law amendments were opposed by millions of individuals. The government's persistent disregard for marginalized populations persisted in its desire for quicker economic growth. A Commission on Human Rights led by Mrs. E. Roosevelt was established by the UN Charter in 1945, which also reaffirmed belief in the fundamental rights of all people. Though hard to define, the idea of human rights cannot be disregarded. Individual dignity, or the degree of self-worth that preserves one's individuality and fosters connection among people, is what the Human Rights are all about. In this paper, the author has made an attempt to analyze many aspects of human rights in India as well as their historical development.

Keywords: Characteristics of human rights, Constitution, Human rights, Fundamental rights and Dignity of the individuals

Introduction

Individuals might feel valued and dignified when they have access to human rights. By addressing people's social and emotional needs, these rights contribute to a more compassionate society. Because talented people collaborate to improve society, development keeps society moving ahead. Due to the diversity of human needs, human rights can encompass a wide range of topics in a democracy. As stated in the Indian Constitution and international accords, human rights encompass life, freedom, justice, and respect, according to the Protection of Human Rights Act, 1993. The Indian courts and government ensure that everyone has these rights, which are safeguarded by law. In the modern era, human rights are a rapidly expanding field due to the sharp rise in human rights violations worldwide and the development of rights-oriented society brought about by human rights movements in the 20th century. Human rights must be grounded on the jurisprudential understanding of

rights in the twenty-first century.

The most fundamental kind of rights are human rights, which are those that persons are entitled to only by virtue of being human. Every individual, including men, women, and children, is entitled to these rights. In order for individuals to live honorably, they are the rights to liberty, which include all political, civil, social, economic, and cultural rights. Human rights are those prerequisites that enable us to attain our maximum potential and fulfill our fundamental needs as human beings. Without them, humans could not survive. These principles are founded on humanity's ever-growing and unwavering need for justice, fairness, dignity, and freedom in order to live good lives. "Rights derived from the inherent dignity of the human person" is how the 1948 Universal Declaration of Human Rights (UDHR) defines human rights. Since a written constitution serves as the state's fundamental legislation, human rights that are protected by one are referred to as "fundamental rights."

In the year 1993, India established the Human Rights Commission. (1 January 1994, Act No. 10 of 1994). The purpose of this act is to establish human rights courts, a national human rights commission, and state human rights commissions in each state to enhance the protection of human rights and address related or incidental issues. In the 44th year of the Indian Republic, it has been adopted by Parliament. In fourteen states, the Nation Human Rights Commission is operational. It was just recently implemented in the states of Karnataka and Andhra Pradesh. To ensure every individual can lead a life marked by dignity and value as a human being, it is essential to protect and uphold their human rights, preserving the core of their humanity. Throughout human history, the notion of human rights has undergone continuous evolution. Over the years, there have been complex laws, conventions, and religious practices.

Review of Literature

The author of "Dr. V.K. Anand, Human Rights"¹¹ has attempted to explain human rights from a legal perspective in this book using the opinions of reputable jurists, international declarations, covenants, and conventions that have been adopted periodically up to this point, as well as the Supreme Court's occasional declarations. He has also explained how these human rights are being implemented under Indian law, including the country's constitutional, criminal, civil, and labor laws. The book also covers the issues pertaining to women, children, the elderly, minorities, women, children, minorities, war victims, and civil populations during times of war, as well as refugees under international conventions, covenants, and declarations as well as Indian laws that implement the human rights stipulated under international laws in India.

Intriguing and captivating was Dr. D.P. Khanna's book "Reforming Human Rights." Along with covering historical development and global issues, the book is also quite readable. The book is made more valuable by providing clarification on a few crucial human rights problems about relevant laws. Along with accomplishing its goal, the book will significantly advance the body of knowledge already available on the topic.

