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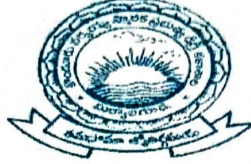
MIRYALAGUDA

(Affiliated to Mahatma Gandhi University)

(Accredited by NAAC)

JIGNASA STUDENT STUDY PROJECT 2021-22

TITLE: HUMAN RIGHTS IN INDIA AND CHALLENGES



Prepared by

Department of Political Science

JIGNASA STUDENT STUDY PROJECT- 2021-22

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HUMAN RIGHTS IN INDIA

- Human beings are rational beings by virtue of being human they possess certain basic and inalienable rights which are commonly known as human rights, man as a member has some rights in order to survive, sustain and flourish his best potentials.
- Human rights being the birth rights are inherent in all the individuals irrespective of their caste, creed, religion, sex and nationality.
- These rights are essential for all as they are consonant with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare.
- **Human rights are also sometimes referred to as fundamental rights, basic rights, inherent rights, natural rights and birth rights.**
- Human rights being an eternal part of the nature of human beings and are essential for individuals to develop their personality, qualities, intelligence, talent and conscience and to satisfy their spiritual and other higher needs.

➤ Definition of Human Rights

- Human rights are the inherent Dignity and inalienable rights of all members of the human family recognizing them as the foundation of freedom, justice and peace in the world – **Sri P.P.Rao**
- “Human rights as a claim to something of crucial importance for human life.” - **Susan Moller Okin**
- “Human rights are the basic values which underlie that human beings, born in any part of the world, are equal in dignity and rights”. - **Dr. Purohit**

Kinds of human rights -

- Civil and political rights
- Economic and social rights
- Collective right



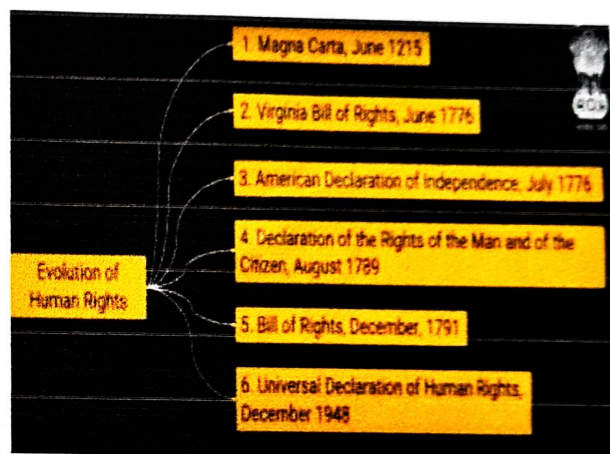
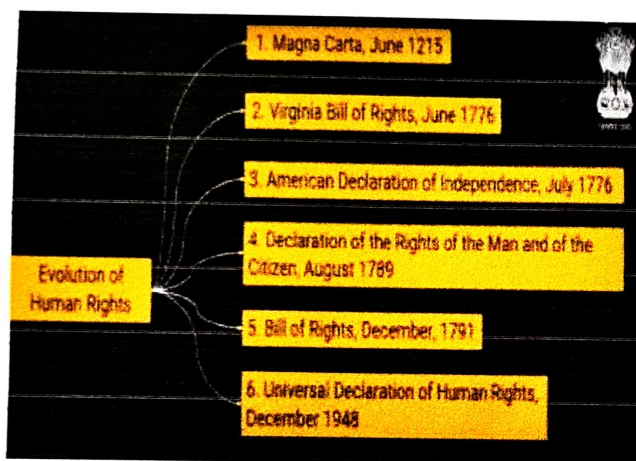
Origin of Human Rights

- Among the west in Greek society Plato, Aristotle, Cicero, Thomas Aquinas in natural law supporting in the human rights.

