**HUMAN RIGHTS VIOLATION –**

**‘AN ANATHEMA TO SOCIETY’**

By-

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**ABSTRACT-**

One of the most believed personality on riveting earth Lord Krishna said that humans are not made for the systems but systems are made for humans[[1]](#footnote-2). Therefore, the change is an eternal law of nature prevailing under all state of affairs. As an eminent part of global Indian culture, peeking into the history and mythology of India, humans are always given priority to live a pious and good life. And as we all know that we need something to bind that and therefore we have human rights to be incorporated in the life of all human beings**. Human rights are a set of principles concerned with equality and justice.** They are not recent inventions - ideas about rights and responsibilities have been an important part of all sectors throughout history. Since the end of World War II, there have been continuous efforts by the nations of the world to decide what profits belong to all people and how they can best be propagated and protected from obstruction. Human rights are as essential as they may supersede any enacted laws and regulations made at various levels of governance. Human rights are commonly considered as superior and cannot be detached and fundamental rights to which a person is inherently entitled simply because she or he is a human being regardless of his nation, location, caste, creed, race, sex, or any other status. Human rights are applicable everywhere and every time in the sense of being global and impartial in the sense of being equal for everyone. In a nutshell, human rights are one of the most important achievements of human beings widely used for the protection of individual's rights and freedom against the oppression of any government or non-government actors.Every person has dignity and value. One of the ways that we recognize the fundamental worth of every person is by enhancing and respecting their human rights. Human rights are a set of principles concerned with equality and justice. They recognize our freedom to make choices about our lives and to develop our future as human beings. They are about living a life free from fear, terror, harassment, inequality, or discrimination. Human rights can broadly be defined as several basic rights that people from around the world have agreed are essential. These include the right to life, the right to a fair trial, freedom from torture and other cruel and inhuman treatment, freedom of speech, freedom of religion, and the rights to health, education and an adequate standard of living. These human rights are equal for all people everywhere – men and women, young and old, rich and poor, regardless of our status, where we live, what we think or what we believe. This is what makes human rights 'universal'. Human rights connect us through a shared set of rights and responsibilities amongst each other.

**Keywords:** Human Rights, Democracy, Constitution, Violence, Crime, India, and Universal.

**PANORAMIC INTRODUCTION-**

A person’s potentiality to enjoy their human rights depends on other people respecting those rights. This means that human rights involve obligations and duties towards other people and the community. Individuals have a riveting responsibility to ensure that they exercise their rights with consideration for the rights of other people. For example, when someone uses their right to freedom of speech, they should do so without indulging in someone else's right to privacy. States in general have a particular responsibility to ensure that people can enjoy their rights. They are required to establish and maintain laws and services that enable people to enjoy a life in which their rights are respected and protected. For example, the right to education says that everyone is entitled to a beautiful education. This means that governments must provide better quality education facilities and services to their people and possibly others too. Whether or not governments do this, it is generally accepted that this is the government's responsibility and people can call them to account if they fail to respect or protect their basic human rights.

**ORIGIN OF HUMAN RIGHTS**

Human rights are not recent inventions. Let’s peek into history as it rings with true lessons, concepts of ethical behavior, fairness and human dignity has been important in the progress of human societies. These ideas can be traced back to the ancient civilizations of China and India. They contributed to the laws of Greek and Roman societies and are central to Buddhist, Christian, Hindu, Islamic and Jewish teachings. Concepts of ethics, fairness, and dignity were also important in societies that have only oral records, such as consisting oral histories such as those of Australia and other indigenous societies elsewhere. Ideas about justice were prominent in the thinking of philosophers in the Middle Ages, the Renaissance, and the Enlightenment, and they were also propagated among Indian Maharajas. An important strand in this thinking was that there was a 'natural law' that stood superior to the law of rulers. This meant that individuals had occupied rights simply because they were human beings.

In 1215, the English barons forced the King of England to sign Magna Carta[[2]](#footnote-3) (which is Latin for ‘the Great Charter’). Magna Carta was the first document to place limitations on the privileged power of the king and make him accountable for his doings. It also laid out some basic rights for the protection of citizens, such as the right to a trial. Significant progress in thinking about human rights took place in the seventeenth and eighteenth centuries, during a time of revolutions and upraising national identities. The American Declaration of Independence[[3]](#footnote-4) was based on the understanding of given rights, such as 'life, liberty, and the right of happiness', were fundamental to all people. Similarly, the French Declaration of the Rights of Man and the Citizen[[4]](#footnote-5) challenged the authority of Aristotle’s classified theory and recognized the 'liberty, equality, and fraternity' of individuals. These values were also repeated in the United States’ Bill of Rights[[5]](#footnote-6), which recognized the freedom of speech, religion, and the press, as well as the right to 'peaceable' assembly, private property, and a fair trial.

