Human Rights In India: An Introduction

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Introduction

Human rights in India are an issue complicated by the country's large size, its tremendous diversity, its status as a developing country and a sovereign, secular, democratic republic. The Constitution of India provides for fundamental rights, which include freedom of religion. Clauses also provide for freedom of speech, as well as separation of executive and judiciary and freedom of movement within the country and abroad. In its report on human rights in India during 2013, released in 2014, Human Rights Watch stated, "India took positive steps in strengthening laws protecting women and children and in several important cases, prosecuting state security forces for extra judicial killings". The report also condemned the persistent impunity for abuse linked to in assurgency in Maoist areas, Jammu and Kashmir, Manipur and Assam. The report also went on to state, "The fact that government responded to public outrage confirms India's claims of a vibrant civil society. An independent judiciary and free media also acted as checks on abusive practices. However, reluctance to hold public officials to account for abuses or dereliction of duty continued to foster a culture of corruption and impunity".

**Human Rights In India**

**Development of Human Rights**

The Buddhist doctrine of non-violence in deed and thought says Nagendra Singh, is a humanitarian doctrine par excellence, dating back to the third century B.C. Jainism too contained similar doctrines. According to the Gita, "he who has no ill will to any being, who is friendly and compassionate, who is free from egoism and self sense and who is even-minded in pain and pleasure and patient" is dear to God. It also says that divinity in hurrahs is represented by the virtues of non-violence, truth, freedom from anger, renunciation, aversion to fault-finding, compassion to living beings, freedom from covetousness, gentleness, modesty and steadiness - the qualities that a good human being Thought to have. The historical account of ancient Bharat proves beyond doubt that human rights were as much manifest in the ancient Hindu and Islamic civilizations as in the European Christian civilizations. Ashoka, the prophet Mohammed and Akbar cannot be excluded from the genealogy of human rights.

**The Indian Perspective of Human Rights**

**Media and Human Right**

The Information Media is an important arm of any modern democratic polity through which the people exercise their freedom of information. The freedom of information, the democratic right to know, is crucial in making all other human rights effective and providing an important safeguard for the enjoyment of all those rights. Traditionally, the vehicle of public information was the Press. Today it is called the media, which include the press, he radio, the television and the internet. The "Fourth Estate" plays a crucial role in a large democracy like India where about 1500 different types of newspapers are circulated. The period of National Emergency saw, for the first time, the gagging of the free press. Many theell depended on the BBC for 'impartial' news about India. It is no wonder that the freedom of the Press or media became a watchword
after emergency. Disposing of a case o: contempt of court against the editors of two newspapers, the Supreme Court remarked: It is the duty of a true and responsible journalist to provide the people with accurate and impartial presentation of news and his views after dispassionate evacuation of facts and information received by him and to be published as a news item. The editor of a newspaper or a journal, the court said, has a greater responsibility to guard against untruthful news and its publication. If the newspaper publishes what is improper, mischievously false or illegal and abuses its liberty, it must be punished by a court of law. While a free and healthy press is indispensable to the functioning of a true democrat', the court said, "the freedom of the press is subject to reasonable restraint. Since the 1970's the media in India have played a central role in sensitizing people with information about governance, development, science and technology, foreign relations and so on. However, of late it has also come in for criticism, as highlighted by the above Supreme Court decision. There has been decline in journalistic credibility, as noted by the Chairman of the Press (council of India himself in a Seminar or journalists feel that the media shies away from important 'people's issues' like tribal issues, that it is losing social content and becoming a consumer product with a manager doing the editor. While the media is a vital leverage to keep the rulers in check," it has failed "to educate people to assert their claim to the right to information," observes another senior journalist. The press also has come in for rough treatment by terrorists, insurgents, and some individual politicians. The Chairman of the Press Council condemned increasing commercialism and corrupt practices emphasizing the need to arrest them. The media also has a tendency to launch "trials by the media," even sentencing by the media, even while a court proceeding is underway. Considering the total it of the impact of the media during the past two decades, despite the above pitfalls, one must recognize that the contribution of the media to revealing and highlighting human rights causes has been most impressive. A colonial law relating to official secrecy, the Official Secrets Act, 1923, however, remains an impediment in the effective exercise of the freedom of information.

Political Rights and Human Rights

India is the largest representative democracy in the world, based on universal adult suffrage, providing every Indian of at least eighteen years of age the right to vote. The Constitution provides for direct elections to the House of the People of the Central Parliament, i.e. the Lok Sabha and the State (Provincial) Legislative Assemblies, once in every five years at the latest. The members of the State Legislatures do the elections to the Council of States, i.e. Rajya Sabha, which is the upper house of Parliament. The elected members of Parliament and State Legislative Assemblies elect the President. Both the Houses of Parliament together elect the Vice-President. The right to vote, the right to contest elections, and the conduct of elections are all governed by the Constitution (Part XV) as well as special laws like the Representation of the People Act, 1951. The Constitution provides for an independent Election Commission (Article 324), which has in fact acquitted itself quite admirably in the recent elections, both provincial as well as parliamentary, and set an agenda for clean elections and elimination of the criminal - politician nexus.

Institutional Framework and Human Rights

India is divided into twenty-eight States and seven Union (centrally administered) territories. The Constitution provides for division of legislative functions between Parliament and the State Legislatures. Items are placed under Parliament, items are allocated for State Legislatures and are made subject to current jurisdiction of both.
with the power of Parliament overriding in case of overlapping legislation (Article 246 and the seventh Schedule of the Constitution). Parliament has power to make laws, inter alia on preventive (Item 9. Union List, and item 3. Concurrent list), offences against laws in respect of any matter in the Union List (Item 93), and any matter not enumerated in any of the three lists (Item 97 and Article 248). Public order (Item 1) sons and reformatories (Item 3), relief to the disabled and the unemployed (Item 9), and industries other than those declared by Parliament to be controlled by the Union (Item 24) are among the items in the State List. The Policies a State subject (Item 2), whereas deployment of any armed forces of the Union or any other force under the control of the Union is in the Union List (Item 2-A). Criminal law and procedure (Items 1 and 2), preventive detention for reasons connected with the security of the State, the maintenance of public order, 2r the maintenance of essential supplies and services (Item 3), transfer of prisoners (Item 4), actionable wrongs, civil procedure (Item 13), economic and social planning (Item 20), labor matters (Items 22, 23 and 24), education (Item 25), and factories (Item 36) are in the Concurrent List. Further, Article 253 empowers parliament to make laws for implementation of any treaty, notwithstanding the above distribution of legislative powers. The executive power of the Union is invested with the Prime Minister and his 'Cabinet' who are responsible to the Parliament. The executive power of a State is vested with the Chief Minister and his Cabinet who are responsible the State Legislative Assembly. The President of India on the advice of the Prime Minister appoints the Governor, the head of a State. There is a common civil service for the whole of India, whose officers head the Union administration and nonmilitary security forces, and the State administrations and Police forces.

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