

Human Rights Protection

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Abstract

The protection of human rights is fundamental to upholding human dignity, freedom, and justice in any democratic society. Human rights encompass a wide range of civil, political, economic, social, and cultural rights that are inherent to all individuals regardless of nationality, ethnicity, religion, or gender. This abstract explores the significance of safeguarding these rights through national and international frameworks. It highlights the role of institutions such as the United Nations, National Human Rights Commissions, and civil society in promoting awareness, ensuring legal accountability, and addressing violations. In an era marked by global challenges such as conflict, discrimination, poverty, and technological surveillance, protecting human rights remains more important than ever. The study underscores the need for stronger implementation mechanisms, public education, and cooperation among nations to foster a more just and humane world.

CHAPTER 1: INTRODUCTION

An Overview of the Human Rights Protection

Human rights and dignity are assumed to be equal from birth, hence the idea of them is based on this. These are moral assertions inherent in all human beings by virtue of their membership in the humanity alone and inalienable. These assertions are expressed and developed today and then labelled as human rights.

The central idea behind all human rights is equal dignity of all people. These rights have been assigned to be inherent to all people, inalienable in exercise, and universal in application. Unless their life would be useless, human beings are entitled to some fundamental and natural rights.

Human rights are those which, absent from which we cannot live as a human being and which are natural for us. Human rights and fundamental liberties let us satisfy our spiritual and other needs, fully develop and use our human qualities, intelligence, talents, conscience, and They are predicated on people's growing need for a life in which inherent dignity and worth of human beings will be respected and safeguarded.

Sometimes human rights are referred to as fundamental rights, basic rights, or natural rights. Often set out in a constitution, fundamental or basic rights are those which cannot be taken away by any legislative or government action.

Natural rights are seen by men and women as belonging to them by definition. Another approach to characterize them would be to call them "common rights," since, as English common law dictates, they are rights shared by all men or women living in the planet. Legal obligation to respect human rights comprises legal obligation to defend them.

Human rights have been around social life since then. It was known even in antiquity that human life depends on values. Life of the man loses meaning without these values. The most cherished values a man has are rights since they are fundamental. He loved this for his best growth. In the recorded past of humans; He has defended these rights whenever they have been disputed.

Human rights are those that belong to a group of people just because they are human. These rights cannot be compromised because they are inalienable. They serve as moral standards for how individuals ought to be treated. Human rights are inextricably linked.

Every human being has the same rights and dignity from birth. However, man has made him inferior in many ways.

There was oppression and slavery. To secure legal protection for their basic human rights, he had to labour for hundreds of years.

In order to protect people's rights to equality, life, liberty, and dignity, many laws were passed. They are created and destroyed in the furnace of experience and the irrevocable process of human struggle for freedom.

Despite the fact that all democratic political systems uphold human rights, the type and character of those rights vary depending on the government. It implies that not all democratic governments will equally protect human rights, which are made up of a wide range of rights.

Political liberals, for instance, are more supportive of civil and political rights. Socioeconomic rights are typically preferred by the political left.

Protecting the sociocultural and religious rights unique to a group is more important to political parties and governments that are led by religious and cultural groups than it is to the other two categories of rights. Compared to the other two categories of rights, religious and cultural groups are more concerned with defending their own sociocultural and religious rights.

OVERVIEW OF THE NGO I WORKED:

We Embrace is a youth-driven, community-rooted organization based in Gorakhpur, Uttar Pradesh. There work lies at the powerful intersection of climate justice, gender equality, and constitutional values. We believe that true change begins with empathy, awareness, and action—especially when led by those closest to the ground.

As the member of this we engage youth through experiential programs, civic learning workshops, climate change awareness drives, waste management campaigns, and constitutional awareness initiatives. By connecting grassroots realities with the bigger vision of sustainability, we aim to build a generation of informed, responsible, and inclusive leaders from small cities.

The creativity, compassion, and collaboration at the core of our approach.

We Embrace envisions a society where every citizen is empowered to shape a just and resilient future.

CHARACTERISTIC AND NATURE OF HUMAN RIGHTS

- **Human Rights Are Inalienable:** An individual is granted human rights by virtue of his existence. Regardless of caste, creed, religion, sex, or nationality, they are innate in every person. Even after a person passes away, they are still granted human rights. This fact is demonstrated by the various religious rituals.
- **Human Rights Are Essential and Necessary:** An individual cannot be morally, physically, socially, or spiritually well without human rights. Human rights are also crucial because they offer favourable circumstances for people to improve both materially and morally.
- **Human dignity and human rights are intertwined:** It's critical to treat everyone with dignity, regardless of their gender, financial situation, or other traits. For example, in 1993, a law was passed in India that made it illegal to transport human waste.