When we talk about India, it has been seen that from time immemorial that Indian culture has always believed in the term, 'liberation'. And with the riveting study of epic books such as Mahabharata and Ramayana it has always been seen that these fields have been a source of making human rights getting more core more essential. Kings from the various dynasties were having various relationships with many women inclusive of the women not married to him. The mere reason why it could not be considered as an offense is the consent that itself defines the willingness of the person. Different sexualities have always got embracement. Highlighting the era where Lord Rama, the incarnation of God gave his altruism towards transgender by allowing them to enter Ayodhya and the alluring sculptures depicting various sexualities on the walls of Khajurao Temple, Madhya Pradesh clearly shows the concept of liberation as an essential right to Indian mortals. These are some unnoticed perspectives that highlight the scope of human rights being granted to various. Straight away from the prohibition of the Sati System and to legalizing homosexuality and ongoing debates regarding making prostitution legalized, human rights have paved their way very drastically. It is all about acceptance speaking psychologically as one should cherish the presence of all perspectives, they might be a blessing in disguise as acceptance create fertile soil for the seeds of change and change is the eternal law of nature. During the last six decades, human rights have become an alive and vibrant issue in the free world. Human rights as the recognition of inherent and basic individual worth and dignity are as old as human civilization. An individual attains by birth some rights as a human being. Thus the idea of human rights is civilization as it is a political idea with a moral base. The concern for and of human rights has been institutionalized after the General Assembly of the UN adopted and proclaimed the Universal Declaration of Human Rights in the mid-twentieth century. The expression "human rights" suggests the rights of all human beings. The idea of democracy has led to great expectations to the people

**DEVELOPMENT OF HUMAN RIGHTS**

The nineteenth and the early twentieth century saw stilling advances in social progress, for example, in the abolition of slavery, the widespread laws of education, and the extension of political rights by various philosophers such as Aristotle, Plato. Despite these advances, international activity on human rights remained weak. The general attitude was that nations could do what they liked within their borders and that other countries and the broader international community had no basis for interfering or even raising concerns when rights were violated. This is expressed in the term ‘sovereignty’, which refers to the idea that whoever has the political authority within a country has the power to rule and pass laws over that territory independently. Essentially, countries agree to mutually recognize this sovereignty. In doing so, they agree to restrain from interfering in the internal or external affairs of other states. However, the atrocities and human rights violations that occurred during World War II focused and clarified worldwide opinions and made human rights a global concern.

During World War II millions of soldiers and civilians were killed. The Nazi regime in Germany by Adolf Hitler created concentration camps for certain groups - including Jews, communists, homosexuals, and political opponents. Some of these people were used as slave labor; others were exterminated in mass executions. The Japanese occupation of China and other Asian countries was marked by frequent and large-scale brutality toward local populations. Japanese forces took thousands of prisoners of war who were used as slave labor, with no medical treatment and inadequate food. The promotion and protection of human rights became a fundamental objective of the Allied powers. U.S. President Roosevelt proclaimed the 'Four Freedoms'[[6]](#footnote-7) that person everywhere in the world ought to enjoy - freedom of speech and belief, and freedom from want and fear. The war ended in 1945, but only after the destruction of millions of lives, including through the first and only use of atomic weapons at Hiroshima and Nagasaki. Many countries were fallen by the war, and millions of people died or became shelterless refugees. This new organization was the United Nations, known as the UN, which came into existence in 1945. As the war closed, the victorious powers decided to form a world organization that would prevent further conflict and helps build a better world. Values of tolerance, fairness, and respect can help reduce conflicts and contrasts within society. Putting human rights ideals into practice can help us create the kind of society we want to live to bring uniformity.

In recent decades, there has been a marvelous growth in how we think about and apply human rights ideas. This has had many positive results - knowledge about human rights can enhance individuals and offer solutions for specific and general problems too. Human rights are an important part of how people interact with different people at all levels in society - in all the social institutions and relations. It is essential therefore that people everywhere should strive to understand what human rights are. When people better understand human rights, it is easier for them to promote justice and the well-being of society. A person's human rights cannot be taken away. In its last Article, the Universal Declaration of Human Rights states that no State, group or person possess any right to engage in any activity or to perform any act aimed at the destruction and detritions of any of the rights and freedoms set forth herein'. This doesn't mean that abuses and violations of human rights don't occur in any scenario. On television and in newspapers plus magazines every day we hear tragic stories of murder, violence, racism, hunger, unemployment, poverty, abuse, homelessness and discrimination, and many other devastating aspects.

However, the Universal Declaration and other human rights[[7]](#footnote-8) treaties are more than just noble aspirations. They are essential legal principles. To meet their international human rights obligations, many nations have incorporated these principles into their laws. This provides an opportunity for individuals to have a complaint settled by a court in their own country. Individuals from some countries may also be able to take a complaint of human rights violations to a United Nations committee of experts, which would then give its opinion. Also, education about human rights is just as important as having laws to protect people. Long term progress can only be made when people are aware of what human rights are and what standards exist.

