

Enhancing Human Rights Protections: Legislative and Judicial Responses in India Amid the Human Rights Movement

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Abstract:

Since the dawn of human civilization, individuals have strived to secure fundamental rights, which later became known as human rights. The liberal political philosopher John Locke identified the right to life, liberty, and property as the foundational rights of all humans. Throughout history, people have organized movements globally to challenge monarchies, arbitrary government actions, slavery, and servitude. The concept of human rights has evolved with the establishment of democratic systems, the rule of law, active civil societies, and the separation of powers across governmental levels. Before the outbreak of World War II, some democratic rights existed; however, totalitarian regimes often restricted or suppressed these rights. In the post-World War II era, rapid decolonization occurred, leading many nations to gain independence from colonial rule. The devastation of World War II prompted the international community to establish the United Nations (UN), with the UN Charter proclaiming human rights on December 10, 1948. Today, people worldwide have access to civil, political, cultural, educational, and economic rights, and an array of newer rights as well.

In the Constitution of independent India, fundamental rights of citizens were enshrined in Articles 14 to 35. However, during a period of emergency in 1975, these rights were suspended. The Indira Gandhi-led Union Government, utilizing emergency powers, enacted several draconian laws that targeted political opponents and restricted the right to engage in democratic activities. This led to the emergence of the human rights movement in India. Subsequently, the National Human Rights Commission was constituted to monitor and address human rights issues in the country. The Supreme Court, acting as the guardian of the constitution and protector of human rights, has delivered numerous noteworthy judgments aimed at improving the conditions of marginalized communities such as women, children, scheduled castes, and scheduled tribes. The court has also taken steps to safeguard the rights of bonded laborers, undertrial prisoners, and detainees. These efforts have played a crucial role in upholding the principles of justice, equality, and dignity for all individuals in Indian society.

Keywords: Strived, Human rights, Servitude, Totalitarian regimes, Devastation, Draconian laws, Marginalized communities.

Introduction:

The achievement of human rights objectives was marked by the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly on December 10, 1948. Throughout history, the struggle for freedom against tyranny, injustice, oppression, and exploitation has been central to the

advancement of human rights. In the realm of human rights, the issue of women's rights holds significant importance. Women often find themselves marginalized in male-dominated societies, where their rights are frequently overlooked. This makes women a particularly vulnerable segment of society. Historically, pivotal documents such as the Magna Carta in 1215 and the French Declaration of the Rights of Man and the Citizen in 1789 stand as enduring testaments to the enduring struggle for human rights. These documents underscore the universal nature of human rights and the ongoing quest for justice and equality for all individuals, regardless of gender, race, or background.

The UN Declaration of Human Rights, proclaimed on December 10, 1948, serves as a cornerstone for global human rights principles. In India, the Fundamental Rights enshrined in Part III and the Directive Principles of State Policy outlined in Part IV of the constitution underscore the nation's commitment to upholding human rights.

The movement for human rights must extend beyond legal frameworks and governmental policies. True progress in human rights can only be achieved through grassroots initiatives that focus on uplifting the conditions of the impoverished and marginalized segments of society. By empowering communities at the grassroots level, addressing systemic inequalities, and fostering inclusivity, we can pave the way for a more just and equitable society for all individuals.

Human rights movements in the post-independence period are often categorized into two main periods: pre- and post-emergency declarations of 1975. The formation of the Civil Liberties Committee in West Bengal in 1948 marked a response to state atrocities against communists, a topic extensively discussed in Nilanjan Dutta's book "From Subject to Citizen." Civil liberties movements gained momentum in the late 1960s, coinciding with the emergence of the Naxalbari movement. The government's use of force to suppress the Naxalbari movement resulted in significant loss of life. During this time, movements were organized to safeguard the democratic rights of oppressed sections of society.