- Human rights are unalienable: No power or authority can take away these rights since they stem from a person's social nature in a human society and are theirs just by virtue of being a human. Therefore, moral rights and human rights are comparable.
- Human Rights Are Required to Fulfil Life's Purpose: Every human life has a purpose. The conditions that are necessary to achieve this goal are referred to as "human rights." The sacrosanct, unalienable, and unchangeable rights cannot be restricted or taken away by any government.
- Human Rights Are Universal: No privileged group of people has exclusive access to human rights. Human rights are universal in nature, devoid of exceptions or consideration. The principles that underpin these rights—such as equality and divinity—are fundamental to human nature.
- Human Rights Are Never Absolute: Because man is a social animal and lives in a civic society, his freedoms and rights are always subject to certain limitations. Human rights are those restricted powers or claims that contribute to the common good and that the state recognizes and protects for individuals through its laws. As a result, every right has restrictions.
- Rights as Restraints on State Power: Human rights suggest that each person has a right to certain liberties and advantages within their community. Thus, the state's power is constrained by human rights. These could take the shape of negative limitations.

CHAPTER 2: REVIEW OF LITERATURE

EVOLUTION OF HUMAN RIGHTS

ORIGINS: Regarding the origin of human rights, there is no definitive theory. Divergent opinions exist about where human rights came from. According to some academics, religious tradition is where human rights first emerged.

Another claim is that human rights have been significantly impacted by enlightenment. The scientific revolution, the emergence of mercantilism, the start of international maritime exploration, the unification of nation states, and the rise of the middle class were all made possible by Each of these contributed to the development of human rights.

It is also claimed that the Babylonian Law is where the rights' origins lie. The laws known as Hammurabi's code were issued by the Babylonian king Hammurabi. The Vedic era's drama in India established the ethical foundation for human rights.

Natural law and natural rights are also the foundations of human rights. The stoics are credited with creating the idea of natural law. The universal application of natural law based on reason and the idea that all men are created equal served as the foundation for the cosmopolitan philosophy put forth by Stoic thinkers. This idea of natural law was crucial to the development of human rights. Cicero firmly believed in the stoic interpretation of natural law. The Romans developed a body of laws for the administration of justice by applying the stoic idea of natural law. They created this set of guidelines using reason and customs.

The welfare of the populace was a priority for India's ancient monarchs. India's natural human rights are the foundation for the recognition and protection of people's rights, which are primarily dictated by moral and spiritual principles. He created natural law, and the theory of natural rights evolved from natural law.

NATURAL RIGHTS THEORY

Natural rights proponents clarified that a person's rights are inherent to him because he is a human being, not because he is a citizen of a certain nation or a member of a specific religion or ethnic group. John Locke, who argued that some rights are inherent to people as human beings and that they existed even in

the "state of nature" prior to the formation of states and societies. Rousseau is considered the greatest master of natural law school. He declared that men have the unalienable rights to equality, liberty, and fraternity. The French Declaration of the Rights of Man and of the Citizen was based on his ideas. The idea of natural rights served as the inspiration for both the French Revolution of 1789 and the American Independence Movement of 1776, which aimed to overthrow governments that restricted citizens' natural rights. Thomas Paine (1731-1809) may be mentioned in addition to the works of the three thinkers mentioned above. He believed that since God gave people rights, they are inherent.

DEVELOPMENT OF HUMAN RIGHTS

THE UN CHARTER, 1945

All 51 states' representatives who attended the United Nations Conferences in San Francisco drafted, approved, and unanimously adopted the United Nations Charter. Provisions for the advancement of human rights are found in the UN Charter. The significance of the Charter resides in the fact that it was the first official document to acknowledge the respect for fundamental freedom and to trace the application of human rights for the first time.

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948

All men, women, and children are entitled to civil, political, economic, social, and cultural rights under the thirty articles of the Declaration. the declaration is not a binding legal document. For all of humanity, it is an ideal.

INDIAN CONSTITUTION AND HUMAN RIGHTS

Although part III and part IV of the Indian Constitution are distinct, they share the common theme of human rights, which was greatly influenced by the Universal Declaration of Human Rights' concept of human rights. Traditionally referred to as natural rights, fundamental rights are the modern term for them. Fundamental rights cannot be changed in the same way as ordinary legal rights, which are upheld by the country's ordinary law and subject to change by the legislature. Only by amending the constitution itself can it be altered.

Part III of the constitution deals with fundamental rights, while Part IV deals with the guiding principles of state policy. Economic, social, and cultural rights are included in part IV of the constitution, whereas civil and political rights are included in part III. In the quotes, they are separated based on whether the former can be enforced and whether the latter cannot. If not, the rights covered by each are equally significant.