The work "Human Rights and the Indian Armed Forces A source Book"¹³ by Air Commander R.V. Kumar and Group Captain B.P. Sharma is noteworthy for its comprehensive assessment of all security force branches within the broader framework of human rights jurisprudence theory and practice. Their military background, and in particular Air Commodore Kumar's noteworthy input to the current discussion, should help reveal the slander campaign and ultimately address the subtle and ever-more-various attacks by terrorist organizations throughout the nation. The author doesn't address other facets of human rights; just the rights of armed forces personnel were covered.

"Dr. Digumarti Bhaskara Rao (ed.) International Meetings On Human Rights" In order to exercise one's rights or fulfill one's personal obligations, one must be aware of human rights, which is covered in the study. A thorough encyclopedia has been built to help people and workers access knowledge on human rights. The encyclopedia is divided into seven volumes: 1. Human Rights International Instruments. 2. Regional instruments on human rights. 3. United Nations and human rights. 4. Fact files on human

rights. 5. Human Rights research narratives. 6. Human Rights Workshops & Programs; Consultations; and 7. Professional Human Rights Training. Each of these volumes will satisfy the needs of all those engaged in human rights initiatives. Only images related to conferences, workshops, and seminars on human rights issues are provided by Wikipedia.

Dr. J.O. Byrne's insights in 'Human Rights: An Introduction' delineate three stages in the evolution of citizenship rights. Initially, civil rights, encompassing liberty and freedom of speech, take precedence. Subsequently, political rights emerge, empowering individuals for active political engagement. Finally, a third phase unfolds, introducing new social and economic rights, including access to welfare, housing, and education. This progression highlights the dynamic and evolving nature of citizenship rights over time. In the context of the human rights argument, comparable differences are frequently highlighted. This book focuses on the civil and political rights of the first generation, as well as the issues of the emerging third generation of rights, which are the collective rights to sustainable development, peace, and a healthy environment, as opposed to economic, social, and cultural rights. Dr. J.O. Byrne argues that this is justified by the fact that these rights and their violations of remain, according to observers who argue that the state is no longer a significant concern and that it still has significant power as a centralized tool of violence.

Objectives

1. To analyze India's human rights history.
2. To study different facets of human rights in India.

Materials and Methods

For this study, the secondary data was collected from Government departments, official reports, organizational annual reports, books, magazines, working papers, monographs, dissertations, newspapers, and Internet websites published on the violation of human rights by national and international organizations, etc.

India's human rights history

Recently, it has been acknowledged that individuals lay claim to certain human rights solely by virtue of their humanity. While the roots of human rights can be traced in the ancient customs and records of various civilizations, the aftermath of World War II played a crucial role in bringing human rights to the forefront of global attention. Throughout history, people have acquired rights and responsibilities based on affiliations with groups such as family, nation, religion, class, community, or state. The principle of treating others as one wishes to be treated, known as the "Golden Rule," is prevalent in many countries. This practice is also referred to as the "golden rule." The concept of rights, duties, and responsibilities of individuals is found in the earliest written texts, including the Hindu Vedas, Confucius' Analects, the Bible, the Quran, and the Code of Hammurabi in Babylon. Additionally, the pre-18th-century Native American texts include justice and behavioral codes, along with the Incan and Aztec laws, and the Iroquois Constitution. Whether through written or oral traditions, all societies incorporate processes to maintain the well-being and justice for their people, beyond systems of

equity and justice.