The trajectory of human rights movements in India became apparent in the mid-1970s. In 1975, Smt. Gandhi declared a state of emergency citing internal disturbances, which persisted until September 19, 1977. This period saw the creation of an undemocratic environment marked by severe restrictions on the press, political activities, and human rights. Widespread discontent arose across the nation due to the perceived abuse of governmental authority. The emergency period witnessed the arrest and detention of opposition leaders, along with the stifling of press freedom. Acts like MISA (Maintenance of Internal Security Act) and COFEPOSA (Conservation of Foreign Exchange and Prevention of Smuggling Activities) were notably misused during this time, jeopardizing human rights and democratic freedoms. Consequently, there was a significant backlash from the public against the government.

In his book "Social Movements in India," Professor Ghanshyam Shah remarked, "The liberal intelligentsia was deeply alarmed by the revelation of authoritarian tendencies inherent in the political system, highlighting the inherent risks in assuming the durability of democratic processes as previously believed. This realization shaped the intellectual and political landscape that gave rise to the contemporary civil and democratic rights movement." Several organizations have taken up the cause of protecting human rights against state encroachments, working to bring attention to cases of human rights violations. These organizations operate across different regions of India and include notable groups such as:

1. PUCL (People's Union for Civil Liberties): With branches throughout the country, PUCL focuses on civil liberties issues.
2. PUDR (People's Union for Democratic Rights): Based in Delhi, PUDR has autonomous branches in various Indian states, advocating for democratic rights.

3. APDR (Association for Promotion of Democratic Rights): Situated in Kolkata, APDR is active in promoting democratic values and rights.
4. AFDR (Association for Democratic Rights): Located in Punjab, AFDR is engaged in advocating for democratic rights.
5. CPDR (Committee for Protection of Democratic Rights): Based in Mumbai, CPDR works towards safeguarding democratic principles.
6. APCLC (Andhra Pradesh Civil Liberties Committee): Situated in Hyderabad, APCLC focuses on civil liberties issues in Andhra Pradesh.

Additionally, the Lok Adhikar Sangh of Gujarat and movements for human rights in Nagaland also play significant roles in advocating for human rights in their respective regions.

Regarding their organizational functioning, Professor Ghanshyam Shah, in his book "Social Movements in India," commented that these organizations often have an ad-hoc organizational structure and functioning. While this structure provides flexibility for undertaking activities, it may lead to challenges in maintaining continuity among members and activities. Some organized movements have also taken on characteristics akin to human rights movements. Examples include the NBA (Narmada Bachao Andolan), anti-drug organizations, the Sathin movement, and others. Instances of human rights violations by police personnel, paramilitary forces, and various government agencies continue to occur in India. Organized movements like the Chipko movement, NBA, and the role of voluntary de-addiction centers, anti-drug organizations, and youth forums like Yuvak Manch contribute to the fight for civil liberties.

Numerous causes and factors are contributing to human rights violations by Indian police. According to a retired police chief, cases of custodial deaths and police misconduct often fade away after initial public outrage. Investigations and charges are framed in ways that allow the guilty to escape through loopholes. Human rights organizations frequently report encounters and disappearances, but due to a sense of solidarity among police personnel, there's often a reluctance to speak out or, when they do, it may involve distorting facts to favor their own narrative.

During the emergency period in India, there was a significant increase in human rights violations, with many cases going unreported and avenues for enforcing rights being suspended. The suspension of Habeas Corpus writs under Article 352 was a pivotal issue brought before the Supreme Court in the case of ADM Jabalpur vs Shivakanta Shukla [AIR 1976 SC 207]. Chief Justice Ray's opinion emphasized that liberty is not an abstract or absolute concept but rather a regulated freedom. He argued that during extraordinary circumstances such as an emergency, where extraordinary powers are granted to the government, it is because the situation itself is extraordinary.

Various human rights groups and organizations have focused on addressing several areas of human rights violations in India. These include:

1. **Bonded labor:** Working to combat the exploitation and abuse of individuals trapped in bonded labor situations.
2. **Child labor:** Advocating for the eradication of child labor and ensuring access to education and proper care for children.
3. **Police atrocities:** Addressing issues such as illegal detention, torture in police custody, and custodial deaths, advocating for police accountability and reform.
4. **Crimes against marginalized communities:** Working to protect the rights of vulnerable groups and combatting crimes targeted at them.