Neither of these components is better or worse than the other. Since the civil and political rights and the social and economic rights, respectively, make up the human rights regime, they are complementary to one another. Together, they have been referred to as the constitution's conscience; without one, the rights in the other are not only insufficient but also unachievable.

In India, humanitarian ideas began to gain traction in the early nineteenth century. Examples of limitations imposed by tradition and the beginning of humanization legislation include the creation of a torture commission during the Madras presidency (1855), the introduction of widow remarriage by law (1856), the prohibition of child marriage (1929), the abolition of sati (1829), the abolition of slavery (1843), and the abolition of female infanticide (1870). A number of laws and acts that enhanced jails and prisons,

including the Indian Penal Code, which was passed in 1860 India 47 School of Distance Education's human rights tenets were established on reformist impulses.

To safeguard the rights of female children, the Age of Consent Act of 1891 and the Abolition of Child Marriage Act of 1929 were passed. The Madras government also passed the Madras Children's Act and the Madras Elementary Education Act in 1920 in an effort to better protect children and enhance primary education. This humanitarian law established the groundwork for a deeper comprehension of human rights during the war years.

The Universal Declaration of Human Rights was in effect when India's constitution was being drafted. The Indian constitution's framers included a list of rights known as fundamental rights, which they derived from the UDHR. The American Bill of Rights was adopted by us. The form and content of Articles 14, 15, 16, 19, 20, 21, 23, 25, 29, 31, and 32 of the United Nations Declaration of Human Rights closely resembles the fundamental rights protected by the constitution.

ACTS ON HUMAN RIGHTS

RIGHT TO INFORMATION ACT

In 2005, the Indian parliament passed one of the most significant pieces of legislation. It is regarded as crucial to the empowerment and engagement of the populace in a democracy. Nowadays, everyone has the fundamental right to information. Perhaps the first nations to use statutory provisions to guarantee the public's free flow of information were the Scandinavian nations.

The Freedom of Information Act of 2002 was superseded by the Right to Information Act (RTI), an Act of the Indian Parliament "to provide for setting out the practical regime of right to information for citizens." Except for the State of Jammu & Kashmir, all Indian states and union territories are covered by the Act. T A "public authority" (a body of government or "instrumentality of state") may be asked for information by any citizen, and the authority has thirty days to reply, according to the Act's provisions. To lessen the need for citizens to submit formal information requests, the Act also mandates that all public authorities computerize their records for widespread distribution and proactively publish specific types of information. Parliament passed this law on June 15, 2005, and on October 13, 2005, it became fully operative.

The Act's increased accountability and transparency in government operations, corruption has been exposed and somewhat reduced. It is said to support a "citizen-centric approach to development" and boost the effectiveness of government-run public welfare programs.

Scheduled security agencies (those included in the Second Schedule to the Act) are required to provide information about corruption and human rights abuses within 45 days, but only with the Central Information Commission's prior consent. The PIO's response is inevitably restricted to either rejecting the request (in whole or in part) or providing an estimate of "further fees" because the information must be paid for. The time allotted does not include the interval between the PIO's response and the time needed to deposit the additional information fees.

AGENCIES FOR PROTECTING HUMAN RIGHTS

Despite the numerous laws and covenants that support human rights, abuses of all kinds continue to occur. Due to the lack of any efficient implementation tools, there is a significant discrepancy between the "promise" and the "performance." Human rights enforcement is also crucial. Human rights enforcement refers to the actions taken by the various national governments to ensure that their citizens have access to

the various human rights guaranteed by international covenants. According to Amnesty International's reports, several states violate human rights. Massive assaults on human dignity are extremely concerning. Numerous conferences and conventions were held at the regional, national, and international levels to protect human rights and dignity. In a similar vein, numerous organizations work to uphold and advance human rights globally. The National Human Rights Commission, the media, and the judiciary are crucial organizations that defend human rights.

JUDICIARY

Fundamental rights are protected by the judiciary. It shields citizens' rights from intrusions by the state and private sector.

The authority of judicial review is one of the most significant aspects of the judiciary in the modern era. The judiciary's authority to declare a law passed by the Human Rights Act of India 57 is known as judicial review.

If an executive order or school of distance education parliament violates the constitution, it is void.

By creatively interpreting and applying the constitution's human rights provisions, the judiciary primarily carries out its duties of implementing human rights. The Indian Supreme Court has taken on the role and stated that it has a unique duty to expand the definition and scope of fundamental rights and develop human rights law.

The following are the main ways that the judiciary has influenced human rights jurisprudence:

1. A significant extension of the notion of human rights as stated in Article 21 of the Constitution
2. Innovation in Public Interest Litigation Procedures

In accordance with the Protection of Human Rights Act, in order to expedite the trial of offenses resulting from human rights violations. By notification, the state government may designate a court of session to try the aforementioned offense in each district as a human rights court with the chief justice of the high courts' consent.

