



A CRITICAL EVALUATION OF HUMAN RIGHTS WITH SPECIAL REFERENCE TO INDIAN SOCIETY

Vandana Sharma,

B.Sc. (Mathematics), B.Ed. (SEDE) (Visually Impairment), M.A. (Social Work), Jiwaji University, Gwalior,
Madhya Pradesh, India.

Email: real_luck@rediffmail.com

Orcid: <https://orcid.org/0000-0002-0984-9591>

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Abstract:

Human Rights are available by birth for all beyond all kinds of discriminations with universality in worldwide. Human Rights are essential and compulsory for the existence of human beings hence this research paper shows the actual or genuine conditions of human rights in Indian Society which helpful & useful for Students, Lecturers, Professors, teachers, research scholars, Institutions or Organizations or Establishments, Commissions, Social Welfare institutions, Governments, committees, NGOs, Trusts, Colleges, Universities, Person individually or group, Society and other required persons with regard to conduct research & do the needful according to requirements, necessities, time & circumstances.

Key word: Human Rights, Enforcement System, Social Work, Establishments, Commissions,

Introduction:

In present era whole world is considered as a family in globalization. In this regard, Social work has become a need of hour, enhancing peace, security, help, fraternity, humanity, morality and other related things with its own specific place in the worldwide for the welfare of people and living creatures, when it was the unlimited loss of human and property in the First world war due to only selfishness and other connected & relevant matters of some persons. The need or necessity was felt that some such fundamental rights and freedoms must be provided to all human which are essential and compulsory and essential to keep the existence of human and human life. As a result The Universal declaration Human Rights 1948 was adopted by UNO in which 30 articles have been placed. In this declaration Civil Political, Social, Economic, Cultural and miscellaneous rights were mentioned. The human rights also are called inalienable, indispensable, universal, basic, natural and birth rights but the implementation of human rights is not found in Indian Society as required for the interest of people.



A Critical Evaluation of Human Rights in India society:

Human rights have been mentioned under Part-III article 12 to 35 of the Constitution of India which is enforceable or justiciable by the Court. The enforcement of aforesaid human rights as fundamental rights is guaranteed under article 32 of The Constitution of India. The same also can be enforced by the High Court respective under article 226 of The Constitution of India. Either the enforcement of the human rights we can make directly in hon'ble Supreme of India which is also the apex court of India or the hon'ble High Court respective. Earlier there were seven fundamental rights but in present time there are only six fundamental rights in The Constitution of India. The right to property Article 19 (1) (f) has been removed from list of fundamental rights by the forty fourth constitution amendment 1978 and the same has been placed as a constitutional right under article 300A of The Constitution of India. Human rights also have been incorporated under Part-IV article 36 to 51 as the directive principles of State policy namely as the duties of the State in the Constitution of India which are not enforceable or justiciable by any court of India but these are the fundamental in governance of the country. It is required to clarify here the meaning or definition of human rights or fundamental rights because the Constitution of India is salient in respect of the definition of the human rights or fundamental rights. It also is relevant to contain over here that "Human Rights mean the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution of India or embodied in the International Covenants and enforceable by Courts in India".² It is said that the rights are incomplete without duties so it can be said that the rights & duties are complement, inter-dependend, inter related, co-related and also mutually connected with each other. It is also said that the rights & duties are twins' children of a mother therefore the fundamental duties have been contained under Part IV A article 51A (a) to 51A (k) on the recommendation of Swarn Singh Committee by the forty second amendment 1976 in the Constitution of India. Earlier there were ten fundamental duties but now there are eleven fundamental duties under the Constitution of India which also are not enforceable or justiciable before any court of India in the Constitution of India but the some same are enforceable or justiciable in other laws except the Constitution of India and the violation of it is a punishable. The conditions of human rights are worst and the most miserable in Indian society. The grave and the most serious violation or contravention of human rights or fundamental rights also is own its extreme level broad day light or openly which consequences are

²Under section 2 (1)(d) The Protection of Human Rights Act 1993.



the most anxious for all of us. The deprivation from life & personal liberty of human is very common or ordinary thing in Indian Society hence it raises the question that who is, was and shall be responsible or liable or accountable or answerable for the such violations of human rights or fundamental rights so it is prime time to save human & humanity first of all in the world of development, privatization, liberalization, industrialization, globalization and other connected or relevant things also. Human rights are available for all but the implementation or execution of the same is being and becoming as required in accordance with policies, schemes, requirements, necessities, Laws, situations, time and circumstances in India and Indian Society.

Remedies & Suggestions:- Remedies and Suggestions with regard to development, education, research, literacy, awareness, respect, Enforcement, implementation, protection, preservation and other connected, incidental matters of Human Rights for the welfare of people and also living creatures are as under:-

1. Human rights should be mentioned as a compulsory subject in the syllabus of primary, middle and higher education.
2. Human rights literacy programs should be conducted as the grass root level which is a need of hour in reference to instant time.
3. The accessibility of people should easily be to human rights & its enforcement system.
4. The State Human Rights Commissions have not been established so far in some states of India so the same must be established and functioned as expeditiously as possible as required according to the Protection of Human Rights Act 1993 for the welfare of people.
5. The required amendments should be done in the Protection of Human Rights Act 1993 as per instant requirements, necessities of people and for their welfare, time and circumstances.
6. The protection and preservation of human rights should be done with collective efforts of us, governments, other institutions, organizations, establishments and society with good conscious, sacred feelings thoughts, morality, humanity and other related things.
7. The human rights' education, literacy, awareness and other required and connected things should be done by NGOs too but it should be beyond the selfishness, corruption, illegality, unconstitutionality, other wrong things and beyond all kinds of partialities.



8. The protection, preservation and development of human rights should also be done by the Social work and with sacred feelings for welfare of people especially for weaker, disable and vulnerable groups of people.
9. The work or act should be done in the protection, preservation and development of human rights according to the main spirit of the same.
10. Education and knowledge are supreme in human life in which vests the supreme welfare of human & human life, enforcement and implementation of human rights must be done as effectively & expeditiously as possible for the welfare all people without any kinds of partialities and discriminations.

Conclusion:

In a nut shell it can be said that there is the most specific place & contribution of human rights in India in this regard. India is committed to do the work in the interest of human & living creatures, performing an important and vital role in the field of human rights but it can not be denied from also this thing that there are very miserable and anxious conditions of human rights in India. In the furtherance of Rule of Law, the implementations of human rights are the biggest controversial and burning issue in India. Broad day light murders, infanticide, robbery, abduction, kidnapping, extortion, deprivation from life & personal liberty and others also are done and are increasing day by day as a result all these are the most serious question marks on the human rights in Indian society. In this respect, the concept of Rule of Law & the principle of Natural Justice must be ensured with the required compliance for the welfare of people. The human rights must be protected, preserved, respected and developed with the required co-ordination, help and collective efforts by us, Governments, all the Institutions, establishments and society along with the pious thoughts, feelings, abstracts and other related things in accordance with requirements, time and circumstances in Indian society.

References:

1. The Constitution of India.
2. The Protection of Human Rights Act, 1993