5. **Women's rights:** Addressing issues such as dowry deaths, trafficking, and other forms of violence and discrimination against women.
6. **Smuggling:** Campaigning against illegal activities and advocating for fair and just enforcement of laws.
7. **Anti-people laws:** Opposing laws like TADA (Terrorist and Disruptive Activities Act), POTA (Prevention of Terrorism Act), and other legislation perceived as infringing on civil liberties and human rights.
8. **Tribal rights:** Advocating for the rights of tribal communities, especially in the face of challenges posed by urbanization and land acquisition.

By focusing on these areas, human rights groups aim to protect and promote the fundamental rights and dignity of all individuals, particularly those who are vulnerable and marginalized. Human rights movements in India have wielded significant influence over all three branches of government - the executive, the legislature, and the judiciary. Through their efforts, the executive and legislative bodies have been compelled to take necessary actions such as repealing Acts like MISA (Maintenance of Internal Security Act) and the National Security Act, and instituting provisions for compensating victims of mob violence and state neglect. Additionally, laws have been enacted to safeguard the interests of marginalized communities.

Judicial activism, particularly through Public Interest Litigations (PILs), has played a crucial role in addressing the grievances of human rights violation victims. These movements have also worked diligently to raise public awareness about human rights, garnering recognition from both national and international institutions. Various methods such as signature campaigns, email campaigns, petitions, public meetings, and peaceful protests (dharnas) have been employed to exert pressure on authorities responsible for human rights abuses.

Overall, the concerted efforts of human rights movements in India have contributed significantly to legislative reforms, judicial interventions, public awareness, and advocacy for the protection and promotion of human rights across the country.

Protection of Human Rights in India:

Most rights included in the UN Declaration of Human Rights in 1948 have been incorporated into the Indian Constitution. Human rights are recognized in the Preamble, Part III, and IV of the Indian Constitution. The architects of the Indian Constitution took this step to make the social revolution successful in India. Human rights are defined in the Protection of Human Rights Act of 1993. They are constitutionally recognized, included in international agreements, and enforceable by the court concerning human life, liberty, equality, and dignity. Human rights encompass civil, social, cultural, political, and economic rights that are indispensable for the development of human personality. Citizens of a civilized society can access those rights without discrimination based on race, religion, gender, wealth, or poverty. As examples of human rights, some rights can be mentioned. These include the right to life and security, the right to equality in the eyes of the law, the right to be free from arrest and illegal detention, the right to access justice and legal aid, freedom from slavery and servitude, the right to social security, the right to work, the right to property, the right to vote, the right to participate in governance, the right to education, and the right to participate in cultural activities.

All human rights are equally accessible to everyone, without discrimination. Despite the widespread acceptance and popularity of the concept of human rights in all social systems worldwide, some

governments continue to suppress human rights through repressive state mechanisms, leading to despair among individuals. This underscores the importance of not solely relying on national governments for the enforcement of human rights; a combined effort of national and international enforcement is necessary to safeguard these rights. Efforts towards the internationalization of human rights intensified after World War II. Totalitarian and authoritarian regimes, both during the pre-war era and the war itself, frequently violated human rights within their own countries and occupied territories, often motivated by racial and religious factors. The atrocities witnessed during this period, coupled with the global desire for peace and progress, necessitated the international enforcement of human rights, a sentiment that found expression in the Charter of the United Nations.

In the Indian Constitution, human rights are incorporated in Part III and Part IV. Part III of the Constitution deals with fundamental rights, including:

(a) The Right to Equality (Articles 14-18) (b) The Right to Freedom (Articles 19 to 22) (c) The Right against Exploitation (Articles 23 and 24) (d) The Right to Freedom of Religion (Articles 25 to 28) (e) Cultural and Educational Rights (Articles 29 to 30) (g) The Right to Constitutional Remedies (Articles 32-35). These fundamental rights are crucial components of the Indian Constitution, ensuring equality, freedom, protection against exploitation, freedom of religion, cultural and educational rights, and access to constitutional remedies for citizens.

