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CONTEMPORARY ISSUES IN HUMAN RIGHTS

AUTHORED BY - ADV. SHWETA SHAH

Contemporary Issues in Human Rights

The term 'Human Rights' is a dynamic concept. These rights may be called the basic rights, the [fundamental rights](#), the natural rights or the inherent rights. The principal objectives of both the Indian and International laws are to protect the human personality and its fundamental rights.

One of the most prominent definitions of the Human Rights has been inked under "**The Protection of Human Rights 1993 (No. 10 of 1994)**", the Human Rights have been defined in the following way:

2 (1) (d) "*Human rights*" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the constitution or embodied in the International Covenants and enforceable by courts in India."

India has also enacted the protection of Human Rights in the **HUMAN RIGHTS ACT, 1993** and also constituted the National Human Rights Commission, the State Human Rights Commission in different States and Human Right Courts.

In spite of these apparently fixed positions, some shifts are also visible in each perspective of human rights. *Violation of human rights in India is now seen as violations of the democratic principles* enshrined in the Indian Constitution as well as violation of India's international commitment of humanitarian international law and international covenants.

The analysis of the human rights should be made from three perspectives:

- The Socio-Economic dimension of Human Rights in India,
- The legal dimension of Human Rights in India and
- The role of international organizations and NGOs in promotion of human rights.

All throughout the ages people have been governed by rulers who followed different system and forms of government and used their power and authority to suppress the common people. It was only in 1947 when India got its independence from the British rule and adopted democratic form of government which encouraged India to get its new face. Now even after 70 years of Independence, India still continues to suffer from significant issues and loopholes in enforcing these human rights, despite framing many laws and policies and promising and making commitments to tackle the problems.

Human Rights in simple sense refers to the certain basic or fundamental rights which are universal for humanity and is entitled to each person of our society irrespective of Caste, creed, color, race, origin, sex, religion etc. The Principle Objective of human rights for protection of human life and liberty, to preserve the dignity of people, promoting healthy development, maintaining equality etc. In India the violations of human rights is equal to the violations of the democratic principles which is enshrined in the constitution of India. Human rights are no longer the concern of any particular country and have become an international issue. The United Nations has adopted a charter of Human Rights for the respect of people and on 10th December 1948, the UN adopted the Universal Declaration of Human Rights for the protection of Human Rights. India was a signatory to the Universal Declaration of Human Rights, but the violations and atrocities are still prevalent. Due to this wide scale violation of human rights like extra-judicial killings, custodial deaths and atrocities by the security force particularly in Kashmir, the Indian Government set up the NHRC (National Human Rights Commission) in 1993.

There are numerous incidents related to the loopholes and issues of human rights. Handful of them are elaborated below.

Issue No. 1: WOMEN RIGHTS

“Our hopes for a more just, safe, and peaceful world can only be achieved when there is universal respect for the inherent dignity and equal rights of all members of the human family.”

– UN Women Executive Director Phumzile Mlambo-Ngcuka

With the rising crimes, violations, scams and scandals, human rights are being violated and taken for granted and in the recent years conditions have become worst and deteriorated in India. Violence against women is increasing at an alarming rate and they are at a high risk of sexual

harassment, trafficking, and forced labour including violations of equal participation in political, economic and social life. In fact the recent molestation case in Bengaluru was shocking and condemned by all sections of our society. The circumstances for women rights and their freedom seems to have worsened, with not only people committing women rights violations but also powerful politician and police who are easily compromising with the security of women. The topic reminds of the unfortunate incident reminds about the Nirbhaya Case, one of the most heinous crime of gang rape of a young women which took place on 16th December 2012. Despite the various strong laws and acts framed by the government, women across India still continue to suffer from domestic violence, acid attacks, rape, Dowry harassment, Sexual harassment at the workplace, murder etc.

The landmark judgment in the case of Vishaka Vs. State of Rajasthan, 1997. This case came before the Supreme Court as a Public Interest Litigation against State of Rajasthan and Union of India by Vishaka and other women groups. The petitioners demanded enforcement fundamental rights for working women under Articles 14, 19 and 21 of the Constitution. The judgment also provided basic definitions of sexual harassment at the workplace along with provided guidelines to deal with the same. Also threw light on compliance mechanism and women workers' initiative.