**PARAMOUNT OF HUMAN RIGHTS THROUGH EXCERPTS**

* "When the fundamental principles of human rights are not protected, the center of our institution no longer holds. It is they that promote development that is sustainable; secure peace; and lives of dignity.” - Former UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein said conveniently
* “To deny people their human rights is to challenge their very humanity.” - Nelson Mandela, a powerful and prominent personality
* “We declare that human rights are for all of us, all the time: whoever we are and wherever we are from; no matter our class, our opinions, our sexual orientation.” - Former UN Secretary said vividly
* “A right delayed is a right denied.” -Martin Luther King, Jr., one of the inspiring personalities said.
* “We realize the importance of our voices only when we are silenced.” – Malala Yousafzai, a lady who fought for human rights at a very early age due to Taliban attack on her.
* “The success of a society is to be evaluated primarily by the freedom the members of the society enjoy.”-Amartya Sen, a great personality.
* “You must not lose faith in humanity. Humanity is an ocean. If a few drops of the ocean are dirty, the ocean does not become dirty.”- Mahatma Gandhi fought for human rights and freedom and became the 'Father of the Nation' of India.

**VIOLATION OF HUMAN RIGHTS**

There is now a global consensus that each and everyone is entitled to certain basic [rights](https://www.beyondintractability.org/essay/rights) under any circumstances. These include certain liberties and political rights, the most fundamental of which is the right to life and physical safety. Human rights are the negotiations of the need for justice, tolerance, mutual respect, and human dignity in all of our activities. Speaking of rights allows us to express the perspective that all individuals are part of the scope of morality and justice. To protect human rights is to ensure that people receive some degree of decent, humane treatment. To violate the most basic human rights, on the other hand, is to deny individuals their fundamental moral needs. It is, in a sense, to treat them as if they are less than human and undeserving of respect and dignity. Examples are acts typically deemed "crimes against humanity," including torture, slavery, rape, enforced sterilization or medical experimentation, and deliberate starvation. Because these policies are sometimes implemented by governments, limiting the unrestrained power of the state is an important part of international law. Underlying laws that prohibit the various "crimes against humanity" is the principle of non-discrimination and the notion that certain basic rights apply universally. Human rights usually brace upon the cultures and mindsets prevailing all around the world. As an integral part of India due to the presence of humongous diversity it grabs the attention to research.

**HOW ODIOUS TO SOCIETY?**

Abraham Lincoln’s dream of ideal democracy is devastated, because today democracy appears to be ‘of the people’, ‘by the people’ but not merely/truly ‘for the people'. The government's actions and the government itself faced a crisis. Political parties as the legalized vehicle of parliamentary democracy suffered a lack of credibility due to criminalization and degradation of politics and the goal of grabbing power. After considering leading theories of the relation of justice and democracy, priority of justice and human rights should be given, in principle, over the authority of democratic decisions. Democracy is based on the justice as equal freedom, itself one of the human rights, it follows, that interventions on behalf of justice should be carefully delimited, and specifically to cases where fundamental rights have been violated. The Indian Constitution abolished "untouchability" in Article 17. Despite this "untouchability" continues to be practiced in India in various forms which are not acceptable. We have seen there is a constant increase in all forms of crime against women and children and other forms of violation of human rights in India. Communal violence and oppression should be handled from a human rights perspective. Many people from the minority community are incriminated only based on suspicion and subsequently acquitted after a long period and thereby their lives are being in vein. Fake and wrongly done encounters by the Security Personnel violate Article 21 of the Constitution of India which is the biggest article but disappears in length due to its subjectivity of the same. Most of the victims are from the minority communities and not the majority communities. Though several steps have been taken by the government to sharpen the edge of a tool like human rights, the main problem lies in the proper implementation of the same as majority communal disputes are also a greater concern. Implication and formulation of acts regarding the protection of human rights are of greater importance but unfortunately it is significantly lacking in India. It is needed to concentrate less on legal norms and to connect more with the social activism of Human Rights Organizations in India. The emphasis on the individual in Western Societies is not apropos in India where man's "social self" is far more crucial than in the West. Rights become real only when people begin to realize their full potential as human beings and affirm their rights both in public and private spheres. Human Rights of all should be protected to extend and strengthen Indian democracy. Otherwise secular fabric and democratic values will face a serious threat in future India.