To safeguard human rights, several measures have been implemented. India, being a democratic nation, is dedicated to upholding human rights. Indian society is characterized by its pluralistic nature, encompassing diversity in socio-economic, cultural, linguistic, and religious aspects. This diversity necessitates heightened responsibility and vigilance on the government's part to ensure the preservation and enforcement of rights for all citizens. To ensure the enjoyment of citizens' rights, the Constitution of independent India has taken several crucial steps. These include the establishment of the rule of law, judicial review, the separation of powers between the executive and judiciary, and the independence of the judicial department. Additional measures have been implemented, such as providing free legal aid to the economically disadvantaged, promoting public interest litigation, establishing special tribunals for swift dispute resolution, and adopting special constitutional provisions to safeguard the rights of women, children, and vulnerable sections of society, including scheduled castes and scheduled tribes. Furthermore, the Constitution guarantees religious freedom, protects the rights of minority communities, prohibits exploitation, and empowers workers to participate in the management of industries. These comprehensive initiatives reflect India's commitment to ensuring the holistic protection and promotion of human rights for all its citizens.

Legislative Response towards Securing Women's Rights:

During India's struggle for freedom, women faced prolonged hardships and atrocities at the hands of the British Army as they bravely fought to dismantle the symbol of British authority. However, after gaining independence, contrary to the hope for fair treatment, Indian women encountered gender-based discrimination across various societal, political, economic, business, and administrative spheres. Recognizing this injustice, the government swiftly took proactive measures to safeguard women's rights. Emphasis was placed on bolstering the legal and constitutional rights of women, alongside acknowledging and promoting their liberty and equality.

The initial stride in this direction was marked by the enactment of the Hindu Marriage Act of 1955 and the Hindu Succession Act of 1956, along with the Hindu Minority and Guardianship Act of 1956.

Subsequently, several legislative measures were introduced to safeguard women's rights and protect them from violators.

These include the Dowry Prohibition Act of 1961, the Indecent Representation of Women (Prohibition) Act of 1986, the Suppression of Immoral Traffic Act (SITA) of 1956, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013 (POSH Act). Notably, workplace sexual harassment in India was officially recognized by the Supreme Court in its landmark *Vishaka vs. State of Rajasthan* judgment. This pivotal ruling led to the formulation of guidelines and directives for the government to enact suitable legislation to combat sexual harassment effectively.

Following the *Vishaka* judgment, the Supreme Court established specific guidelines mandating every employer to institute mechanisms for addressing grievances related to workplace sexual harassment. These guidelines were diligently adhered to by employers until the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013 (POSH Act).

The POSH Act was introduced to uphold the Constitutional mandate and ensure the protection of women from sexual harassment in the workplace. This legislation imposes various responsibilities on employers to create a safe working environment for women and delineates a comprehensive framework for compliance and disclosure.

Responsibility of Judiciary and Police:

The criminal justice system in India is designed to protect the rights of women. Enshrining women's rights in the constitution cannot be successful without a vigilant judiciary and police force. Article 32 of the Constitution guarantees individuals the right to approach the Supreme Court directly for the enforcement of their fundamental rights.

For the protection of the rights of married women and to address cruelty against them in strained matrimonial relations, remedies are available under Section 498A of the CrPC. This section is invoked by the police if a husband or any family member of the husband subjects the woman to cruelty or harassment, and the errant husband is liable to prosecution in a criminal court.

Dowry is one of the gravest maladies of the Indian social system, often leading to the death of women. If a woman dies from burns or bodily injuries in unnatural circumstances within seven years of marriage, and it is established through court proceedings that she was subjected to cruelty and harassment related to dowry demands before her death, then such a death is considered a dowry death under Section 304B of the IPC, and the accused husband can be punished by the court.

Provisions within the CrPC address the maintenance of divorced wives and safeguard the rights and interests of children born out of wedlock. The honorable Supreme Court has directed all lower courts to resolve maintenance cases within 60 days.

