

HUMAN RIGHTS IN INDIA : ISSUES AND CHALLENGES

~ Shivangi Singh

First and foremost, human rights are moral rights, and their foundation is morality. Without the Primary, human rights are unimaginable.

On October 12, 1993, India's National Human Rights Commission (NHRC) was founded. The Protection of Human Rights Act (PHRA), 1993, as revised by the Protection of Human Rights (Amendment) Act, 2006, is the act that established it. The General Assembly of the United Nations, through its Regulations 48/134 of December 20, 1993, has endorsed it. It is in line with the Paris Principles, which were adopted at the first international workshop on national institutions for promoting and protecting human rights in Paris in October 1991.

Rights to Freedom of thought and emotion that acknowledged dignity and were justified by moral and ethical factors. The Indian Constitution, Part III, grants citizens the right to fundamental rights in articles 12 through 35. Fundamental Rights are divided into six categories. They are as follows:

1. Articles 14 to 18 of the Right to Equality
2. Articles 19 to 22 of the Right to Freedom
3. Article 23 & 24: Right against exploitation
4. Articles 25 to 28 of the Right to Religion
5. Rights to Culture and Education—Articles 29 and 30 Article 32: The right to remedy under the Constitution

Women still need to be granted equal rights in a lot of nations.

Critical Supreme Court Cases:

Kesavananda Bharati v. State of Kerala: This case established the Indian Constitution's fundamental structure concept, upholding the primacy of basic rights.

A critical case involving sexual harassment in the workplace, Vishaka v. State of Rajasthan, resulted in creating recommendations (Vishaka recommendations) to deal with sexual harassment at work.

Abuse of Women: The Nirbhaya Case: A young woman was brutally raped and killed by a gang in Delhi in 2012, which caused a national outcry and prompted legislative changes that strengthened the country's anti-sexual violence laws.

Hadiya Case: A contentious case centred on the ability to marry and convert to a different faith, raising concerns about women's autonomy and religious Freedom.

Caste-based Prejudice

The Una Dalit Atrocity Case: Protests against caste-based violence and prejudice were sparked in 2016 after four Dalit males in Una, Gujarat, were viciously beaten by cow vigilantes.

The Bhanwari Devi Case: This seminal case brings attention to concerns of gender-based violence and the intersections between discrimination based on caste and gender.

Indigenous Communities' Rights:

Bachao Andolan, Narmada: a protracted campaign by environmentalists and indigenous groups against constructing massive dams on the Narmada River, citing worries about environmental destruction and displacement.

Forest Rights Act Cases Under Implementation: The goal of the several court cases surrounding the implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, is to acknowledge and defend the land rights of people who live in forests.

Reports

Reports: US State Department, "Human Rights Report on India 2021."

The report highlighted restrictions on media freedom and free speech, arbitrary and protracted pretrial detention, and privacy abuses by government agencies. Human rights organization Freedom House in the US is the publisher of the Freedom in the World 2021 Report. India scored 67, down from 71/100 in 2020. Democracy Report 2022: issued by the University of Gothenburg at Sweden's V-Dem Institute. The typical inhabitant of the world in 2021 has a level of democracy that is lower than that of 1989.

Challenges -

In India, the socio-political environment and historical legacies present a variety of complex obstacles to the effective implementation of human rights. The complexity of India's legal system, which is characterized by numerous rules and regulations at different administrative levels and frequently causes issues with enforcement and accountability, is one of the main obstacles. Furthermore, prejudice still exists despite constitutional protections. This is especially true given the caste system's continued impact, which causes lower caste populations to be marginalized and socially excluded. Minority rights are not realized because religious and ethnic minorities face violence and prejudice as well, which exacerbates tensions within communities. Gender disparity is still a significant problem, as seen by the high incidence of violence against women and the ongoing gender wage gap. At the same time, assaults and limitations on the right to free speech, press Freedom and dissent are challenged by attacks on journalists. Child labor and bonded slavery are two examples of persistent abuses of labor rights that highlight the exploitation that disadvantaged communities endure.

Furthermore, unequal access to healthcare and education, along with land displacement and environmental degradation, intensifies socioeconomic inequality and hinders the fulfilment of human rights, especially for marginalized people. The government, civil society, and foreign players must actively engage in concerted efforts to address systemic disparities, develop legislative frameworks, and promote social inclusion to overcome these obstacles.

A multipronged strategy that includes social projects, legal changes, and coordinated efforts from multiple parties is needed to effectively address the diverse range of obstacles and concerns related to human rights in India. First and foremost, it is imperative to strengthen the legal framework by implementing reforms that aim to improve and streamline enforcement processes. This entails filling legal gaps to protect marginalized groups and consistently applying current rules.

In addition, it is imperative to foster accountability and openness among institutions such as law enforcement and the court to provide justice for those who have suffered abuses of their human rights. This could entail improving the procedures for filing complaints, responding to them, and prosecuting offenders fairly and honestly to hold them accountable.

Cooperation between government agencies, civil society organizations, and foreign partners is essential to address systemic concerns and implement lasting solutions. India may take significant

steps to protect and advance human rights for its residents by cooperating to address underlying issues, foster social cohesiveness, and defend the ideals of equality and fairness.

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