**TRENDY EVENTS & SITUATIONS IN INDIA**

Peeking into the reality, in 2018, the government led by the Bharatiya Janata Party (BJP) harassed and at times prosecuted activists, lawyers, human rights defenders, and journalists for criticizing authorities. Draconian types of seditions and counterterrorism laws, which are for different purposes were used to chill free expression. Foreign funding regulations were used to target NGOs critical of government actions and policies inclusive of a tiny little step made by the state power authority. The government failed to prevent and investigate growing mob attacks on religious minorities, marginalized communities, and most important critics of the government which are to ensure the proper working of the same—often carried out by groups claiming to support the government. At the same time, some senior political leaders publicly supported such crimes, made inflammatory speeches against minority communities, and prolonged Hindu supremacy and ultra-nationalism, which encouraged further violence and deterioration. Lack of accountability and potential responsibility for past abuses committed by security forces persisted even as there were new allegations of torture and extrajudicial killings, including in the states of Uttar Pradesh, Tamil Nadu, and Haryana. The Supreme Court decriminalized homosexual sexual relations, killings in Haryana, Punjab et cetera with the reason of honor killing i.e. khap panchayat, an outdating colonial-era law, paving the way for full constitutional protections for lesbian, gay, bisexual, and transgender (LGBT)[[8]](#footnote-9) people.

**Indemnity for Security Forces**

There were repeated allegations of violations by government forces in Jammu and Kashmir during security operations. In 2018, there was increased violence involving militants that many attributed to political failures to ensure accountability for abuses. Militants killed at least 32 policemen in 2018.

* In August 2018, in retaliation for the arrest of their relatives, militants in South Kashmir kidnapped 11 relatives of several policemen. The militants released all relatives of police personnel after authorities released the family members of the militants. In November, militant group Hizbul Mujahideen killed a 17-year-old boy in Kashmir on suspicion that he was a police informer, and released the video of the killing as a warning to others. Militants killed several other people in 2018 on suspicions of being police informers.
* In June 2018, unrecognized gunmen killed excellent journalist Shujaat Bukhari, editor of the Rising Kashmir, outside the newspaper’s office in Srinagar. The Office of the United Nations High Commissioner for Human Rights released its first-ever report on the human rights situation in Kashmir in June highlighting the given points. The report focused on abuses since July 2016, when violent protests erupted in response to the killing of a militant leader by soldiers. The government discarded the report, calling it “fallacious, tendentious and motivated” which was very disgraced.
* The report described impunity for human rights violations and lack of access to justice and noted that the AFSPA[[9]](#footnote-10) and the Jammu and Kashmir PSA[[10]](#footnote-11) impede accountability for human rights violations. The AFSPA, which is also in force in several states in India’s northeast, provides soldiers effective immunity from prosecution for serious human rights violations. The government has failed to review the law despite repeated recommendations from several government-appointed commissions, UN bodies and experts, and national and international rights groups.
* In March 2018, is a welcome step of a certain functioning, the government removed AFSPA from the northeastern state of Meghalaya and 8 out of 16 police stations in Arunachal Pradesh.
* In May 2018, police shot at people protesting a copper plant in Tamil Nadu state, killing 13 people and injuring 100. Police said they were compelled and obstructed to respond with live slugs after people beaten the police by stones, attacked a government building, and set vehicles on fire. A fact-identifying report by activists and civil society groups said police failed to follow standard operating procedures for crowd control. After the BJP formed the government in Uttar Pradesh state, 63 people died in alleged extrajudicial killings by state police between March 2017 and August 2018 which is a matter of serious concern. The National Human Rights Commission and the Supreme Court sought responses from the state government. The killings in Uttar Pradesh highlighted the lack of accountability for police abuses and the need for police reforms.

**Dalits, Tribal Groups, and Religious Minorities**

Large and mob violence of public in general at large by extremist Hindu groups affiliated with the ruling BJP against minority communities, especially Muslims, continued throughout the year amid rumors that they traded or killed cows for beef i.e. cow slaughter which is banned earlier. As of November, there had been 18 such attacks, and eight people killed during the year.

* In July 2018, the government in Assam published a draft of the National Register of Citizens, aimed at identifying Indian citizens and legitimate residents following repeated protests and violence over irregular migration from Bangladesh. The potential exclusion of over four million people, many of them Muslims, from the register raised concerns over arbitrary detention and possible statelessness. Dalits, considered minorities at several places, formerly “untouchables,” continued to be discriminated against in education and jobs. There was constant and persistent violence against Dalits, in part as a reaction to their more organized and vocal demands for social progress and to narrow historical caste differences and differences based on many other statuses.
* In November 2018, farmers protested against debt and lack of state support for rural communities, and called for establishing rights of women farmers and protecting the land rights of Dalits and tribal communities against forcible acquisition which is a major concern as agriculture contributes to the economy at a proper texture.
* In April 2018, nine people were killed in clashes with police after Dalit groups protested across several north Indian states against a Supreme Court ruling to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act. In response to a complaint of alleged misuse of the law, the court had ordered that a senior police officer should conduct a preliminary inquiry before a case is registered under the law. Following the widespread protests, the parliament passed amendments to the law in August, overturning the Supreme Court order.
* In July 2018, police in Ahmedabad city raided an area, home to 20,000 members of the vulnerable and marginalized Chhara tribe, a denotified tribe. According to residents, police allegedly brutally beat up scores of people, damaged property, and filed false cases against many of them. A report by a government-appointed committee on denotified tribes—tribes that were labeled as criminal during British colonial rule, a notification repealed after independence—said they were the most marginalized communities, subject to "social stigma, atrocity, and exclusion." Tribal communities remained vulnerable to displacement because of mining, dams, and other large infrastructure projects.
* In September 2018, the Supreme Court upheld the constitutionality of the biometric identification project, Aadhaar, saying the government could make it a requirement for accessing government benefits and filing income tax but restricted it for other purposes. Rights groups raised concerns that Aadhaar registration requirements had prevented poor and marginalized people from getting essential services that are constitutionally guaranteed, including food and health care.