In landmark cases like *Shah Bano* and *Subanu* in 1985 and 1987, the Supreme Court delivered bold and progressive judgments affirming the right of Muslim women to claim maintenance. Through these verdicts, the court upheld the interests of Muslim women and protected them from the injustices of their abusive husbands, recognizing their rights to maintenance.

Another significant step toward protecting women's rights is the enactment of the Protection of Women from Domestic Violence Act (PWDVA), aligning with the United Nations Convention on the Elimination of All Forms of Discrimination against Women. This act ensures the establishment of separate shelter homes for women, access to medical facilities, and provisions for improving their well-being.

The court has consistently upheld the right to life and privacy of women in various judgments. In the case of the State of Maharashtra vs Madhukar Narayan Madhukar, the Supreme Court emphasized that even a woman with a tarnished reputation is entitled to privacy, and no one has the right to intrude upon it.

In the case of Bodhisattwa Gautam vs. Subhra Chakraborty (1996 AIR), the court observed that the crime of rape constitutes a violation of the right to life guaranteed by Article 21 of the Constitution, which encompasses the right to live with dignity. Additionally, the court noted that rape is an egregious intrusion upon the fundamental human rights of women.

Rights of Children:

Children represent the most vulnerable segment of society, deserving legislative protection. The International Convention on the Rights of the Child, 1989, serves as a human rights treaty that encompasses children's rights across civil, political, social, health, and cultural domains. Article 24 of the Convention explicitly prohibits the employment of children below fourteen years of age in hazardous occupations such as factories or mines, aligning with human rights principles and United Nations standards.

Within the Indian context, Article 15 of the Constitution mandates the state to implement special measures for the welfare of women and children. It directs the state to ensure that children grow up in a nurturing and healthy environment. Furthermore, Article 39(e) emphasizes the importance of safeguarding the health and well-being of workers, including women and children, and preventing their exploitation due to economic necessity. This provision aims to prevent individuals from being compelled to engage in occupations unsuitable for their age or physical capabilities.

Additionally, Article 45 of the Constitution outlines the provision of free and compulsory primary education for all children below the age of fourteen within a decade of the Constitution's commencement. This measure underscores the commitment to promoting education as a fundamental right and ensuring equal opportunities for all children.

The Indian Penal Code provides legal protection to children, specifically addressing the crime of infanticide in Section 315. This section stipulates that any person who, with the intent of causing grievous harm to a child before its birth, commits an act that obstructs the child from being born alive or compels the child to die, is punishable for the offense of killing an infant or attempting to commit such an act. Section 366A of the Indian Penal Code applies to individuals who coerce minors into engaging in illicit intercourse, either with themselves or with another person. This offense is classified as cognizable and carries a penalty of up to 10 years of imprisonment along with a fine. Section 372 and 373, IPC punishes the offenders engaged in selling and buying minors for purposes of prostitution. These sections are in congruence with Article 23 of the constitution which forbids traffic in human beings and the person found guilty of such acts shall be punished by laws.

The Child Labour (Prohibition and Regulation) Act, of 1986 protects children from engagement in certain occupations considered perilous for their health.

The Orphanage and Other Charitable Homes (Supervision and Control) Act, of 1960 provides for the supervision, inspection, and regulation of orphanage homes for estranged women and destitute children.

POSCO Act:

This Act is an antidote to commercial exploitation and intrusion on children in the form of sexual harass-

sment, sexual assault, sexual abuse, child pornography, and intruding on the privacy of children passed by the Indian Parliament in 2012. This act was intended to create a safe and secure environment for every child. This act laid down the provision for the establishment of a special court for the trial of such cases. Any person found guilty under the POSCO Act is subjected to stringent punishment.

The Guardian and Wards Act:

This act came into force in 1890. The act intends to protect the minor and his property. When a divorce takes place there is uncertainty as to who will get the custody of the children. In that case, the court shall consider the paramount welfare of the children and the ambience in which the child can develop to the fullest and accordingly give physical custody of the child either to the father or mother. Besides the court also considers the wishes of the child.