Concept of Human rights

- **Magna carte** - Magna carta also known as Great Charter is a charter of rights agreed to by King John of England, on 15th June 1215, to make peace between the unpopular king and a group of people, it promised the protection of church rights.

- **Petition of right 1628** - A statement of civil Liberties sent by the English Parliament O Charles I. Human rights were improved or enhanced in the petition
- **Constitution of USA 1787** - Constitution of USA 1787 with amendment in 1789,1865,1869 and 1919 specified a number of fundamental rights of man.
- **The French declaration,1789** - Inspired by The American declaration of independence, the newly formed national assembly proclaimed the declaration of the rights of men and citizen
- **Universal Declaration of Human Rights 1948** - Is a historic documents that was adopted by United Nations General Assembly, UDHR is a milestone document in the history of human rights it Is out, for the first time, fundamental human rights to be universally protected.
- **The bill of rights 1689** - is a Landmark act in the constitutional law of England that sets out certain basic civil rights.



The Virginia declaration 1776 - This declaration specified a number of fundamental rights of man. The Virginia declaration of rights affirmed that all men are by nature equally free and independent and have certain inherent rights.

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Importance of Human Rights

Allows all people to live with dignity, freedom, equality, justice and peace

They are guaranteed to everyone without distinction of any kind such as race, colour, sex, language, religion, political or other opinion national or social origin property birth or other status

Human rights are essential for the full development of individuals and communities .

Different stages of Human Rights development

- Prior to Greek period, Ancient period, Roman period, Christian period and Medieval period the Magna Carta twelve fifteen petition of right(1628), social contract and Humans Rights supporters like Hobbes , Lock, Russo. French declaration of rights of man (1789), The US Declaration of Independence in (1776), Russian Revolution of (1917) and (UNO) Universal declaration of human rights in 10th December 1948 these gradually change development of human rights

Characteristics of Human Rights

- Human Rights represent claims which individuals or groups make on the society rights are the basic minimum requirement for survival of human beings in society
- It is universal in character but not absolute; it is protected and enforced by the authority of the state .
These rights are meant to upload human dignity
- It is irrevocable and equal to all.
- These rights are natural rights based on the law of nature.



Approaches of human rights

Western or liberal approach

Maxian or socialist

- **Universal declaration of human rights(UDHR)** is an important declaration adopted by the **United Nations General Assembly on 10th Dec, 1948 at Paris**

The United Nations(UN) and Human Rights



- The United Nations(UN) plays a key role in the development and promotion of an international human rights protection system.
- UN set out to maintain international peace and security and encouraging respect for human rights and for fundamental freedoms for all without distinction to race ,sex ,language or religion.
- The respect and enhancement of Human Rights are an inherent part of the UN system.

- It consists of 30 articles which have been elaborate in subsequent international treaties, regional human rights instruments, national constitutions and laws.

Universal declaration of Human Rights

- The universal Declaration of Human rights(UDHR) is a milestone document in the history of human rights, Drafted by representatives with different legal and cultural backgrounds from all regions of the world, the declaration was proclaimed by the united nations General Assembly in Paris on 10th December 1948
- **The general assembly proclaims this universal declaration of human rights as a common standard of achievement for all peoples and all nations** to the end that every individual and every organ of society, keeping this decalaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member states.

In 1 to 30 articles so many rights are recognized like right to equality, freedom from discrimination, right to life, liberty, personal security, freedom from slavery, right to fair public hearing, right to education, life, own property, marriage and family, nothing in this declaration may be interpreted as implying for any state, group or person, any right to engage in any activity or to perform any act aimed at the destruction if any of the rights and freedoms set forth herein.