**Freedom of Expression** **- Constitutional Right**

Authorities continued to use laws on sedition, defamation, and counterterrorism to crack down on dissent which is against the favor of pure democracy.

* In April 2018, police in Tamil Nadu state arrested a folk singer for singing a song at a protest meeting that criticized Prime Minister Narendra Modi, though wrong in moral aspects. In August, state authorities detained an activist for sedition, specifically for describing police abuses against protesters opposing a copper factory at the UN Human Rights Council. When a judge refused to place him in police custody, police arrested him in an older case and added sedition to the charges against him. Police have also added charges under the Unlawful Activities Prevention Act (UAPA), the key counterterrorism law which has to be followed as well as protected.
* In September 2018, Tamil Nadu state authorities arrested a woman for calling abruptly the BJP government “fascist” on board a flight in the mere presence of the state’s BJP president.
* In June 2018, police arrested eight people in Bihar state, including five under the age of 18, for sedition, for playing and dancing to an “anti-India” song.

Journalists faced increasing pressure to self-censor due to the threat of legal action, devastating campaigns and threats on social media on various platforms, and even threats of physical attacks. In August, the government withdrew its controversial proposal to monitor social media and online communications and collect data on individuals after the Supreme Court said it would turn India into a “surveillance state.” State governments have gone far to blanket internet shutdowns either to prevent violence and social unrest or to respond to an ongoing law and order problem and to stop commensuration of various rumors. By November, they had imposed 121 internet shutdowns, 52 of them in Jammu and Kashmir, and 30 in Rajasthan.

**Civil Society and Freedom of Association**

Authorities increasingly used the Unlawful Activities Prevention Act to target the objectives of civil rights activists and human rights defenders. Police in Maharashtra state arrested and detained 10 civil rights activists, lawyers, and writers, accusing them of being members of a banned organization and responsible for funding and instigating caste-based violence that took place on January 1, 2018, which too was very devastating. At the time of writing, eight of them were in jail, and one was under house arrest detention. A fact-recognizing body, headed by Pune city’s deputy mayor, found that the January 1 violence was premeditated by Hindu extremist groups, but police were majorly targeting the activists because of pressure from the government to protect the public at large. In Manipur state, police harassed activists, lawyers, and families pursuing fairness for alleged unlawful killings by government security forces. The Indian government also continued to use the Foreign Contribution Regulation Act (FCRA) to restrict foreign funding for NGOs critical of government policies or protesting the government’s large development projects which are again against human rights and consequently powerful democracy too. Cases filed by NGOs challenging government decisions to suspend or cancel their FCRA were pending in court.

**Women’s Rights**

Various cases of rape across the country once again exposed the failures of the criminal justice system. Nearly six years after the government amended laws and put in place new guidelines and policies aimed at justice for survivors of rape and sexual violence, girls and women continue to face barriers to reporting such crimes.

Starting in September, numerous women in India’s media and entertainment industries shared their accounts on social media of workplace sexual harassment and assault, as part of the #MeToo movement which initiated at the micro-level and prolonged to a larger extent. These public accounts, naming the accused, highlighted and enlightened the failures of due process, lack of mental health services and support for survivors, and the urgent need to fully implement the Sexual Harassment of Women at Workplace Act of 2013, which prescribes a system for investigating and redressing complaints in the workplace.

* In September 2018, the government launched a national registry of sexual offenders, which would store the name, address, photo, fingerprints, and personal details of all arrested, charged, and convicted of sexual offenses hence tracing their records. The database, available only to law enforcement agencies, raised concerns regarding data breaches and violations of privacy protections, including for individuals never convicted of a sexual offense.
* In September 2018, the Supreme Court lifted the ban on entry of women of menstruating age—between 10 and 50—to a temple in southern India i.e. Sabrimala Case, on grounds of non-discrimination, equality, and women's right to practice religion. This prompted and made protests furious from devotees, including women, who tried to stop girls and young women from entering the mentioned temple. The same month, the top court struck down an archaic law that criminalized adultery which doesn’t make it a further felony.

