**HUMAN RIGHTS VIOLATIONS- AN ANATHEMA TO SOCIETY**

**BY**

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**ABSTRACT**

Human Rights are concerned with the principles of justice and equality for everyone. They are not a recent invention but are a product of the past. Human rights are commonly considered as superior to any other rights like fundamental rights and a person is entitled to these rights because of the fact that he/she was born as human being regardless of his/her nation, location, caste, creed, race, sex, or any other status. Human rights are applicable everywhere and at every point of time and they desire equality for all human beings. Each person has his own dignity and worth. One of the measures that we can adopt to recognize the fundamental worth of every person is by enhancing and respecting their human rights without providing for any scope of violation. Human rights also help us to recognize our freedom and liberty to make choices about our lives and to develop our future as human beings. They also include- living a life free from fear, terror, harassment, inequality, or discrimination. These human rights are equal for all people living in any part of the world – men and women, rich and poor, old and young, regardless of their status. This is what makes the concept and scope of human rights 'universal' in nature. Human rights also serve as a bridge to connect with each other through a shared set of rights and responsibilities.

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

**INTRODUCTION**

Human rights are relevant to everyone, not just those who are mistreated. Human rights are the rights that let all individuals be seen with respect and dignity. They’re ensured to everybody regardless of qualification of any sort, for instance, race, sex, language, religion, etc. Numerous individuals see human rights as general rules that apply to every human being. Human rights are additionally a part of global law, contained in conventions and agreements that illuminate explicit rights that nations are required to take care of. Nations frequently incorporate human rights in their own national, state, and related laws. Some of the human rights are: right to hold and express opinions, right to education, right to privacy, right not to be wrongly punished or mistreated by the state etc.

Owing to their basic nature, human rights reflect the crucial standards essential for people to live with dignity. Basic freedoms offer people the chance to choose how to live, how to convey, and what sort of government they desire to elect etc. Finally, by guaranteeing life, opportunity, value, and security to all, basic freedoms guarantee people against abuse by the majority community. Therefore guarantee of these basic freedoms (human rights) to all can help to end oppression, exploitation, isolation and abuse in the entire human community.

The guarantee of human rights gained due significance after World War II in which grave human rights violations took place- 6 million Jews were brutally killed in Nazi Germany from 1941 to the year 1945. This was one of the major reasons why UDHR (Universal Declaration on Human Rights) came into force in 1948 after the formation of UN (United Nations) in 1945.

UDHR essentially just laid down the standards of human rights to be followed. Since the UDHR was just a declaration, The United Nations drafted two deals to give the force of law to the rights and freedoms mentioned in the UDHR. These two deals were- the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Both these came into force in the year 1976. Together, the UDHR, ICCPR, and ICESCR are collectively known as the International Bill of Human Rights. They contain an exhaustive list of freedoms and rights for the international community to follow.

ORIGIN AND DEVELOPMENT OF HUMAN RIGHTS

Human Rights are not a recent invention. Rather they are a product of our history. In the year 1215, the English barons forced the King of England to sign Magna Carta (The Great Charter). It was the first basic document which restricted the powers of the king and made him accountable for his doings. Some basic rights for the protection of citizens were also guaranteed by this document such as the right to a fair trial. Thereafter, significant development in the area of human rights took place in the seventeenth and eighteenth centuries through a lot of revolutions.

The American Declaration of Independence (1776) 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 (1789) 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 (1791), which recognized the freedom of speech, religion, and the press, as well as the right to 'peaceable' assembly, private property, and fair trial.

