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Human Rights Violation and Its Effect on Society: An Indian Perspective

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Abstract: Human rights are inalienable fundamental rights to which a person is inherently entitled. Simply because she or he is a human being, and which are inherent in all human beings regardless of their nation, location, language, religion, ethnic origin or any other status. In this article Human rights violation in India and its effects on society. The article is divided into two segments, one is, what are Human Right violation and its types; and another one is, its effects on society.

Introduction:

Human rights are moral principles or norms which describe certain standards of human behaviour and regularly protected as legal rights in national and international law. They are commonly understood as inalienable fundamental rights to which a person is inherently entitled. Simply because she or he is a human being, and which are inherent in all human beings regardless of their nation, location, language, religion, ethnic origin or any other status. They are applicable everywhere and at every time in the sense of being universal, and they are egalitarian in the sense of being the same for everyone. They require empathy and impose an obligation on persons to respect the human rights of others. They should not be taken away except as a result of due process based on specific circumstances, and require freedom from unlawful imprisonment, torture, and execution.

The true forerunner of human rights discourse was the concept of natural law which appeared as a part of the medieval natural law tradition that became prominent during the enlightenment with such philosophers as John Locke, Francis Hutcheson and Jean Jacques Bur Lamnqui and which featured prominently in the political discourse of the American Revolution and the French Revolution. From this foundation, the modern human rights arguments emerged over the latter half of the twentieth century, possibly as a reaction to slavery, torture, genocide, and war crimes, as a realization of inherent human vulnerability and as being a precondition for the possibility of a just society.

Here are some Human Rights best owed by our government to all human beings-

1. **Right to life** - Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. Freedom from torture- Throughout history, torture has been used as a method of political re education, interrogation, punishment, and coercion.
3. Freedom from slavery- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.
4. Right to a fair trial - Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
5. Freedom of speech - Freedom of speech is the freedom to speak freely without censorship Freedom of thought, conscience and religion - Everyone has the right to freedom of thought, conscience and religion.
6. Freedom of movement- Freedom of movement asserts that a citizen of a state in which that citizen is present has the liberty to travel.
7. Rights debates- Events and new possibilities can affect existing rights or require new ones.
8. Reproductive rights- Reproductive rights are rights relating to reproduction and reproductive health. Reproductive rights may include some or all of the following rights: the right to legal or safe abortion, the right to control one's reproductive functions, the right to quality reproductive healthcare, and the right to education and access in order to make reproductive choices free from coercion, discrimination, and violence.

Though we are using all these kinds of rights in our day to day life by our choice as one side it has also another side i.e. violation of these human rights.

Evolution of Human Rights in India

India is a signatory to the Universal Declaration of Human Rights of 1948. In 1979 India ratified 2 covenants: International Covenant of Economic, Social and Cultural Rights; and the International Covenant on Civil and Political Rights. The Constitution of India guarantees Human Rights in the Chapter on Fundamental Rights.

The Directive Principles of State Policy supply the necessary guidelines for their effective implementation. Fostering respect for International Law is an obligation of the State under Article 51 of the Constitution.

The human rights relevant to the administration of criminal justice derive sustenance from the Constitution and gain strength from the creative interpretations of the Supreme Court. In the country's human rights jurisprudence, Article 21 became the springboard for judicial activism. The Supreme Court mainly interpreted Article 5 of the Universal Declaration of Human Rights and Article 10 of the International Covenant on Civil and Political Rights which provided respectively

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

"All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."

Article 19 guarantees to all citizens of freedom i.e.

1. Freedom of speech and expression;
2. To assemble peaceably and without arms;
3. To form associations or unions;
4. To move freely throughout the territory of India;
5. To reside and settle in any part of the territory of India;
6. To acquire, hold and dispose of property; and
7. To practice any profession or to carry on any occupation, trade or business.

In keeping with the spirit of human rights movement all over the world, the National Human Rights Commission came in India in 1993 through an ordinance promulgated on 28 September 1993 by the President of India. Soon the ordinance was replaced by a statute called the Protection of Human Rights.

Human Rights Act, 1993 came into force in 1994. The Act provides for setting up the National Human Rights Commission at the Centre as well as State Level Human Rights Commission. The National Human Rights Commission consists of a Chairman and 4 members, all of them being full-time members. The Chairperson may be no less than a former Chief Justice of the Supreme Court.

Of the 5 members, including the Chairman, three are to possess high-level judicial background and the remaining two must have knowledge of or practical experience in matters relating to human rights. The serious areas of human rights violations in India are custodial deaths, custodial rapes, and misuse of Terrorist and Disruptive Activities (Prevention) Act.

