

# Civil Society and Human Rights: Developing Public Policy in India

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## Abstract

Human rights are those that pertain to each person's total development. Every person, whether a citizen or not, carries their rights with them. Human rights are equally important for each person's full development. The basic rights, also known as fundamental rights, are reflected in different clauses of the Indian constitution. However, there are both explicitly stated and implicitly stated fundamental rights.

The Protection of Human Rights Act of 1993 in India, however, is what matters most because it was created to safeguard people from grave human rights breaches and to prevent and punish such crimes. The world's largest democracy is found in India. Being a democratic nation, we must defend the fundamental rights of the populace. The acknowledgment and defence of human rights have also received proper consideration from the Indian government.

The Indian Constitution acknowledges these rights of the people and yawns them for each unique issue. Then, there are also additional ways in which human rights are violated, such as through forced labour, forced prostitution, unethical trafficking, low pay, gender discrimination, etc.

**Keywords:** Forced labour, gender discrimination, immoral trafficking, human rights, etc.

## Introduction:

Human rights today have a wider scope than they had in the past. Since no one can exist in the current society without these fundamental rights, we now recognise them as human rights. In the world's largest democracy, like India, the term "basic rights" and other similar articles are used to describe human rights. On the basis of those articles, we pass laws addressing issues like forced labour, gender discrimination, immoral trafficking, death in custody, death behind bars, and other hot-button issues. India enacts the Protection of Human Rights Act since it is a signatory.

The problem is that the entire study is based on doctrinal analysis drawn from a variety of books, journals, papers, and other related sources that discuss human rights violations. Regarding this, the fundamentals depend on the rights that are contained in the Indian constitution. The maintenance of our lives now heavily depends on the fundamental rights. It is mentioned not just in our constitution but also in the UDHR, ICCPR, and other conventions and protocols. India takes a number of important measures in this regard to improve the status of Indian citizens. The UDHR plays a vital role on its own, even if the ILO first started the agreements on workers' rights in the year 1920 on the basis of abolishing forced labour and establishing unions and organisations to

settle disputes, and the majority of nations enacted laws in this regard.

### **Objectives of the study:**

The report was founded on a critical examination of numerous problems involving flagrant violations of human rights. The following goals are taken into account in this regard:

1. To examine the effects of India's new human rights protections.
2. To research the Indian Constitution's protections for the right to education and other pertinent human rights laws.
3. To research the various government strategies for preventing violations of a person's human rights in India.

### **Research techniques**

The entire project is founded on doctrinal research. In this study, the researcher attempts to identify the origins of human rights in India and compares our current systems to international norms. To learn about the laws now in effect in India, the researcher also consults several journals, books, magazines, and judicial declarations. There are no primary sources utilised to determine the results of the study; instead, it is reviewed on the basis of reviews of several publications and books. The primary tool used to assess and examine the ideas surrounding human rights in India is descriptive analysis.

### **Study of the literature**

The respected speaker attempts to highlight the framework of social order by enforcing numerous rules, without which well-ordered social life would not be possible, in a brief presentation on "Human Rights under the Constitution of India." According to a number of social contract theory thinkers, the goal of state formation is to uphold and defend individual rights. While Locke believed that the goal of state was to remove barriers that impede an individual's personal growth, Aristotle believed that the state was born out of basic human needs and persists today for the sake of a happy life.

As a result, the basic goal of the state, the protection of individual rights and liberties, serves as evidence of its existence. The protection of an individual's dignity is crucial for maintaining social cohesion because its violation can have serious repercussions on both the individual and society as a whole. Some fundamental rights that come with being a human are due to everyone. These rights—often referred to as human rights—should not be violated on the basis of gender, race, caste, ethnicity, religion, etc.

Basic, fundamental, natural, and inherent rights are other names for human rights. The idea of a human right is not brand-new. It took a while for it to mature through many stages and become the idea we understand today. Although they were known by different titles, these rights—which also include civil rights, liberties, and social, cultural, and economic rights—were recognised in all ancient communities. The researcher also stated that upholding human rights is essential for an individual's personal growth and development, which in turn aids in the advancement of the country as a whole. It is a problem that is acknowledged globally, and a number of international instruments have been formed to safeguard human rights.