Gaurav Jain vs. Union of India: Upholding the rights of children of women. The children have the right to equality of opportunity, dignity, care, and protection

The court has taken numerous steps to protect the rights of laborers, detainees, and undertrial prisoners, aiming to alleviate their suffering. It's important to note that an undertrial prisoner is not considered a criminal until proven guilty in court proceedings. An accused individual has the right to be informed of the grounds for their arrest immediately after being apprehended by the police. According to Article 22(2) of the Constitution and Section 57 of the CrPC, every detained person must be presented before a Magistrate within 24 hours of their detention or arrest.

The Supreme Court, in its observation in the case of *Sharifbai v. Abdul Razak*, emphasized that failure to produce an accused person before the Magistrate within the specified time would be deemed as wrongful detention. Additionally, an accused person has the right to legal representation by a legal practitioner of their choice (Article 22(1)). Furthermore, Article 39A of the Constitution provides for free legal aid for individuals who are unable to afford legal representation due to insolvency.

In the case of *Prem Shankar Shukla v. Delhi Administration*, the Supreme Court emphasized that handcuffing during transportation should be avoided unless absolutely necessary, and the escorting officer must provide a reason for doing so. Additionally, an accused person or detainee is entitled to bail as per the directives of the court.

The court has diligently protected the rights of vulnerable sections of society through its power of judicial review. With the tool of public interest litigation, the judiciary has brought relief to undertrial prisoners, prohibited trafficking of women, restrained custodial violence, rescued bonded laborers, enforced labor laws, and improved conditions for workers in stone quarries who were previously subjected to horrific conditions.

Furthermore, the Supreme Court has issued directives to the central government for the release and rehabilitation of unpaid laborers. In its efforts to prevent violations of human rights among detainees in police custody, the Supreme Court has affirmed that confessions made before the police under duress are inadmissible in court. This ruling serves to safeguard the rights and integrity of individuals during legal proceedings.

Under pressure from international bodies such as the United Nations, Amnesty International, Asia Watch, and various national and international activist groups, Parliament enacted the Protection of Human Rights Act in 1993. This led to the establishment of the NHRC (National Human Rights Commission), with Section 21 of the Protection of Human Rights Act of 1993 also providing for the appointment of State Human Rights Commissions.

These commissions function as independent and autonomous bodies, primarily engaged in making recommendations. Their role is advisory and aimed at safeguarding and promoting human rights within their respective jurisdictions.

NHRC:

The National Human Rights Commission comprises five members. By their official positions, three members are included in it. With them, the total number of members of the commission is eight. Mention is made about the qualifications of the members in the law. (i) The chairperson of the commission is appointed from the retired Chief Justices of the Supreme Court. (ii) One member is appointed from the serving or retired judges of the Supreme Court. (iii) One member is also appointed from the serving or retired judges of the High Court. (iv) Two members are appointed from the persons having practical experience in the field of protection of human rights. The Chairperson of the National Commission for the minority community, the Chairperson of the National Commission for the Scheduled Castes and Tribes, and the Chairperson of the National Commission for Women are also members of the commission by their official positions. Besides the Commission has Secretary General.

Procedure of Appointment:

The Chairperson of the National Human Rights Commission is appointed by the President, following recommendations from a committee. This committee comprises the Prime Minister as its chairman, the Speaker of the Lok Sabha, the Home Minister of the Government of India, the leader of the opposition party in the Lok Sabha, the leader of the opposition in the Rajya Sabha, and the Vice-Chairman of the Rajya Sabha. Without the recommendation of this committee, the President cannot appoint members to the commission.

Furthermore, for appointing acting judges of the High Court or the Supreme Court as members of the commission, consultation with the Chief Justice of the Supreme Court is necessary.

Term of the Chairperson and Members:

The Chairperson of the NHRC is appointed for a term of five years. But the Chairperson must retire if he attains the age of 70 years before the expiry of the fixed term of five years. The members of the commission are also appointed for a term of five years. After retirement, no member can be appointed to any post under the Union or state government.