"International concern for human rights developed at a turning moment after the Second World War. The advent of fascism in Italy and Nazism in Germany posed a grave threat to the democratic process that guarantees each person's freedom to exercise their rights. However, under each of these systems, the person's civil rights were taken away from them, they were forced to live under the oppressive rule of the police, and they were subjected to horrendous racial and religious discrimination. In Germany, there was an ongoing drive to systematically eradicate all Jews during the actual conflict. It was an extremely brutal campaign that had no comparison in human history. Furthermore, pre-18th-century Native American texts included the Iroquois Constitution, the Inca and Aztec laws of justice and behavior, and several others. Regardless matter whether they have written or oral traditions, all communities include procedures for maintaining the health and wellbeing of its people in addition to systems for propriety and justice. "International concern for human rights developed at a turning moment after the Second World War. The development of Nazism in Germany and fascism in Italy posed a deadly threat to the democratic process that guaranteed each person's freedom to exercise that right. But under each of these systems, the person's civil rights were taken away from them, they were forced to live under the oppressive rule of the police, and they were subjected to severe discrimination based on their ethnicity and religion. Germany engaged out a policy of methodical elimination of Jews throughout the actual conflict. It was an extremely brutal campaign that had no comparison in human history. World conscience was outraged by the Axis Powers' terrible atrocities against political and ethnic minorities during World War II. It served as the impetus for the dramatic growth of international human rights law. The victorious Grand Alliance declared in a number of declarations and proclamations that upholding justice and human rights was one of its peace goals. The August 14, 1941, Atlantic Charter Specify comparable goals for the post-war world. When human rights were established at the end of this war, social persecution would cease, as British Prime Minister Winston Churchill had vowed in October 1942. Similar promises were made at the Washington Conference in 1942, the Moscow Conference in 1943, and the Dumbarton Oaks discussions in 1944.

The Inter-American Conference adopted a resolution in 1945 calling for the creation of an international forum to advance human rights worldwide. In an effort to foster respect for the observance of fundamental freedoms and human rights, the Applied Powers made the decision to establish a new global order. Under the shadow of terror and hatred created by the horrifying crimes against humanity, the United Nations Charter, adopted in 1945, gave priority to the recognition and protection of human rights. The Atlantic Charter, adopted on August 14, 1941, was the first international instrument that emphasized the importance of defending life, liberty, independence, and religious freedom as well as preserving human rights and justice in every land. by use the term "Human Rights" seven times overall, with one appearance in the preface.

"Several newly independent states have been motivated by it to include at least some of these fundamental rights in their

constitutions." "Several international covenants and agreements that have legal force among their signatories have included some of the rights outlined in the Declaration of Independence." Another important benchmark for evaluating state behavior in international and even domestic affairs has been given to the UN by the Declaration. It is obvious that it has a significant influence on both domestic and global events.

The different facets of human rights in India

Human rights are interconnected, interdependent, and indivisible. As a result, it is impossible to consider certain human rights apart from one another since they are inextricably linked. There is no right that is more vital than the others, because exercising one right depends on exercising many other rights as well. All people are created equal, with equal rights and respect. Regardless of caste, color, creed, place of origin, sex, cultural differences, or any other factor, they are moral claims that are unalienable and intrinsic in every person by virtue of their humanity alone. In what is now referred to as human rights, these assertions are made and developed. The terms inherent, fundamental, basic, natural, and birthright are occasionally used to allude to human rights. The protection of a person's human rights cannot be entirely left to the state, according to a recent development in international law.

Human Rights Apply to Everyone: As every individual is inherently born with equal rights, irrespective of their location, gender, race, or cultural, religious, or ethnic background, human rights are truly universal. The first paragraph of the Universal Declaration of Human Rights underscores this, proclaiming, "All human beings are born free and equal in dignity and rights." They are not linked to any particular affluent group; there is nothing exclusive about them. They are intrinsic to human nature. Regardless of one's caste, creed, religion, gender, or country of origin, these rights are innate in every person. Beyond the confines of national borders, the application of human rights is imperative. Each person, by virtue of their birth, embodies these universal rights, emphasizing the fundamental equality that transcends distinctions of caste, creed, religion, gender, or nationality.

Human Rights Flow From Nature: The fact that no one or any authority can award human rights makes them intrinsic. Simply by virtue of their humanity, persons are entitled to human rights, which cannot be purchased, acquired, or inherited.

Human Rights as Essential: Human rights are essential because human life and dignity would be worthless without them.

Human Rights as Imprescriptible: Human rights do not have expiration dates and are not relinquished even if a person neglects to exercise or uphold them.