Issue No. 2: CHILD ABUSE

"One in four children being victimized? That's about seven children in every classroom. That's a significant proportion of the population." - Wendy Craig

Child abuse is one of the worst forms of human rights violation that is prevalent in societies all across the globe. It deprives a child of the right to live peacefully, and without any fear. Child abuse may take numerous forms such as bonded labor, sexual abuse, pornography and prostitution, drug trafficking, forced recruitment of children into armed conflict, and so on. Research tells us that most children who seem to undergo various forms of child abuse belong to socially underprivileged classes. However, this is not always the case. Sexual abuse, for instance, may take place in the child's school, playgroup or even at home.

This topic takes aback reminding about the most recent threatening case of the little 8 year old Asifa Bano, the Muslim girl child being gang raped and murdered.

Issue No. 2: SAFETY SECURED?

A heart shaking incident which violated the right to security of people was Indore-Patna's deadliest train accident which took place on 20 November 2016. This accident took the life of more than 150 people and over 200 people got injured. This accident was one of the deadly derailments of the year. It was one of the worst rail accidents in 6 years. The Main reason of this deadliest accident was because of the casual behavior of the politician of our country who is accountable to the people's security. Because of their casual behaviour and lenience towards their work, the outcome was that the innocent people who have voted for such politician to be their representative had to sacrifice with their life. Although the Union Rail Minister Suresh Prabhu presented a fancy rail budget for the year 2016 but the bitter truth lies in the fact that Indian Railway which carries more than 13 million passengers daily still has a very poor safety record, with thousands of people dying in accidents every year. There are several such issues which have remain unsolved and even seldom unnoticed because of the political fights or negligence on the part of politicians.

Issue No. 3: TERRORISM

Today, terrorism is the most crucial issue that is violating a basic human right of hundreds and thousands of people to live a secured life with peace and harmony. Actually, in case of terrorism, human rights violation is a catch-22 situation. These useless and criminal terrorists violate the human rights of many citizens. Protection of human rights thus, should aim at putting in an effective counter-terrorism effort, which will safeguard human rights, protect democracy, and uphold the rule of law in the society.

Then widespread protests erupted in the month of July 2016 after the killing of Burhan Wani, a militant leader of Kashmir in an encounter with the Indian Security forces. In this incident more than 85 people lost their lives and over 13,000 civilians and 4,000 security personnel got injured. This incident created high turmoil and continuous unrest in the state.

Another major attack took place on 18 September 2016 at an army base in Jammu and Kashmir's Uri near the Line of Control, killing at least seventeen soldiers. It was one of the deadliest terrorist strikes on security forces.

Issue No. 4: RIGHTS OF SCHEDULED CASTES AND SCHEDULED TRIBES PROTECTED?

In June, Security forces that were operating against Maoist insurgents were accused of serious human rights violations like sexual harassment and killing of innocent tribal villagers. According to a report given by National Commission of Scheduled Tribe, security forces in Odisha killed five tribal villagers including children and claimed that they were killed during anti-Maoist operations. A tribal women of Chhattisgarh's Sukoma district was forcefully abducted by security personnel and was gang raped and ultimately killed and it was alleged that she was killed in gunfight with armed Maoists.

Issue No.5: RACIAL DISCRIMINATION!

"Racism is man's gravest threat to man - the maximum of hatred for a minimum of reason."

- Abraham Joshua Heschel

A violent protest erupted in the month of January 2016 after the suicide case of a 25-year-old Dalit student named Rohit Vemula and this case sparked nationwide protests which entrenched caste based discrimination. Many students and activist stormed on the streets and protested for reform in higher education. Discrimination on ethnic or cultural basis amounts to racism, and is a serious matter concerning violation of human rights. Racism may occur in the society at various levels, right from school to the workplace. It is a notion that considers one race superior to the other and hence, gives rise to conflicts leading to humiliation, torture, and sometimes, death. Violent instances of racism have been witnessed more in societies with low levels of tolerance for other ethnic groups.

Issue No. 6: HUMAN TRAFFICKING

"Human traffickers lure individuals into trafficking by using force, fraud or coercion. The age, race, economic bracket, education level, social standing or citizenship of victims does not make a difference. Once trafficked, they are placed into forced labor... Prostitution seems to be the leading money-maker for traffickers" - "Sister Jean Okroi"

Human trafficking is the second largest, and one of the fastest growing crimes in the world. It leads to what may be called 'modern-day slavery', and involves illegal and sometimes forced or

fraudulent trade of men, women, and children. People thus sold, are then made to enter the vicious circle of bonded labor, flesh trade or even drug trafficking. The estimates of the U.S. government tell us that every year; around 15,000 to 18,000 foreign nationals are illegally smuggled into the country, especially in the state of Illinois, the hub of human trafficking. More often than not, people belonging to the poor and underprivileged classes fall prey to such acts, as they seem to be easier and more accessible targets. However, it should be noted that the web of human trafficking is spread far and wide, and any ignorant person may be victimized.