In order to further human rights, the Commission can intervene in any legal proceedings involving an allegation of violation of human rights. It can visit with prior approval of the state government any jail to study the living conditions of the inmates and make recommendations. It can review the Constitution or any law for the protection of human rights and recommend measures for their effective implementation.

The Commission reviews the factor, including Acts of Terrorism, that inhibit the enjoyment of human rights and recommends measures. It also undertakes and promotes research in the field of human rights. It encourages NGOs working in the field of human rights.

In India, the condition of Human Rights is so pathetic that the weaker sections of society are continuously exploited. Each and every human being, who lives in human society, has some human rights which he/she inherits from his/her birth to the death, and no one has a right to overtake these from others. India is a witness of relevance of the human rights. The condition was such that if a person is economically weaker and is not aware about his rights, he had to suffer a lot. Domestic Violence, sati, matrimonial homicide, child rights, labour rights and prostitution are some of the example of violation of human rights.

Human Rights Concerns

In Jammu & Kashmir, some north-eastern states, and wide rural swaths of central India infiltrated by Maoists, civilians are caught between armed insurgents and Indian security forces, suffering violence and human rights abuses by both sides. The state government in J&K has consistently held Kashmiris for months and even years without charge and subjected prisoners to torture, disappearance, and death. In Chhattisgarh, the state has threatened and imprisoned human rights defenders on trumped-up charges of sedition and treason, while state-supported militias operate with impunity. Terrorist attacks by Hindu and Muslim extremists are not uncommon in northern and western India. The 2002 anti-Muslim pogrom in Gujarat continues to go unpunished, as do the mass killings of Sikhs in 1984 and the killing of Muslims across India in 1992-1993. In Orissa and other resource-rich parts of the country massive industrial projects, such as mines, dams and economic development zones, force thousands off their land with inadequate compensation. In Bhopal, site of the world's worst industrial disaster over 26 years ago, thousands of survivors and their children suffer debilitating medical problems while those responsible for the leak walk free.

Women and girls face persistent discrimination and the threat of rape and other acts of violence, particularly in the north, and often at the hands of family members through dowry deaths, honour killings, and female foeticide. Members of lower castes, as well as adivasis (indigenous people), remain the victims of violence and humiliation despite their growing political and economic empowerment. Many Muslims and Christians face routine violence and harassment on account of their faith. Similarly, LGBT Indians find it very difficult to live openly in Indian society despite significant recent legal rulings in their favour.

Finally, a changing climate and a rapidly growing population will mean that soon millions of Indian lives will be threatened by rising oceans, melting glaciers, unpredictable monsoons, devastating droughts, polluted water sources, growing urban slums, and the resulting societal upheaval.

Protest Leader Freed In India:

After being jailed for leading a seven-year campaign against the forcible land acquisition for a \$12b steel plant, Abhay Sahoo was released on bail in early April. He had been arrested in November 2011 on false charges intended to silence his determined opposition to the forced eviction of thousands of farmers in the eastern Indian state of Orissa. His criticism of forcible evictions to acquire land for the POSCO steel plant had landed him in jail for 10 months in 2008-9 as well. While charges against him have not yet been dropped and Amnesty International continues to monitor his case, his release is a positive step and a reason to celebrate. Many thanks to everyone who acted on his behalf. Be sure to call for the release of Narayan Reddy, another anti-POSCO protest leader who remains in jail on false charges.

Various Types of Violation:

1. The number of deaths related to combat and the collateral damage caused by warfare are only a small part of the tremendous amount of suffering & devastation caused by conflicts.
2. Some of the gravest violations of the right to life are massacres, the starvation of entire populations, and genocide. Genocide is commonly understood as the intentional extermination of a single ethnic, racial, or religious group.
3. The term "war crime" refers to a violation of the rules of justice in war by any individual, whether military or civilian. The laws of armed conflict prohibit attacks on civilians and the use of weapons that cause unnecessary suffering or long-term environmental damage.
4. Other war crimes include taking hostages, firing on localities that are undefended and without military significance, such as hospitals or schools, inhuman treatment of prisoners, including biological experiments, and the pillage or purposeless destruction of property. Although clearly outlawed by international law, such war crimes are common.
5. Women and girls are often raped by soldiers or forced into prostitution. For a long time, the international community has failed to address the problem of sexual violence during armed conflict. However, sexual assaults, which often involve sexual mutilation, sexual humiliation, and forced pregnancy, are quite common.
6. Sexual violence is sometimes viewed as a way to destroy male and community pride or humiliate men who cannot "protect" their women. It is also used to silence women who are politically active, or simply inflict terror upon the population at large.