The nineteenth and the early twentieth century witnessed 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 and Plato. Despite this progress, international activity on human rights remained weak. The general attitude was that nations could do what they liked within their borders and other nations and the broader international community had no right to interfere or even raise concerns in a scenario when such rights get violated openly. This is expressed in the term ‘sovereignty’, which refers to the concept that whoever is the supreme political authority within a country has the power to rule and pass laws over that territory independently without any external control or interference. Essentially, countries mutually recognize each other’s sovereignty. While doing so, they agree to restrain from interfering in the internal and external affairs of other nations. 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 lost their lives. The Nazi regime led by Adolf Hitler in Germany created concentration camps for certain groups - including Jews, communists, homosexuals, and political opponents. The Japanese occupation of China and other Asian countries were marked by repeated and large-scale brutality towards the local populations. Japanese forces took thousands of prisoners of war who were used as slave labors with no provision for food and medical treatment. The Allied Powers became more focused on the promotion and the protection of human rights. U.S. President Roosevelt proclaimed the 'Four Freedoms' that person everywhere in the world ought to enjoy - freedom of speech and belief, and freedom from want and fear. The war only ended in 1945, after the destruction of millions of lives and property, including through the very first use of atomic weapons at Hiroshima and Nagasaki whose effects can be seen even today. Many nations were fallen by the war, and millions of people died or became shelter less refugees. This new organization was the United Nations, known as the UN came into existence in 1945. As the war closed, the victorious powers decided to form a world organization that would prevent further conflict and help build a better world. Values of tolerance, fairness, and respect which can help reduce conflicts and contrasts within society now became the focus of the whole international community.

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 and awareness about human rights can enhance individuals and offer solutions for specific and general problems too. Human rights form an important part of how people interact with each other at different levels in society. It is essential therefore that people should have awareness and basic understanding of human rights. When people form a better understanding of human rights, it becomes easier for them to promote the idea of justice and the rule of law. The human rights of an individual cannot be taken away by any means because they exist by virtue of his identity as a human being. In its last Article, the Universal Declaration of Human Rights states that no State, group or person possesses any right to engage in the violation of any of the human rights mentioned in the Declaration. However, this doesn't mean that abuses and violations of human rights don't occur in any scenario. Every other day or so, we hear tragic stories of violence, racism, hunger, unemployment, poverty, abuse, homelessness etc on televisions, social media and newspapers.

However, the human rights mentioned under the UDHR and different treaties are not only the aspirations but they are the general basic principles that are to be followed. Many nations have incorporated these human rights principles into their municipal laws. This provides an opportunity for individuals to have the issue settled by the judicial courts in their own country. Victims from some nations may also be able to take a complaint of human rights violations to a United Nations committee of experts which would then express its opinion. Therefore, education about human rights is just as important as having laws for the protection of people. Long term progress can only be made when people are made aware of these rights and understand their relevance in the current scenario.

**CONCEPT OF HUMAN RIGHTS VIOLATIONS**

All people are qualified for certain essential rights under any circumstances and conditions. The people are entitled to certain rights and freedoms such as freedom from torture, freedom of expression, and right to seek asylum. When these rights aren’t protected, they are tending to be violated. The violation can be violent in nature such as police brutality while rights such as the right to vote can also be violated in absence of violence. Almost every day there are numerous instances of genocidal killings, mass exploitation, torture, sexual abuses and several other human rights violations. Despite the adoption of the Universal Declaration Human Rights providing for the rights of people, human rights violations continue to exit.

Abraham Lincoln’s dream of ideal democracy which was “democracy of, for and by the people” does not hold true in the current scenario as today democracy does not appear to be for the people due to large number of human rights violations taking place. The government itself faced a huge crisis. Political parties acting as the legalized instrument of parliamentary democracy suffered a lack of credibility due to criminalization and degradation of politics due to greed for power and money. After analyzing the leading theories of the relation between justice and democracy, priority to justice and human rights should be given over the authority of democratic decisions. Democracy is based on justice as equal freedom which is one of the human rights, it follows, that interventions on behalf of justice should be carefully restricted to cases where fundamental rights have been violated. The Indian Constitution prohibits "untouchability" through Article 17. Despite this constitutional provision, untouchability continues to be practiced in various parts of India without any penal costs. We have seen there has been a significant increase in all forms of crimes against women and children and especially human rights violations in India. The issues of communal violence, exploitation and sexual abuse should be handled from a human rights perspective. Many people from the minority communities are arrested only based on suspicion and subsequently got acquitted after a long duration and thereby important years of their life get wasted for nothing. Fake and illegal encounters by the Security Personnel especially by the police violate Article 21 of the Constitution of India (right to life and personal liberty) which is the biggest article but disappears in length due to subjective interpretation of the same. Most of the victims belong to the minority communities and not from the majority community. Though several steps have been taken by the government to guarantee basic human rights, the problem lies in its implementation by the central and state governments through failure to check on human rights violations that take place. Formulation of legislations regarding the protection of human rights is the need of the current hour but unfortunately it is lacking in India. It is necessary to focus less on legal requirements and more on the social reform of Indian Human Rights Organizations. The emphasis on the individual which is present in the Western Societies is not applicable to our country where man's sacrifice for the society holds more importance than in the Western nations. Rights hold value only when people realize these and enforce them both in public and private spheres. Everyone’s human Rights should be protected to extend and strengthen Indian democracy. Otherwise, India's secular fabric and democratic ideals would be seriously threatened in the future.