Issue no. 6: CUSTODIAL DEATHS

*"Prisoners are sent to prison AS punishment, and not FOR punishment". - British prison
Commissioner Paterson*

The statement focuses aptly on the issue of human rights violations that prisoners have to face within numerous prisons, across the globe. The prisoners have to undergo not only physical tortures within premises of the jail, but also a considerable amount of mental harm. While many governments nowadays have recognized the importance of basic human rights for the jail inmates, there are numerous others that still treat their prisoners in an inhuman manner. Worst still, is the condition of the prisoners of war, and other 'suspected' criminals captured by some nations. A classic example is the American detention center in Guantanamo Bay in Cuba, where, according to the U.N. reports, large-scale human rights violations took place.

In India, almost 900 judicial custody deaths recorded in 2017, reveals RTI: Maharashtra tops chart of deaths in police lock-ups.

Issue No. 7: RIGHTS OF THE DISABLED

*"We know that equality of individual ability has never existed and never will, but we do insist
that equality of opportunity still must be sought."
- Franklin D. Roosevelt*

It has been estimated that approximately 10 per cent of the world's population is disabled; that calculates to roughly around 600 million people. Further, more than 67 per cent of the disabled population resides in the developing and the underdeveloped countries. This shows how closely disability and lower standard of living are related. The disabled people have to go through a

number a problems including the one of social exclusion, alongside others such a violence, deprivation from education and employment, and so on, thus violating their basic human rights. Especially, disabled women and children are more vulnerable to human rights abuses.

Issue No. 7: ENVIORNMENTAL RIGHTS

"As human beings, we are vulnerable to confusing the unprecedented with the improbable. In our everyday experience, if something has never happened before, we are generally safe in assuming it is not going to happen in the future, but the exceptions can kill you and climate change is one of those exceptions." - Al Gore

Although the link between climate change and human rights seems very far-fetched, a deeper study indicates that both these are very closely interconnected. Climate change is indeed a serious environmental issue hampering human rights. The basic Human Rights of food clothing and Shelter are indirectly and in some cases even directly correlated with the Environment. The Office of the High Commissioner for Human Rights (OHCHR) has cited the safety of marginalized groups from climate change as one of the major human rights issues. Extreme climatic changes could result in a large number of people suffering from malnutrition, water shortage, droughts, heat waves, epidemics, loss of livelihood, and permanent displacement. Also, natural disasters such as hurricanes, tsunami, earthquakes, and floods result in the deaths, incurable injuries, and homelessness of many people.

Conclusion-

Apart from the issues mentioned above, those of right to basic amenities of food, clothing and shelter, and right to education and employment continue to top the list of human rights issues. The talk isn't only about the abovementioned issues if Human Rights but also there are several issues and challenges that have occurred and ended with the violations of human rights. It seems that Government needs to be time and again, remind that they are accountable to the people as well as towards the security of the people. Now the issues of Women empowerment have been taken up as a Human right issue. It is high time that women in our society should be treated at par with men in all the field of our society. In the recent years the government of India under the leadership of Prime Minister Narendra Modi has taken important strides especially with the legal reform with respect to the treatment of women, Dalits and various vulnerable groups. Some of the initiatives launched by the Honorable Prime Minister Narendra Modi are **"Beti Bachao Beti**

Padhao”, **UJJAWALA**– a comprehensive scheme for the prevention of trafficking and Rescue, **“Stand-up India”** scheme for Women, Scheduled Caste, Scheduled Tribe and many others. Apart from the various schemes, laws, Acts launched by the Government but still in many areas the government continued to fall short, both with respect to legal reform and implementation. Government still needs to pay more attention towards reforming laws and policies and check whether it is properly carried out by the way of judiciary. There is a dire need to sensitize the women, children, youth and various other communities of the people to spread about human rights and different ways to break its shack However many steps are taken in action by the Indian Government to resolve the issues with the help of the National Human Rights Commission, New Delhi. The ones listed on their website are Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development. Now the citizens have the web access to complaint about any issue or violation of Human Right on their site and besides to drag the wrong does to the courts of law to ensure the justice.

We, as citizens of the global community, need to take an active part in eliminating the vices leading to the violation of human rights, and in making the world a better place to live.