7. Mass rapes may also form part of a genocide strategy, designed to impose conditions that lead to the destruction of an entire group of people.
8. Torture can be either physical or psychological, and aims at the "humiliation or annihilation of the dignity of the person." Torture is used in some cases as a way to carry out interrogations and extract confessions or information.
9. In addition to torture, tens of thousands of people detained in connection with conflicts "disappear" each year, and are usually killed and buried in secret.
10. In addition, women are uniquely vulnerable to certain types of human rights abuse- in addition to the sexual abuse mentioned above; entrenched discrimination against women is prevalent in many parts of the world and leads to various forms of political and social oppression.
11. Violations of political and economic rights are the root causes of many crises. When rights to adequate food, housing, employment, and cultural life are denied, and large groups of people are excluded from the society's decision-making processes, there is likely to be great social unrest. Such conditions often give rise to justice conflicts, in which parties demand that their basic needs be met.

Human Rights Violation: Cases against Policemen in 2012

There has been a sudden spurt in the number of cases registered against policemen for alleged human rights violations across the country, with 205 last year alone, according to the National Crime Records Bureau. The total number of cases registered against the men in uniform was 205 last year, much higher than data of 2011 and 2010, which stood at 72 and 37 respectively, NCRB data said. However, of the 205 cases, only 19 personnel were charge sheeted and none were convicted last year. Assam registered the maximum cases at 102, whereas Delhi registered 75 last year for violation of human rights. While Assam did not file a charge sheet against any policeman, Delhi charge sheeted 12 of its personnel. However none of them were convicted in 2012. In 2011 too, Delhi registered 50 cases against its cops and charge sheeted 40 personnel. Eventually 232 policemen were convicted from various cases registered in various years. Bihar and Gujarat were the top two states to register cases against their cops in 2010 with nine and eight respectively for violating human rights, the report said. Though the two states filed charge sheets against five and two of their personnel respectively, only four Bihar personnel and none from Gujarat were convicted in 2010. The cases registered against policemen relates to disappearance of persons, illegal detention, fake encounter killings, violation against terrorists/extremists, extortion, torture, false implication, failure in

taking action, indignity to women, atrocities on SC/ST and other cases.

The Alarm:

Latest statistics of NHRC has revealed that Uttar Pradesh tops among all the states for maximum number of human rights violation complaints followed by the country's capital Delhi. In most cases of human rights violation, the victims hesitate to raise a voice and file petition in court because of the slow pace of justice in our country and even when the case is filed, in most cases the authorities are helpless to take any actions against the culprit because of lack of proofs. The situation is worse and cannot be improved unless the citizens themselves co-operate with the authorities.

Causes and Impacts of the Issue on society:

There are many events in history that can be traced to the cause of human rights being a focus point. These events had probable causes to why there are human rights violations today. One cause is the state. The state or government may impose certain laws that infringe on individual's freedoms because they believe it's necessary in order to maintain power or eliminate opposition. For example public humiliation, or punishment such as those taken place in some middle eastern can be seen as violations. Another cause is the lack of generosity or selfishness that states and individuals have. Companies that produce bottled water or provide it to countries often charge families more than they earn in a day's wage just for water. Certain elements of cultures and religions can lead to practices that violate human rights as well.

All forms of media these days seem to be flooded with human rights issues and debates. When we say human rights, they refer to those rights which are inherent to all human beings irrespective of caste, colour, sex, nationality, religion, ethnic origin, language or any other factor. Some of the human rights include right to freedom from torture, freedom from slavery, right to security, education, work, marry, and right to equality before the law etc.

Conclusion and Solutions:

There are many solutions out there to prevent the abuse of human rights. Through education and the media people can be aware of the numerous human rights violations taking place in the world today and gain some knowledge of what's going on in the world. Organizations have erupted in an effort to protect the rights of those that have been violated. Another group is Doctors for Borders an organization created by doctors to help those in nearly 60 countries threatened by violence.

neglect, or catastrophe, principally due to conflict, epidemics, malnutrition, exclusion from health care, or natural disasters.

If human rights are to have real meaning, they must be linked to public participation. And participation must be preceded by empowerment of the people'. This should be the punch line or focus area of all the human rights activists whether it be media or NGOs. Because, in every campaign or policy for the protection of human rights, unless and until we have the participation or support of the victims and the affected, we won't be able to give our best. We must make them aware about their rights and inspire them to ask for their rights.

White-collar crimes committed by persons in the government against their own dalit colleagues often go unpublished. Would you like to take up such issues of human rights abuses by a section of officers that command influence through money, caste, communal, regional, linguistic etc, power in the government?

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