The inalienability of human rights: Human rights are inherent to individuals simply by virtue of their existence, extending to all people irrespective of their caste, creed, religion, gender, or nationality. Notably, these rights persist

even beyond an individual's death, as evidenced by the diverse posthumous rituals observed in various religious traditions. The unalienable nature of human rights stems from their inherent qualities: they cannot be justly stripped from a free individual, nor can they be surrendered or forfeited voluntarily. Any deprivation of these rights should only occur under specific circumstances and in adherence to due process. For instance, in the event of a criminal conviction, certain rights, such as the right to liberty, may be curtailed. This underscores the resilience and universal applicability of human rights, emphasizing their enduring significance in safeguarding the inherent dignity and freedoms of every individual.

Human Rights Are Not Segment able: One cannot separate human rights from another. Even in cases when other rights have previously been exercised, they cannot be restricted. Human rights are indivisible from the dignity of every individual, regardless of how they relate to civil, cultural, economic, political, or social concerns. As such, there is no hierarchy involved and every human right has equal standing. It is always inconvenient to enjoy other rights when one is denied. All people's rights, such as their right to health and education, cannot be sacrificed in order to preserve their right to a sufficient quality of life.

Human rights are vital and required: It is impossible for an individual to be morally, physically, socially, or spiritually well without human rights. Human rights are also necessary because they create the ideal environment for individuals to advance morally and materially. The fulfillment of human life's purpose requires the protection of human rights.

Human Dignity and Human Rights are Associated: Because of the inherent dignity possessed by each human being, all individuals stand as equals in their shared humanity. Racial, ethnic, and social characteristics, as well as gender, age, sexual orientation, religion, political views, national, socioeconomic, or geographic origin, handicap, property, birthplace, or any other status, shall not be grounds for discrimination. People ought to be treated with dignity. For instance, India passed a legislation outlawing the practice of transporting human excreta in 1993. We identify this law as the Act prohibiting the Employment of Manual Scavengers and Dry Latrines.

Human rights are linked and rely upon one another: The achievement of one human right cannot occur without the realization of the other, so human rights are interdependent. By meeting their developmental, bodily, psychological, and spiritual needs, each individual helps to realize their human dignity. Frequently, the satisfaction of one right depends, entirely or partially, the fulfillment of certain rights is contingent upon the satisfaction of others. For instance, achieving the right to health may, in certain circumstances, depend on realizing the right to development, education, or knowledge.

Human Rights are Never Absolute: Human rights, recognized and safeguarded by the State through its laws, represent individuals' essential entitlements. However, these

rights are not boundless, as societal living necessitates restrictions on their exercise. As social beings, humans navigate a civic environment that inherently imposes limitations on the unfettered enjoyment of rights and freedoms. This acknowledgement reflects the understanding that balancing individual entitlements with societal harmony requires thoughtful consideration of the boundaries within which these rights operate.

Human Rights Remain Flexible: The State's socioeconomic, cultural, and political changes continue to shape and expand human rights. Judges must use their interpretation of the law to reflect the evolving societal values.

Human Rights Restrain State Authority: The respect for human rights is the responsibility of states and other duty-bearers. They are required to abide with the legal requirements and standards included in international human rights agreements in this respect. Therefore, the state's power is limited by human rights. Those who have been wronged in this way have the right to file writ petitions, which are legal requests for remedy, with a court or other relevant adjudicator in compliance with the legal processes and guidelines. For example, the State is prohibited from interfering with an individual's six freedoms listed under the right to liberty. To ensure that governments fulfill their duty to protect human rights, citizens, the media, civil society, and the international community all have a crucial role to play.

Conclusion

An ancient road of Dharma leads to the constitutional acknowledgment of directive principles & fundamental rights, which is the history of humans rights in India. India must navigate a path that reconciles tradition and modernity, ensuring a just and equitable society by coordinating cultural legacy with international human rights norms. These rights are our birthrights and remain beyond our passing. These rights belong to every human being that is still living on our earth. These legal protections were established in order to deter anyone who would intentionally hurt or violate another person. The freedom to live one's life and express oneself whichever one pleases is granted by these fundamental rights. Comprehending the attributes of human rights is crucial since it empowers us to advocate for our own rights.

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