V. Sharma, "Forces deploy 1 million to guard Kashmir Valley, in this article the writer discusses about some incidents and highlights close to about 9.5 lakh personnel from the Army, different paramilitary units, and special forces, in addition to the Indian Air Force, are guarding every square inch of the Kashmir Valley amid increased tensions between India and Pakistan following the repeal of Article 370. Also mentioned by him Although the majority of the personnel were already posted in the Valley, the Centre has recently sent out over 1.75 lakh extra troops, which is unprecedented in Jammu and Kashmir's history.

In addition to the significant increase in troop strength, all the forces combined have flown in at least 100 doctors to handle medical problems involving soldiers and have stocked up on supplies of food and supplies of medicine that would easily last for the next three to four months. The medical professionals include pathologists, general practitioners, cardiologists, and neurosurgeons. The Jammu and Kashmir police have rented a number of cars to transport soldiers, in addition to putting more military vehicles into duty to ease movement in the interior of the Valley, notably in the problematic zones of South Kashmir.

The Eighty-Sixth Constitutional Amendment Act, 2002, which is related to children's right to education under Article 21A of the Constitution, was the catalyst for the researcher's focus on another crucial point of view in the study Human Rights Education in India. As a result, India became one of the few nations in the world where the right to education is a fundamental right, he further highlighted. Every child between the ages of 6 and 14 has the right to free and compulsory education under the Right of Children to Free and Compulsory Education Act of 2009 (RTE Act). Although innovative, the RTE Act is not backed by a financial memorandum or a well-designed implementation system for the law.

Therefore, due to insufficient financial resources and a lack of efficient enforcement measures, its implementation continues to be difficult. The local authority may take up a complaint, according to the Act's requirements, however this ignores the reality that the local authority is also an implementing functionary. Only 17 states have currently created draughts of their state rules under the Act but have not yet informed them. This essay mostly discussed human rights education in India and the country's constitutional foundation for such education.

### **India is the country where the idea of human rights originated and developed:**

No matter our nationality, location of residence, sex, ethnicity, colour, religion, language, or any other status, human rights are rights that are inalienable to all people. Without exception, each of us has an equal claim to our human rights. These rights are all interdependent, indivisible, and related to one another. In 1945, the UN Charter established a Commission on Human Rights under Mrs. Roosevelt and reaffirmed belief in fundamental human rights. This proclamation was the result of such discussions. The concept of human rights may be challenging to define but it is impossible to ignore, as said so well observed.

Human rights are not a recent concept; rather, they are as old as the Buddhist doctrine of nonviolence in action and the humanitarian doctrine of the third century B.C. Similar concepts were also found in Jainism. According to the Gita, a person who is kind and compassionate, free from egoism and self-sense, and passionate and

positive-minded in times of suffering and joy is someone who God loves. It also claims that the virtues of non-violence, honesty, freedom from anger, renunciation, aversion to finding fault, sympathy for living things, freedom from covetousness, gentleness, modesty, and steadiness—characteristics that a good human being should possess—represent divinity in humanity.

Human rights were as evident in ancient Hindu and Islamic civilizations as they were in old Christian civilizations in Europe, according to the history of ancient Bharat. The history of human rights cannot be separated from Ashoka, Mohammed, and Akbar. It might be stated that India was the birthplace of modern human rights law during the British era. Indians were humiliated and subject to discrimination under British rule, and their resistance to foreign control took the form of demands for basic liberties and for the people's civil and political rights. The struggle for civil liberties and basic freedoms was aided by the freedom of movement and severe oppressive policies of the British rulers. Lord Macaulay denounced traditional legal traditions and their fundamental core as a vast apparatus of terrible absurdities and rejected the ancient Indian legal and political system as being a legacy of Brahmanical superstition.