**Children’s Rights**

In April 2018, the government passed an ordinance introducing a brutal capital punishment for those convicted of raping a girl less than 12 years of age. The new ordinance also increased for minimum punishment given and incorporated for the rape of girls and women. The ordinance was a response to the widespread criticism as it must have proper intellectual logic about morality which is a greater concern and protests after two prominent cases. In one, some leaders and supporters of the ruling BJP defended alleged Hindu perpetrators of the abduction, ill-treatment, rape, and murder of an 8-year-old Muslim child in Jammu And Kashmir State. The second happened in Uttar Pradesh state, where authorities not only failed to arrest a BJP legislator accused of raping a 17-year-old girl but also allegedly beat her father to death in police custody which focused massive criticism from the public in general based on moral and ethical concepts of humans and their rights. The ordinance was widely criticized by many rights groups and NGOs. However, in August, with parliament’s approval, the ordinance became law. Child labor, child trafficking, and poor access to education for children from socially and economically marginalized communities remained serious concerns throughout India which needs the attention of the Planning Commission of India too.

**Sexual Orientation and Gender Identity**

In September 2018, India’s Supreme Court revoked section 377 of India’s Penal Code, decriminalizing consensual adult same-sex relations i.e. homosexuality. The ruling followed decades and decades of struggle by numerous activists, lawyers, and members of LGBT communities. The court’s decision also has significance internationally, as the Indian law served as a template for similar laws throughout much of the former British Empire.

In December 2018, the lower house of parliament passed the Transgender Persons (Protection of Rights) Bill, 2018. Rights groups and a parliamentary committee had criticized an earlier version of the bill for contradicting several major provisions laid down in a 2016 Supreme Court ruling. Then too, the government incorporated unanimously several amendments in the revised bill, it failed to protect the community, including transgender people's right to self-identify as that is the nature reality and definition of truth and its essence.

**Disability Rights**

Women and girls with disabilities continue to be at a heightened risk of abuse and violation as considering them weak and less than others. Even though the laws on sexual violence include several provisions and statutes to safeguard the rights of women and girls with disabilities and facilitate their participation in various investigative and judicial processes, girls and women with disabilities face serious barriers in the justice system which has not to be encouraged.

**CONCLUSION**

Humans are continuously striving towards an era of unprecedented growth and development. Unbelievable progress has been made in several areas including the ones directly affecting the humans such as ethics, enforcement of laws, and more. Since long, nations of the world have continuously focused on improving the conditions of their economy, environment, and human asset. Ultimately, the goal of every government is to raise the standard of living of their countrymen along with the protection of their interests. But, the burning question standing right in front of people of the world is: Are their rights protected?

Coming through above, it may be noted that since long ago the fundamental of human rights has been prevailing. But the emphasis laid on this fundamental varies at different places, at different points of time for different people. At times, governments have enacted different laws protecting the basic rights of humans but at the same time, many instances are there where human rights have been violated on the grounds of enactment of some special laws.

One instance of human rights violation is the practice of 'Female Genital Mutilation' practiced by the Dawoodi Bohra community which falls under the Shia-Islam sect. According to them, it is mandatory to do such a thing because it is the source of bad thoughts and sins. Besides, such a practice has not been mentioned in any religious literature. The Indian Government drew attention towards this and tried to protect the rights of a girl by banning such a rude practice but according to Article 25 & 26 of the Indian Constitution, the Centre should not interfere in the rituals of any religion. Although this could not be brought under the protection of any law in India, it can be brought under international attention as this practice is practiced in other major parts of the world. And this was just yet another instance of human rights violation besides the ones stated above.

Such instances show that though it may be under the attention of many, rights are sometimes violated openly on the grounds of religion. Though the majority of the nations agreed upon the protection of human rights continuously, there have been many instances from across the world which put forward the reality of human rights scenario.

Yes, this thing also cannot be alienated that continuous efforts towards uplifting the scenario of human rights have been continuously made by the lawyers, social activists, and other prominent personalities. But, before the issue could reach in-sight of the law, either the matter is buried or vanished by anti-social elements. Violation of human rights was recently seen in an incident where two sadhus were lynched by a mob at Palghar province of Mumbai (MH, India) despite Police being present there. A probe has been ordered by the Centre on this matter but till then it will be an act of violation of human rights.

Human right is a basic fundamental which every 'citizen of the world' should be provided with. In the year 1920, League of Nations was established to establish peace and promote multilateral co-operation across the globe so that basic human rights can be promoted. But the League of Nations failed because it remained silent when Japan attacked Manchuria in 1931. Besides it also remained silent when Germany, under the leadership of Hitler, started annexing territories one after the other. This instance shows that Concrete measures need to be taken at the Global level to promote human rights on a strict basis.

When the world was not based on the principle of polarity, major nations adopted human rights as a basic fundamental which was to be promoted at their respective country level but then it was all on papers. Attacks by Japan on the Pearl Harbor of US[[11]](#footnote-12) and then attacks by the US on Hiroshima & Nagasaki were all due to inter-governmental conflicts. Both countries wanted to dominate in the pacific region. And that lure of domination leads to series to life-threatening nuclear attacks. But due to all these citizens of both countries suffered inevitably. The human right to live freely and peacefully was all buried under the soil.