Removal:

The President can remove the Chairman and members of the NHRC before the completion of a fixed term. The President can remove them for misconduct, corruption, or incapacity.

Powers and Functions of the Commission:

The Commission enjoys vast powers and mainly performs the following functions:

1. The commission inquires into the allegations of human rights violation cases. In this regard, the commission conducts its inquiry on its own or based on a written complaint received.
2. The commission inquires in the matter of failure to discharge duties of any government functionary in the field of protection of human rights violation.

3. The commission can participate in the hearing of cases of under trial concerning the violation of human rights. The commission takes such a step with the consent of the court.
4. The commission may visit jails to inquire into the standard of living or condition of the prisoners or detainees or inmates. The commission may put forward some recommendations for improving the condition of prisoners or detained persons.
5. The commission has the authority to review the measures outlined in the constitution and safeguarded by the law regarding the protection of human rights, and it may suggest enhancements to ensure their greater efficacy.
6. The commission may review the factors that are detrimental to the preservation of human rights or that stifle the enjoyment of human rights including the acts of terrorism and recommend their removal.
7. It studies all international agreements concerning human rights and recommends their effective implementation
8. The commission encourages the conduct of research work in the field of human rights.
9. The commission makes different classes of people aware of their human rights.
10. The commission encourages the activities and roles of private voluntary organizations, and NGOs in the field of preservation of human rights.
11. It frames necessary planning in the matter of the development of human rights.

Despite this, its performance is encouraging. The members of the Commission have visited many prisons and found that the conditions in the prisons were marked by “gross overcrowding, squalor, and maladministration”. The Commission has been able to bring about reforms in police, prisons, and other centers of detention. Neighboring state Pakistan accuses India of violating the human rights of Muslims in Jammu and Kashmir. Despite several steps taken to remedy human rights violations, the future is bleak. Still, a lot needs to be done to improve the situation of human rights in India.

Concluding Observations:

From the preceding discussion, it is evident that human civilization has undergone a prolonged struggle for human rights. At the international level, numerous bodies are dedicated to the cause of human rights. The UN High Commissioner for Human Rights office, established in 1993, is committed to promoting and safeguarding civil, cultural, political, and social rights for all individuals.

Similarly, in India, the Human Rights Act was passed by Parliament in the same year, leading to the creation of the National Human Rights Commission and State Human Rights Commissions to monitor the human rights situation in the country. The judiciary has made efforts to protect the rights of marginalized communities such as bonded laborers, women, children, and undertrial prisoners, earning recognition for its endeavors. However, despite these efforts, the state of human rights in India remains deplorable.

US Human Rights Groups, in their assessment of human rights conditions in India, have raised concerns about several issues. They highlight instances of police and military crackdowns in regions like Jammu and Kashmir and Maoist areas, resulting in false encounters and the deaths of innocent individuals. Additionally, they point out the misuse of anti-terror laws against minority groups and Dalits, leading to false implications and prolonged incarceration. The cumbersome legal processes further exacerbate the plight of those wrongly accused, forcing them to endure years in prison before proving their innocence. Inadequate medical facilities and overcrowded, unsanitary prison conditions add to their suffering, especially when undertrial prisoners are housed alongside hardened criminals.

Furthermore, the Armed Forces Special Powers Act (AFSPA) is cited as a source of gross human rights violations, with innocent lives lost in false encounters and detainees subjected to harsh treatment to extract confessions. Human rights activists and journalists are targeted under laws like the Unlawful Activities Prevention Act (UAPA), which is also misused against peaceful assemblies and political dissent. The misuse of criminal libel laws to silence social media activists further violates human rights. Moreover, incidents of abuse and deaths in police custody during the COVID-19 quarantine period are highlighted as additional concerns.

While the National Human Rights Commission (NHRC) has made efforts to address these issues, there is a consensus that more proactive measures are needed to address the pervasive human rights violations in India.

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