

HUMAN RIGHTS IN MODERN INDIAN SCENARIO

Dr. Alpesh Upadhyay
Associate Professor, Department- English
Saraspur Arts and Commerce College, Ahmedabad

Abstract

Since ancient times, man has a dynamic nature, as seen by the march of humanity through the ages. As time has passed from antiquity to the contemporary day, human wants have expanded beyond the fundamental ones like Roti (food), Kapra (clothing) and Makan (shelter) to the status of a 'life living with rights to liberty and integrity'. Respect for human being and its ultimate worth, independent of colour, gender, or religion, is central to the notion of 'rights,' according to this definition. The Universal Declaration of Human Rights (UDHR) is a watershed moment in human history, with its 30 articles expressing political, economic, social, and cultural rights for all people worldwide. . The United Nations General Assembly voted in favour of it on December 10th, 1948. Rights of Equality, Freedom, Rights Against Exploitation, Religious Freedom, and Cultural and Educational Rights are among the essential rights envisioned in India's Constitution. Both the Protection of Human Rights Act of 1993 and the Human Right Commission Act of India, both based on the United States Constitution, go a long way in preserving human right. Despite the government's numerous legislative measures, the human rights movements have grown increasingly problematic. Violence against women and oppression of society's weaker segments such as Scheduled Castes and Tribes are instances of human rights violations. Other examples include arbitrary arrest, torture, killing of suspects, and child labour and kidnapping for ransom. "Human rights," according to this law, are those that are protected by the Constitution or "rights enshrined in international treaties," and which are enforced by Indian courts. This is the law. Several Supreme Court and High Court decisions in India have expanded the scope of human rights protections. . Human rights issues now days are much more diverse.

Index Terms: Constitution, Human Rights, Society.

I.

Introduction

A social animal, man prefers to reside in a society. Unlike other animals, its activities were never confined around food and shelter only. Since ancient times, man has had a dynamic nature, always adapting to new conditions, new ways of thinking, and new habits. During the transition from antiquity to modernity, human beings have expanded their fundamental requirements from Roti (food), Kapra (clothes), and Makan (shelter) to the status of "life living with rights to liberty and integrity.". Rights in civilised society, therefore, are crucial to the well-being of human beings.

The highly sensitive remarks were made during the United Nations General Assembly in Tehran in 1963:

" Our world, full of terror and horror, hunger and handicaps, and hopes for a human order in which people everywhere will be sovereign, free from society as groups and individuals, and the State will guarantee full personhood in all of its holistic richness to every member of the global community, presents many social dynamics problems."

The proclamation further added:

Civil and political rights cannot be realised without economic, social, and cultural freedoms. Respect for each individual's intrinsic worth is described as "rights." . These rights are necessary if human individuality and pleasure are to develop properly. According to H. J. Laski, human rights are social circumstances without which no one can strive to be their best selves. [1] According to Justice M.C. Chagla, "*The primary role of government is to assist citizens in fully developing their personalities. The propriety or power of the State is the propriety or power of all its citizens combined*". All the rights a human being is entitled to just because they are human are known as "human rights."

II. Salient Feature of Human Rights.

- As a result, politicians and diplomats from many governments have contributed to the development of Human Rights principles, making them more widely accepted. Human rights accords assume that governments and states will take appropriate measures to protect their citizens' rights.
- Human rights are universal moral rights that cannot be violated or abridged under any circumstances.
- Every person has the right to exercise these freedoms, no matter their race, gender, sexual orientation, religion, political opinions, nationality, or socioeconomic situation (Article 2 of UDHR)
- They are therefore of a universal character since they transcend national or ideological borders.
- No idea of 'divine, moral, natural, or any other form of rights' underpins these rights.
- Each and every one of our rights is interconnected and interdependent. The rights have been divided up only for the sake of convenience of its use.
- Some of these rights may be suspended in times of war or national emergency, but they are neither absolute or limitless.

The United Nations Declaration on Human Rights (UDHR) prioritised human dignity and freedom in its 30 sections on political, economic, and social rights. The Universal Declaration of Human Rights was adopted by the United Nations General Assembly on December 10, 1948. .

III. Constitution of India on Human Rights.

Fundamental rights such as equality, freedom, and protection against exploitation are all included in the Indian Constitution, along with freedom of religion, cultural freedom, and educational freedom. The United Nations Declaration on Human Rights has been recognised as a declaration of principle as a result of these rights (UDHR). In 1993, Indian parliamentarians passed the Human Rights Commission Act and the Protection of Human Rights Act to protect what they refer to as "human rights" .

IV. Violation of Human Rights in India.

Despite several government-enacted safeguards, human rights activism has grown to be a major source of concern. Despite several constitutional safeguards, human rights breaches continue to occur on a daily basis in India. For example, civil and political rights are routinely violated, minorities and women are targeted, suspects are subjected to torture and murder, and children are forced into labour or ethnic violence or kidnapped for ransom. For example, socio-political movements such as the Naxalbari movement in West Bengal, the anti-establishment and anti-nation movements in Kashmir, disturbances in Assam, Nagaland, and Manipur show how basic human rights are violated and denied to individuals. The matter has gotten out of hand because of the additional territorial support provided by foreign agencies in the shape of weapons, ammunition, trained individuals, and financial help, among other things.