**TYPES OF HUMAN RIGHTS VIOLATIONS**

The state can commit human rights violations either directly or indirectly. Violation can take place in the absence of strong laws providing for protection or through an individual. Civil, economic, cultural and political rights are some of the rights which are violated through various means.

Civil and Political rights: The rights are violated through torture or unlawful enforcement in times of war and conflicts. Millions of men, women, and children are forced into work and exploitation as a result of human trafficking, which is presently one of the world's most serious concerns.

Economic, social and cultural rights: They include right to health, the right to an adequate housing, right to work, right to food and water etc. Poverty is one of the biggest crisis in the world presently.

Instances of Human Rights Violation Globally as well as Special Focus on India:

Poverty**:** Poverty is one instance in which humans are denied the basic necessities of life such as food, shelter, clothing, education etc. A person in poverty is unable to exercise economic and social rights. The UNDP has followed the approach, stating that poverty is a denial of basic human rights. It is an assault on human dignity. People living in poverty often lack the means to secure basic necessities. Thus human rights have no meaning to those who are living below the poverty line. The fact remains that India being the largest populated country in the world is a place where people go to bed without food, have no clothes to wear and a large number of beggars.
The Right to live: Article 3 states that ‘‘everyone has the right to life, liberty and security of a person’’. The violations of these rights take place in almost every country of the world.

Education: Armed forces attack schools, teachers, and kids in various regions. As a result, a large number of students drop out. Thus, it significantly hampers the right to education of the children which is one of the basic human rights. Some children are unable to take school education due to large conflicts at the national level. For example, Syrian children 2.1 million of whom do not go to school in Syria and nearly 1 million who live in neighboring countries as refugees.

Women’s Rights: A large number of rape cases across the nation have time and time again exposed the failures of the criminal justice system in maintaining law and order. After the famous Nirbhaya case, a lot of guidelines and amendments in various laws took place which aimed at justice for survivors of rape and sexual violence. Despite these measures, women and girls continue to face hurdles in reporting such acts.

Beginning in September, a substantial number of women working in India’s media and entertainment industries shared on their social media accounts of workplace sexual harassment and assault, as part of the MeToo movement which was initiated at a micro-level expanded to a great extent. These public accounts of celebrities came up with details related to the name of the accused and time and place where the offence of sexual harassment took place. All this clearly highlighted the failure of rule of law, lack of support to the survivors of sexual harassment and the failure to implement the Vishakha guidelines laid down by the Supreme Court.

In the Month of September during the same year, the Supreme Court lifted the ban on entry of women of menstruating age—between 10 and 50—to a temple in southern India on three major grounds- 1) non-discrimination 2) equality 3) women's right to practice religion. The aforesaid ruling is of the famous Sabrimala case. That same month, the apex court also struck down a law which criminalized adultery which is now no more a criminal act.

The idea that women’s rights are human rights was first discussed at the UN World Conference on Human Rights in Vienna in 1993. We find that despite the existence of Universal Declaration of Human rights, gender based discrimination continues to exist on a large scale. Various types of crimes against women include domestic violence, orthodox practices, dowry deaths, Rape, sexual assault and marital rape, Sexual Harassment, Prostitution and Trafficking, etc. In India nearly fifty percent of women’s are denied these basic human rights.