### **Human rights in a global context**

the UN Declaration of Human Rights A State assumes obligations and duties under international law to respect and protect human rights and to refrain from specific activities when it ratifies an international human rights treaty. The term "International Bill of Human Rights" refers to a collection of three of the most significant international documents dealing to human rights.

1. the Declaration of Human Rights (UDHR)

The second is the International Covenant on Civil and Political Rights (ICCPR)

3. The Economic, Social, and Cultural Rights Covenant (ICESCR)

### **Background of the Universal Declaration of Human Rights**

Eleanor Roosevelt led the United States' participation in the United Nations' establishment and the preparation of the Universal Declaration of Human Rights in the years following World War II (UDHR). Eleanor Roosevelt's diplomatic efforts, particularly with the nations of the Soviet Bloc, considerably aided in the UDHR's eventual ratification.

The United States voted in favour of the resolution to approve the Declaration in front of the United Nations General Assembly on December 10, 1948. The UDHR was created as "a common standard of success for all peoples and nations" and serves as the cornerstone of the global human rights movement. For the first time in recorded history, the fundamental civil, political, economic, social, and cultural rights to which all people are entitled were spelled out in one document. Since then, the international community has largely acknowledged it as the fundamental baseline of human rights that all States should uphold. Legal Power Many academics claim that all of the UDHR's listed rights have been incorporated into international law.

The Universal Declaration of Human Rights (UDHR) is so widely regarded worldwide that it established universal human rights standards, unlike other non-binding international human rights declarations. The UDHR

is mentioned in almost every international human rights document, as well as several declarations that the U.N. General Assembly has unanimously or by consensus adopted.

### **A review of judicial decisions in light of human rights:**

In the case of National Legal Services Authority v. U.O.I., the Supreme Court ruled that Article 14 does not limit the term "person" and does not apply just to males and females, hijras, or transgender people who are neither male nor female. They are entitled to the same civil citizenship rights as any other citizen of this country, including legal protection under the law in all areas of state activity, such as health care, employment, and education.

The Delhi High Court ruled that Section 377 of the Indian Penal Code, which makes homosexuality a crime in India, is unconstitutional and infringes on fundamental rights protected by Articles 14, 15, and 21 of the Constitution in the case of Naz Foundation v. Govt of NCT of Delhi. Later, in Suresh Kumar Kaushal & Anr. vs. NAZ Foundation & Others, the Supreme Court of India overturned the Delhi High Court's ruling and declared that Section 377 of the IPC is constitutionally sound, leaving it up to the legislature to decide whether or not it is legal.

In Romesh Thapar v. State of Madras, Chief Justice Patanjali Shastri made a statement about Article 19 that can be summed up as follows: "Freedom of speech and of the press lay at the foundation of all democratic organisation, for without free political discussion no public education, so essential for the proper functioning of the process of popular government, is possible." In this instance, the Government of Madras forbade the admission and distribution of the English periodical Cross Road, which was printed and published in Bombay. Since publishing would be useless without freedom of circulation, the same was deemed to be a violation of the right to free speech and expression.

The Honorable Supreme Court noted once more in Union of India v. Association for Democratic Reforms, Information that is biased, false, misleading, or nonexistent all contribute to an informed populace that renders democracy ineffective. The right to communicate and receive information, including the ability to develop opinions, is a component of freedom of speech and expression.

Whether in the public or private sector, all employers or those in control of the workplace should take the necessary precautions to prevent sexual harassment. Without limiting the applicability of this requirement generally, they should do the following:

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| 1. In the workplace, sexual harassment as mentioned above should be expressly prohibited and should be announced, published, and disseminated in the proper manners.  |
| 2. Sexual harassment should be prohibited in all rules and regulations governing conduct and discipline of government and public sector organisations, and suitable sanctions should be included against offenders. |
| 3. For private employers, the Industrial Employment (Standing Rules) Act of 1946 shall be used to implement the aforementioned prohibitions in the standing orders.   |

4. To further ensure that there is no hostile environment towards women at work and that no employee woman has reasonable grounds to believe she is disadvantaged in connection with her employment, appropriate working conditions should be given in regard to work, leisure, health, and cleanliness.