Despite violations of peace and human rights, terrorism has cost the country dearly. The 1993 Mumbai bombing cost Indian Railways Rs. 10 crore, the film industry Rs. 5 crore, and other businesses Rs. 500 crore. We now face one of our country's most significant crises, one that impacts a vast population spread throughout about 35% of India's land area.

V. Judicial Declarations on Human Rights Protection

In India, human rights are enshrined in the Constitution and international treaties, and the Protection of Human Rights Act is upheld by Indian courts.

The Supreme Court of India and other High Courts have issued historic judgements in the fight for equality, opening up new possibilities for development. Human rights encompass civil, political, economic, social, and cultural freedoms and rights. . *St. Mary School v. Election Commission of India [(2008) 2 SCC 390]* is a fundamental human right, as ruled by India's Hon'ble Supreme Court, because education is crucial in understanding the concept of progress.

According to the Supreme Court of India in *Ashok v. Union of India [AIR 1997 SC 2298]*, Article 21's "right to life" encompasses all elements of life that give one's life meaning, fulfilment, and worth, such as the right to a quick trial, legal assistance, and a means of livelihood.

Everyone has the right to live in a civilised society, which includes the right to eat. The Supreme Court determined "*Shantistar Builders —V- Narayan Khimlal Tatame*" [AIR 1990 SC 630].

In *Bandhua Mukti Morch v. Union of India (AIR 1984 SC 82)*, the Supreme Court of India decided that everyone has the right to liberty from "bound labour." The Supreme Court ruled in *Olga —V- Bombay Corporation [AIR 1986 SC 180]* that a reasonable, fair, and just procedure must be followed before terminating public employment.

There is a new law regarding "equal opportunity" for public employees in the state constitution, and every person eligible to apply has the right to apply and be considered under Article 14 of the constitution, according to the Hon'ble Full Bench of Patna High in "*Ram Sewak Yadav —V- The State of Bihar*" [2013 (1) PLJR 964]. As a result, selection must be done through an open advertisement with equal participation opportunities for all eligible individuals, followed by selection based on competitive merit.

Since the 'right to health' is included in human rights, pharmaceutical prices shouldn't be allowed to rise above a certain threshold. Accordingly, the Supreme Court decided in *Novartis AG V-UDI [AIR 2013 SC 1311]* that Article 21 covers the "right to life," which includes everyone's ability to obtain low-cost, life-saving drugs. Article 21 Ethical working conditions have also been certified for the general public by hospital management.

The law provides excellent protection to those who are less fortunate. According to *Peoples Union for Civil Liberties—V-U01 [(2010) 5 SC 424]*, "the right of tribals to live in forest regions with incidental rights, like as food, fuel, and wood, is an essential component of their right to life as ruled in *Banvasi Seva Ashram—V- State of U.P ; AIR 1987 SC 374.*" This was decided by India's Supreme Court.

In terms of the right to food and shelter, Article 21 states that individuals who are homeless or destitute in urban areas shall have adequate housing. .

If a person's reputation is at stake, no court or authority can issue a judicial order without giving the person who may be adversely affected by it a fair chance to respond. This is especially true if the order has grave consequences for the individual's reputation because it violates the Article 21 guarantee. *Divine Retread Center v. State of Kerala, (2008) 3 SCC 342*, was decided by the Supreme Court. A person's reputation is crucial to their success in life, and they have the right to it as well as the duty to safeguard it.

Negative names are protected by the right to be heard before orders are imposed. State of Maharashtra vs. Public Concern for Governance Trust, Supreme Court of India .

A sanitary, clean, and safe environment is guaranteed by Article 21. If the health of any individual is compromised as a result of pollution, compensation or remedial action can be awarded against the authority or establishment responsible. For women, these are also fundamental rights, along with the right to equality. It is both a felony against the individual and a violation of fundamental human rights, including the right to life. The rights listed above are only examples; they are not all-inclusive.

VI. Conclusion

Human rights today cover a far broader range of issues. Its scope has widened in recent times as people's lives and living circumstances have improved. However, a strong system to ensure human rights are enforced is still needed in society. Having human rights is a basic human right in a civilised society.

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1. Kulshestra. S. K.; *Fundamental Rights & Supreme Court*; (Rawat Publication, Jaipur, 1995)
2. Chagla, M.C.; *The Individual and The State*; (Asia Publishing House, Bombay, 1985)
3. Singh, Pramod Kumar; *Supreme Court on Human Rights & Social Justice*; (Allahabad Law Agency. Faridabad, 2001)
4. Dr. Malhotra, Sudha; *Human Rights: Emerging Issue* (Kilaso Books, New Delhi, 2000)
5. Basu, Durga Das; *Commentary on Constitution of India*, (Lexis Nexis, Gurgaon, 2015)

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2. Kulshestra, Sok : *Fundamental Rights* (Rawat Publication, Jaipur, 1995)
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5. P.M. Bakshi : *Constitution of India*; (Universal Law Publication Co. Ltd. Delhi, 1996)