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 Supreme Court’s decision holds a lot of significance nationally as well as internationally by serving as an example to other nations for enforcing transgender rights and make laws for the protection of the same.

In the year 2019, Parliament for the protection of rights of transgender passed the Transgender Persons (Protection of Rights) Bill, 2019 and it came into force in the same year. Various groups earlier had strongly criticized the provisions of the previous version of the bill for being in contradiction to the several major provisions laid down in a 2016 Supreme Court ruling. Thereafter, the government incorporated unanimously several amendments in the revised bill but still it failed to protect the community including transgender people's right to self-identify.

**CONCLUSION**

Human beings have continuously made progress and development in every field for the past many decades. Incredible progress has been made in a variety of sectors, including those that directly influence people, such as ethics, law enforcement, and more. Nations throughout the world have been focusing on strengthening the economy, environment, and human resources for a very long time. Every government's ultimate aim is to upgrade the standard of living of its population while also safeguarding their interests. However, the most pertinent question in front of everyone is: are rights of the people protected?

Though a lot of laws and guidelines are there in place, still a lot of human rights violations take place which shows failure of proper implementation of the same. 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 with full liberty and freedom within the scope of law and this has even worked to a great extent, but still there is a long way to go. But raising awareness about human rights at the global level makes it imperative for all the nations to sign the human rights charter so as to ensure the protection and promotion of human rights throughout the whole world. Therefore, it becomes very important to bring down such violations so that it brings peace in the society. The concept of justice and human rights are inseparable from each other. Justice is closely connected to human rights. Human rights not only help in upholding human dignity and worth but also in ensuring an honored life to each individual. To human beings without dignity, life does not hold any meaning. But due to unfortunate circumstances and conditions prevailing in the society people do not get the right to live with dignity. The dominant and strong forces in society try to explain the concept of human rights from their perspective, which is clearly unjust and unfair. The transformation of social structure is essential for the effective utilization of human rights. This will lead to upholding the idea of justice and rule of law.

**REFERENCES**

Human Rights in India under Attack https://www.amnestyusa.org/our-work/government-relations/advocacy/human-rights-in-india-under-attack/

Universal Declaration of Human Rights <https://www.un.org/en/universal-declaration-human-rights/>

What are Human Rights? <https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights>

Making Human Rights a Reality- https://www.thehindu.com/opinion/op-ed/making-human-rights-a-reality/article5440963.ece

Human Rights Violation an Anathema to Society-<https://allindialegalforum.in/2021/07/10/human-right-violation-an-anathema-to-society/>

Human Rights Violation an Anathema to Society- <https://blog.ipleaders.in/human-rights-violations-anathema-society/amp/>

Human Rights Violation an Anathema to Society- <http://www.legalservicesindia.com/articles/violation.htm>

Human Rights and Laws https://www.un.org/ruleoflaw/thematic-areas/international-law-courts-tribunals/human-rights-law/

Human Rights Defined Under Various Places- https://en.wikipedia.org/wiki/Human\_rights

What are Human Rights? https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights

Universal Declaration of Human Rights- <https://www.un.org/en/universal-declaration-human-rights/>

India: Mounting Human Rights Abuses- https://www.hrw.org/news/2020/01/14/india-mounting-human-rights-abuses

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/>

Human Rights Violations An Anathema to Society - <http://probono-india.in/research-paper-detail.php?id=462>

Human Rights Violations An Anathema to Society-<https://www.ijalr.in/2020/08/human-rights-violation-anathema-to.html>”

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Karan Bhardwaj is pursuing B.A. LLB at Rajiv Gandhi National University of Law, Punjab. He has keen interest in moot court competitions and content writing. In the very first year, he emerged as the Semi Finalist in a moot court competition conducted by a private organization. He is intrigued by various branches of law such as human rights, constitutional law and criminal law. He is also an avid reader of legal literature especially literature on Constitutional Law. All these interests combined with the efforts have made him a person with good researching skills as well as drafting skills. He is also a member of THINK INDIA RGNUL and Centre for Advanced Studies in Criminal Law (CASCL). By being a part of these esteemed organizations, he is contributing significantly to the society in general and growth of these organizations in particular.