



# The Indian Journal for Research in Law and Management

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## Human Rights in India: Issues and Challenges

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### ABSTRACT

Have you ever wondered why we continue to live peacefully while many other countries experiencing war and conflict every day? Well its all thanks to our constitution and the people who respect it.

The Constitution of India is a legal written and lengthiest document, it serve as a legal foundation framework for india democratic governance, fundamental and citizen rights. The Indian constitution consist of 448 articles, 12 schedules and has been amended 106 times.

<sup>1</sup>Originally it was consist of 395 articles, 22 parts and 8 schedules

There are millions of people in this country whose families have lived here for generations yet many of them aren't even aware about their basic human rights or in simple language basic fundamental rights it's not something which is very complicated. if I say in simple words these are the few basic rights every single person should be thinking about as a citizen living in a independent, sovereign and democratic nation in a country like india, who provide protection of dignity to every citizen under the constitution, awareness of these rights is not just important, it is necessary.

There are 6 basic fundamental rights:

- 1) Right to Equality (Article 14-18)
- 2) Right to Freedom (Article 19-22)
- 3) Right to Freedom of Religion (Article 25-28)
- 4) Cultural and educational rights (Article 29-30)

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<sup>1</sup> The Constitution of India, 2026

## 5) Right to constitutional remedies article (Article 32)<sup>2</sup>

There was one more fundamental right point to be noted, The Right to Property however, this right was removed from the list of fundamental right by the 44<sup>th</sup> constitutional Amendment this was because this right proved to be hindrance toward attaining the goal of socialism and redistributing wealth equitably among people.<sup>3</sup>

In a nation where all these facilities and rights have been provided by the government, it is impossible not to have any issue and challenges to overcome. As we all know india is known for its cultural and diverse society so its very common to have stereotype thoughts between people specially in rural area these stereotype practices are much worse

❖ The major human right issues faced in india are:

### 1) **Gender inequality and violence against women**

One of the most heinous act could be ever done by society to a women is violence, which is not something to be surprise about as people in rural society still treat women of their house as object. Many women still continue to face these:

- Domestic violence
- Sexual harassment
- Dowry related crimes
- Unequal pay in workplace
- Human trafficking

Although law has been provided for such horrendous act toward women but still due to unawareness and lack of timely implementation womens suffers their whole life.

### 2) **Child labour and child rights violation**

Childrens are most vulnerable group of people who don't understand what a adult is trying to do with them from exploitation to sexual assault.

The reasons for violation of child rights include violations under the Right of Children to Free and Compulsory Education Act, 2009 and violation under the Protection of Children from

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<sup>2</sup> The Constitution of India, 2026, The Fundamental rights, part III

<sup>3</sup> Byju's, Fundamental rights of India, <https://byjus.com>

Sexual Offences Act, 2012. Child rights violations are also related to displacement, violence, trafficking, etc<sup>4</sup>

Many children in india still suffer from:

- Child marriage
- Child trafficking
- Child labor
- Malnutrition
- Sexual harassment

Although law has been provided for children safety but nothing could justify the pain and trauma these young kids go through at such a sensitive age

### **3) Freedom of Speech and Expression**

Freedom of speech has been provided under article 19, it is a essential democratic right which provide us a freedom to express our thought and opinion however, concerns have been raised about restrictions on press, journalist, activist or student

Issues included such as:

- Internet shutdown
- Threats to journalist
- Censorship

A very prime example and landmark judgement of Brij Bhushan v. State of Delhi in which the pre-censorship order issued against the petitioner's newspaper, 'The Organizer,' was quashed. As it was violating freedom of speech an expression

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### **4) Custodial torture**

There are many cases related to fake arrest, encounters and custodial death that raise serious concern about human rights that get completely neglected during sudden chaos. Poor prisons and

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<sup>4</sup> Press Information Bureau, Violation of Rights of Women and Children, <https://www.pib.gov.in>

<sup>5</sup> Caseon, Brij Bhushan and Another Vs. The State of Delhi, <https://www.caseon.in>

brutality of police before case get even investigated is horrible. As it raise serious concern over public safet and human dignity that get totally violated in custody.

❖ Major challenges in protecting human rights in India:

### **1) Slow judicial system**

One of the reason why one case take years to get solved, the one to take blame is judicial system as it takes year to get someone justice.

The prime example would be Nirbhaya case which take 7 years to get a innocent justice.

In 2022, the total number of rape cases reported in India amounted to over 31 thousand, even though many rapes are not reported in the country and many cases just get buried after few years with few compensation rather than justice to victim.<sup>6</sup>

### **2) Cultural and social barriers**

Even after entering into modern era where everything is related to technology some people still aren't able to forget their old custom which only means harm to the people

Deep rooted tradition and prejudice only enocourage discrimination, which is itself a huge barrier in a way of better society, challenges like:

- Dowry system
- Untouchablity
- Child marriage

### **3) Lack of awareness**

There are many people who aren't aware of their legal rights or legal aids, that in future if they ever face legal situation they should have atleast basic understanding of their rights and stand in society.

There are many societies and ngo's who spread legal awareness and people should volunteer themselves in these activities as they gain many different aspects of law

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<sup>6</sup> Statista, India: rape cases 2022, <https://www.statista.com>