Employers are required to take legal action in line with the law by filing a complaint with the competent authority when such conduct amounts to particular offences under the IPC or under any other legislation.

In some aspects, this essay attempts to examine how civil society in India plays a role in defending human rights and serving as a voice for their advancement. In order to comprehend how democratically elected governments in India are required to be guided by the voice, reasoning, and vision provided by the civil society groups, the role of the civil society organisations is examined in this study.

This essay aims to examine how public policies are created in India and the part that civil society plays in defending citizens' human rights by acting in a variety of responsible ways to force the current administration to appropriately react by introducing laws that seem to specifically benefit the populace. In India, where a democratic culture has been thriving in full vibrancy for more than six consecutive decades, the judiciary and the executive have worked in tandem to make everyone within the country's territorial limits enjoy the fruits of freedom while having equality of opportunity to access the resources of the country with facilities it has made available. Human rights are expected to be better respected and implemented.

Social movements and civil society organisations (CSOs) all across the world, but especially in the global south, are adopting human rights discourse at an increasing rate. The same language has, however, led to a great deal of criticism and disapproval from academics across all fields who view human rights as Eurocentric, Exclusionary, and Against People in the Global South. These two trends continue to be in opposition, nevertheless. This essay explores the concepts of "human" and "rights" as mere signifiers by offering novel research on the diversity of human rights practised by CSOs in New Delhi. Thus, acknowledging their nominal status becomes crucial to our comprehension of how social movements and CSOs adopted human rights.

Human rights are those privileges and rights from which people, as members of the human race, ought to ideally benefit. Human rights are therefore those liberties that people have by virtue of their human birth. Given the current state of the world's human rights, there are many issues that need to be addressed and highlighted. Human rights' importance and status were becoming increasingly recognised in India during the last quarter of the 20th century. The denial of liberty and life, which was a defining feature of the Emergency, is inextricably linked to this concern in human rights (1975-1977). One of the predominant images that has survived is the mass arrest of opposition leaders and the targeted capture of anyone who would pose a threat to an authoritarian state. The forced eviction taking place in Delhi is known as "Turkman Gate" because it evokes images of the widespread demolition of homes belonging to individuals without financial clout, as well as their displacement into what were the outlying areas of the City. Mass sterilisation as a cataclysmic initiative left an imprint on the emergency memory. The Civil Liberties movement played a role in the crisis.

The Civil Liberties Movement's agenda included jails, custody abuse, arbitrary detention, and the use of the juvenile court system. The emergence of the fledgling women's movement occurred over the same time period. Prior to the announcement of the 1975 International Women's Year, the Committee on the Status of Indian Women forwarded their report to the Indian Government in December 1974. Contrary to expectations, the Status Report included almost all of the topics that affected women. The committee redrawn the boundaries of women's priorities, issues, and positions in light of their discoveries and revised assumptions about how women live, as well as their interactions with communities and women.

### Conclusion

The Indian Constitution is a significant piece of legal literature on human rights. This is the most comprehensive human rights charter ever created by any nation in the world. The most crucial section of the Indian Constitution pertaining to human rights is Part III. In India, the judiciary has a considerable impact on the defence of human rights. The Indian Courts have evolved into the courts of the oppressed and struggling masses and have opened their doors to the underprivileged, uneducated, illiterate, and oppressed as well as to every citizen.

Social activists have also been aiding those who have experienced human rights breaches in their local communities to seek justice in a variety of forums. Students participating in the programme also engage in human rights activism in their home areas. But in addition to those programmes, the government also has a duty to guarantee the physical security guaranteed by our Constitution. As a result of the HRE programme in their schools, some kids have come forward with startling revelations about changes in their perception and conduct. Therefore, it is essential to make even significant efforts in order to eliminate social inequalities and ensure that everyone has access to high-quality education. A vital requirement in the process of transforming India into a developed society, fulfilling the provision for universal access to those amenities for ground level development is crucial.

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