Though time and again governments have been revising laws and enactments so that human rights can be protected, more and more instances of human rights violations are getting unveiled day by day. Governments have enacted laws for the protection of the rights of women, children, factory workers, elderly people, and every other citizen so that they can lead a life without complexities and with liberty and this has even worked to a great extent, but, still, there's a long way lies ahead. But contrastingly, raising awareness about human rights at the global level urges one to get convinced that human rights charter will surely be signed by all the Superpowers, its allies, and ultimately the whole globe which will ensure the protection of human rights globally with enough ethics and integrity. As an eminent part of the law field, in a nutshell it becomes very important to bring down such violations so that it brings peace in the society, and India is one of the prominent nations always believed in Humanity and Peace to prevail. And to make it justify, the need is to have a riveting concept of justice. The concept of justice and the concept of human rights are inseparable. Justice is closely related to human rights. Human rights not only uphold human dignity and worth but also affirm an honored life for each individual. To human beings there is a life to live but live without dignity, life becomes meaningless. But unfortunately some structures prevailing in the society do not permit people to live with dignity or to affirm rights. The dominant forces in society try to explain human rights from their perspective, which is selfish and injustice. So, for the proper utilization of human rights, the transformation of the structure is essential. This will lead to the proper dissemination of justice, as the denial of justice is a denial of human rights.