Human Rights watch

- Human Rights watch is a non profit, non governmental human rights organization consists of roughly 400 staff members around the globe.
- Their staffs consists of human rights professionals including country experts, lawyers, journalists, and academics of diverse backgrounds and nationalities.
- Established in 1978 human rights watch is known for its accurate fact finding impartial reporting, effective use of media, and targated advocacy, often in partnership with human right groups
- Each year human rights watch publishes more than 100 reports and briefings on human rights conditions in some 90 countries, generating extensive coverage in local and International media, with the leverage this brings, human rights watch meets with Governments, the United Nations, regional groups like the African Union and the European Union, financial institutions and corporations to press for changes in policy and practice that promote human rights and justice around the world.

HUMAN RIGHTS IN INDIA

- Human rights in India is an issue complicated by the country's large size and population as well as its diverse culture, despite its status as the world's largest "Sovereign, Secular, Democratic, Republic".
- The constitution of India provides for fundamental rights, which include freedom of religion, Clauses also provide for freedom of speech as well as separation of executive and judiciary and freedom of movement within the country and abroad.
- The country also has an independent judiciary as well as bodies to look into issues of human rights.



Constituent assembly and human rights

The Indian constitution was drafted by the constituent assembly of India. it was a great task performed by the leaders of India for framing a constitution after suffering from severe exploitation and denial of justice from colonial powers, to vast member of Indian people, the constitution of India gave primary importance to human rights.

Ramachandra guha said that "the demand for a declaration of a fundamental rights arose from four factors".

- Lack of civil liberty in India during the British rule.
- Deplorable social conditions, particularly effecting the untouchable and women.
- Existence of different religious, linguistic, and ethic groups encouraged and exploited by the Britishers
- Exploitations of the tenants by the landlords.

Development of human rights in India

The idea of human rights was not new to the political thinkers and philosophers in India and as pointed out in the chapter III under 'Evolution of Rights in India', the vision to secure human rights and fundamental freedom for all and everywhere existed even in Vedic times.

The modern form of human rights jurisprudence originated in India at the time of British rule but the Indians were discriminated in the enjoyment of civil and political liberties

- Human rights reflected for the first time in the **charter of 1813, Act of 1833** conferred upon **Indians** to enjoy few political rights by allowing them to participate in governance subject to certain limitations. Further, the declaration to recognise respect for religion by being a secular state.
- **Swaraj bill of india, 1895** spoke about freedom of speech, right to privacy, and equality, right to franchise and punishment for specific offense only.
- Next important development is traceable to the government of India act **1909, 1919, 1935**.
- Constituent assembly was set up in **1946** for the purpose of framing the constitution to an independent India. Meanwhile, the **Sapru committee founded in 1945** recognised the importance of incorporating fundamental rights into the constitution of India.

The fundamental rights are defined as the basic human rights of all citizens. These rights, defined in part III of the constitution applied irrespective of race, place of birth, religion, case, creed or gender. They are enforceable by the courts, subject to specific restrictions.

- "**The directive principles of state policy**" are guidelines for the framing of laws by the Government. These provisions, set out in part IV of the constitution, are not enforceable by the courts, but the principles on which they are based are fundamental guidelines for governance that the state is expected to apply in framing policies and passing laws

Fundamental rights in india

The fundamental Rights, embodied in Part III of the Constitution, guarantee certain rights to the people and these rights have been considered fundamental for the governance of country.

**1.Right to equality (14 - 18A) 2.Right to freedom (19 - 22A)
3.Right against exploitation (23 - 24A) 4.Right to Freedom of Religion (25 -28A) 5.Cultural and education**

The Right to property is removed from Part III of the constitution by the 44th amendment in 1978.

Article 32 provides a guaranteed remedy, in the form of a fundamental right itself, for enforcement of all the other fundamental rights and supreme court is designated as the protector of these rights by the constitution.

The supreme court has been empowered to issue writs. They are:

- The writ of Habeas Corpus.
- The writ of Mandamus
- Quo Warranto
- Prohibition.
- Ceritorari.

Writs in Indian Constitution



National Human Rights Commission

- National Human Rights commission is a statutory, autonomous body but not constitutional body, established on 12th October 1993 act was amended in 2006.
- The national human rights commission is responsible for the protection and promotion of human

rights, it is the watchdog of human rights in the country

Composition of the commission consists of a chairman and four other members and four members are ex officio members of the commission.

- Powers and functions of the commission can enquire on its own initiative or response to petition presented to them by a victim or any person on his behalf into complaints of violation of human rights. Commission may visit jails and detention places to study in the living conditions of enact and make recommendations.
- Commissions review is the constitutional and other safeguards of the protection of human rights and factors including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures. The commission encouraging the efforts of NGOs and other institutions working in the field of human rights period.

STATE HUMAN RIGHTS COMMISSION

- **State human rights commission** the protection of human rights act 1993 provide a State human rights commission at the state level.
- At present there are 18 states which have constituted the State human rights commissions.
- Governor appoints the chairman and two members of state human commission. This commission also for protection of the human rights and visit the jails inquired to violation of human rights.
- Commission encourage research in the field of human rights and efforts of NGOs working in the field of human rights.

Challenges of human rights

- Office of the high commissioner for human rights (OHCHR) seeks equality and justice everywhere.
- Complex challenges
- Impunity
- Poverty
- Discrimination
- Armed conflict and violence
- Lack of democracy
- Weak institutions.



Here are some of worst Human Rights violations of all time.

- **Child Slavery in the LRA**
- **Forced sterilization for disabled underage girls**
- **Forced vaginal examination of afghan women**
- **Uganda's "Anti Gay Bill"**
- **Child labour during the industrial revolution**
- **Slavery in the United States**
- **The holocaust**
- **Modern sex trafficking**



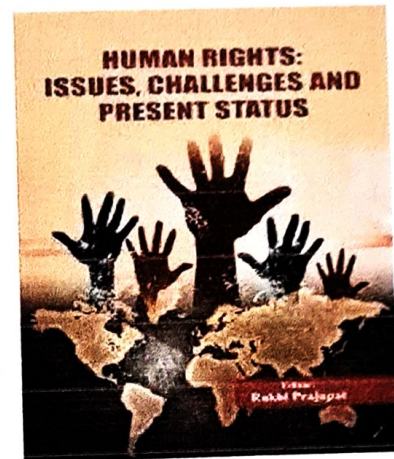
What are the major challenges related to human rights today and why ?

- When considering the future of human rights and whether they will be viewed as more or less important in the years to come, many potential challenges come to mind: climate change, nationalism, inequality , growing authoritarianism.

what are the major Human Rights issues in India?

Few major human rights violations in India :

- Caste based discrimination and violence - more than 56,000 crime committed against scheduled castes and Scheduled Tribes in 2015
- Communal and ethnic violence
- Freedom of association
- Freedom of expression
- Violence against women
- children's rights



Conclusion

- Human Rights are the basic rights which form the essential part of his or her development as human being. Constitution Act as a Protector of those basic rights as fundamental rights and DSPTS's more Emphasis has been given to the fundamental rights and they are directly enforceable in the court of law.

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GOVERNMENT OF TELANGANA
COMMISSIONERATE OF COLLEGIATE EDUCATION, HYDERABAD
ATTENDANCE CERTIFICATE

This is to certify that Dr./Sri./Smt. S. SUNANDA
Associate/Assistant Professor of Political science Government Degree
College, Miryalguda has attended Jignasa-2021 Student
Study Projects State Level Presentations conducted by Commissionerate Collegiate
Education, Telangana, Hyderabad on 29.04.2022. Hence, his/her absence in the
college shall be treated as On Duty.



For Commissioner of Collegiate Education.

Hyderabad

Date: 29/4/2022




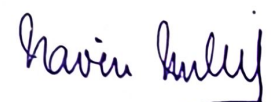
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This certificate is awarded to S. Sunanda
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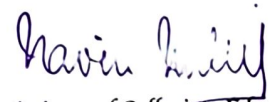


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