**REFERENCES**

1. ANNUAL REPORT (2013), THE STATE OF THE WORLD’S HUMAN RIGHTS. AMNESTY INTERNATIONAL, http://www.amnesty.org/en/region/india/report 2013
2. BAEHR, P.R. (2001), HUMAN RIGHTS: UNIVERSALITY IN PRACTICE. NEW YORK, PALGRAVE.
3. BAKSHI, P.M.(2005), THE CONSTITUTION OF INDIA.NEW DELHI, UNIVERSAL LAW PUBLISHING COMPANY
4. BBC NEWS (26.10.2006), INDIA TACKLES DOMESTIC VIOLENCE.
5. BEETHAM, D (2006), DEMOCRACY: A BEGINNER’S GUIDE. OXFORD, ONEWORLD PUBLICATION. Page no.125
6. BHUIMALI, A (2007), DEMOCRACY AND HUMAN RIGHTS. NEW DELHI, SERIALS PUBLICATIONS.
7. THE LOKPAL AND LOKAYUKTAS ACT, 2013 (2014). NEW DELHI, MINISTRY OF LAW AND JUSTICE, GOVERNMENT OF INDIA.
8. WADHWA, K.K. (1975), MINORITY SAFEGUARDS IN INDIA. DELHI, THOMSON PRESS (INDIA) LTD.
9. KILLED, CURFEW CLAMPED IN KOKRAJHAR (JULY 22, 2012). GUWAHATI, THE ASSAM TRIBUNE. 29. THE TIMES OF INDIA (MAY 28, 2014), 30% OF MODI'S MINISTERS FACE CRIMINAL CHARGES. NEW DELHI.
10. THE TIMES OF INDIA.HTTP://TIMESOFINDIA.INDIATIMES.COM/INDIA/30-OF-MODIS-MINISTERS-FACE-CRIMINAL- CHARGES/ARTICLESHOW/35649298.CMS
11. FGM-India's dark secret- https://m.hindustantimes.com/static/fgm-indias-dark-secret/
12. Failure of league of nations- https://www.preservearticles.com/history/causes-of-the-failure-of-the-league-of-nations/17212
13. "Human Rights Today: A United Nations Priority"
14. Sexual Violence." Available at: http://www.un.org/womenwatch/daw/public/cover.htm;
15. Helena Kennedy. "Conflict Resolution and Human Rights: Contradictory or Complementary?"
16. Don Hubert and Thomas G. Weiss -The Responsibility to Protect: Supplementary Volume to the Report of the International Commission on Intervention and State Sovereignty. (Canada: International Development Research Centre, 2001)
17. Jordan J.Paust et al. Human Rights Module: On Crimes Against Humanity, Genocide, Other Crimes Against Human Rights, and War Crimes, (Carolina Academic Press.2001)
18. https://www.hrw.org/world-report/2019/country-chapters/india
19. The Constitution of India, 1949
20. Why Pearl Harbour attack- https://pearlharborwarbirds.com/why-japan-attacked-pearl-harbor/
21. CHATTERJEE, P (2008), STATE AND POLITICS IN INDIA. NEW DELHI, OXFORD UNIVERSITY PRESS.
22. CHATTOPADHYAY, B, GUHA, A.R, AND CHATTERJEE, R (2002). KOLKATA, PROGRESSIVE PUBLISHERS.
23. CRIME IN INDIA (2012) STATISTICS. NEW DELHI, NATIONAL CRIME RECORDS BUREAU, MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA.
24. CNN-IBN LIVES (AUG 08, 2012). ASSAM VIOLENCE FOUR MORE BODIES FOUND, TOLL RISES TO 77, IBN LIVE NEWS.MHT
25. CORRUPTION PERCEPTIONS INDEX (2013), TRANSPARENCY INTERNATIONAL. www.transparency.org/cpi
26. ENGINEER, A.A. AND NARANG A.S (2006), MINORITIES AND POLICE IN INDIA. NEW DELHI, MANOHAR.
27. GOULD.C.C (2004), GLOBALIZING DEMOCRACY AND HUMAN RIGHTS. CAMBRIDGE (U.K.), CAMBRIDGE UNIVERSITY PRESS.
28. HASAN, Z (2002), POLITICS AND THE STATE IN INDIA. NEW DELHI, SAGE PUBLICATIONS.
29. KOTHARI, R (2007), RETHINKING DEMOCRACY. NEW DELHI, ORIENT LONGMAN.
30. MONDAL, P (JULY 20, 2012), MAOISTS TIPTOE INTO LALGARH. CALCUTTA, THE TELEGRAPH
31. OOMMEN, T.K. (2004), NATION, CIVIL SOCIETY, AND SOCIAL MOVEMENTS. NEW DELHI, SAGE PUBLICATIONS.
32. PANDEY, A (APRIL 3, 2014), INDIA: DEMOCRACY IN A GUTTER, LITERALLY. HONG KONG, CHINA, ASIAN HUMAN RIGHTS
33. INDIA DEMOCRACY IN A GUTTER-Quora
34. ROBINSON, R (2004), SOCIOLOGY OF RELIGION IN INDIA. NEW DELHI, SAGE PUBLICATIONS.
35. RUKMINI S. (MAY 27, 2014), 14 MINISTERS IN MODI'S CABINET HAVE CRIMINAL CASES AGAINST THEM. NEW DELHI. THE HINDU
36. SHAKIL, A (AUGUST 03, 2013), RAPE AND HONOUR CRIMES: THE NCRB REPORT 2012.ECONOMIC AND POLITICAL WEEKLY. VOL - XLVIII NO. 31.
37. SHAKIR, M (1986), STATE AND POLITICS IN CONTEMPORARY INDIA. DELHI, AJANTA PUBLICATIONS.
38. SHAKIR, M (1988).RELIGION, STATE, AND POLITICS IN INDIA. DELHI, AJANTA PUBLICATIONS.
39. SINGH, R (2001), SOCIAL MOVEMENTS, OLD AND NEW. NEW DELHI, SAGE PUBLICATIONS.
40. India: Mounting Human Rights Abuses https://www.hrw.org/news/2020/01/14/india-mounting-human-rights-abuses
41. 12 Major Human Rights Violation in India https://www.huffingtonpost.in/2017/02/22/these-were-the-12-major-human-rights-violations-in-india-in-2015\_a\_21719034/
42. Making Human Rights a Reality- https://www.thehindu.com/opinion/op-ed/making-human-rights-a-reality/article5440963.ece
43. file:///C:/Users/blkm/Downloads/Dialnet-HumanRightsAndDemocracy-5575887%20(2).pdf of Human Rights and Democracy: India's Experience
44. UNDP Report- https://www.hrw.org/world-report/2019/country-chapters/india Events in India-2018-19
45. Human Rights and Laws https://www.un.org/ruleoflaw/thematic-areas/international-law-courts-tribunals/human-rights-law/
46. Human Rights in India under Attack https://www.amnestyusa.org/our-work/government-relations/advocacy/human-rights-in-india-under-attack/
47. Universal Declaration of Human Rights https://www.un.org/en/universal-declaration-human-rights/
48. Human Rights Defined Under Various Places https://en.wikipedia.org/wiki/Human\_rights
49. What are Human Rights? https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights
50. Adultery- No More Felony – Jaydeep Findoria & Joncy Lakhani http://www.probono-india.in/blog

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1. Bhagwat Geeta, by Lord Krishna https://en.wikipedia.org/wiki/Bhagavad\_Gita [↑](#footnote-ref-2)
2. Magna Carta 1215 [↑](#footnote-ref-3)
3. The American Declaration of Independence 1776 [↑](#footnote-ref-4)
4. The French Declaration of the Rights of Man and the Citizen 1789 [↑](#footnote-ref-5)
5. the United States’ Bill of Rights 1791 [↑](#footnote-ref-6)
6. Proclamation of Four Freedoms (1941) [↑](#footnote-ref-7)
7. https://www.un.org/en/universal-declaration-human-rights/ [↑](#footnote-ref-8)
8. Decriminalization of Homosexuality in India: Navtej **Singh Johar & Ors. v. Union of India** [↑](#footnote-ref-9)
9. Armed Forces Special Powers Act 1958 [↑](#footnote-ref-10)
10. Public Safety Act 1978 [↑](#footnote-ref-11)
11. Why Pearl Harbor attack- https://pearlharborwarbirds.com/why-japan-attacked-pearl-harbor/ [↑](#footnote-ref-12)