The Indian Supreme Court has both original appellate and advisory jurisdiction. A citizen may petition the Supreme Court or a higher court, as appropriate, for the reinstatement of their fundamental rights if they are denied or violated. Human Rights and the Indian Judiciary Due to a number of provisions in the Indian constitution, the judiciary is able to uphold human rights and stop the legislative and executive branches from going beyond their purview. They are as follows:

- The division of powers India has an independent judiciary that is completely isolated from the executive and legislative branches. As a result, the court can administer justice without fear or favouritism.
- Constitution in writing India has a written constitutional law system. It improves the judiciary's ability to spot errors made by the legislature and executive. The constitution also outlines each and every one of the fundamental rights. Consequently, the judiciary can read any law, especially those pertaining to citizens' rights.

Judges Education and Training

The values and tenets of the educational system that prepares future judges greatly contribute to the improvement of professional quality in handling human rights cases.

Activism in the judiciary as the judiciary has evolved from a passivist to an activist, so too has its awareness of human rights. In the beginning, the Indian judiciary was either passivist in nature or adhered to the black letter of law tradition.

Writ Petition

Any individual, authority, or government within its territorial jurisdiction may be granted certain writs by the Supreme Court under Article 32 and the High Court under Article 226 to enforce their fundamental rights. There are five different types of writs. They are Prohibition, Quo-Warranto, Mandamus, Coercionary, and Habeas Corpus.

Litigation in the public interest

It developed as a result of the judiciary being influenced by welfare ideology. The courts were supposed to play a passive role in the traditional legal theory of the judicial process. As a result, the legal system's procedures were anything but liberal. PIL is an acronym for liberalization. India's human rights 59.

Distance Learning instruction on the judicial process, with a focus on locus standi provision. According to locus standi, an individual must demonstrate that the contested action has a negative impact on him or that his rights have been infringed.

Prominent judges such as Justice P.N. Bhagwati and Justice V.R. Krishna Iyer advocated for PIL as a tool for social change in India. Following the emergency and the associated human rights abuses, such a tool was implemented.

NATIONAL HUMAN RIGHTS COMMISSION

The protection of human rights has been the focus of both governmental and non-governmental organizations and agencies. Most nations' domestic laws now incorporate universal human rights standards and norms. Countries have also ratified a number of international instruments, either by enforcing them through legislation or by agreeing to immediately adhere to their obligations through automatic adoption. If there are no institutions and procedures in place to guarantee the effective realization of human rights, having laws protecting them is insufficient.

A National Human Rights Commission, State Human Rights Commissions, and Human Rights Courts must be established in accordance with the Protection of Human Rights Act of 1993. An independent organization created by the government in accordance with particular laws with the goal of advancing and defending human rights at the national level is known as a national human rights institution. It has been called one of the essential pillars of the defense of human rights.

According to the NHRC, human rights are "the rights relating to life, liberty, equality, and dignity of the individual guaranteed by the constitution or embodied in the international covenants that are ICCPR and ICESCR- and enforceable by courts in India." India's NHRC was Human Rights in India 60.

The first commission of this kind established in South Asia was the School of Distance Education. Organization According to the Human Rights Act, the National Human Rights Commission must have five members, including the chairman. It includes: -

- Chairperson who served as the Supreme Court's Chief Justice.
- One member who currently serves as or has served as a Supreme Court judge.
- One member who currently serves as or has served as the High Court's chief justice.
- Two members will be chosen from among those with expertise or real-world experience in human rights issues.

FUNCTIONS

functions and powers of the NHRC are outlined below: -

Inquiry and investigation

The NHRC has the authority to look into and investigate complaints of human rights abuses, their facilitation, or a public servant's carelessness in preventing such abuses. Such an investigation may be carried out on its own initiative (*Suo motto*) or in response to a petition submitted by a victim or by someone acting on their behalf.

These *Suo motto* powers are especially important when dealing with members of the underprivileged groups who lack the social or financial means to file individual complaints. Thus, the NHRC has the authority to act independently and defend these individuals' rights. The NHRC has been given authority to try cases in a manner akin to that of civil courts. This implies that the commission can obtain evidence in the form of affidavits, requisition and public records from any court or office, examine witnesses and documents, examine under oath, demand that documents and items be produced before the commission, summon and enforce the attendance of any individual, and more. After an investigation is finished, the NHRC may advise the government or the relevant authority to start legal action or take any other appropriate action. It may also request a directive, order, or writ from the high court or the supreme court, as that court may deem necessary.

Inspections Regarding living conditions in prisons and other institutions, the NHRC is able to conduct inspections and offer recommendations. It may also keep an eye on the constitutional and legal safeguards for human rights, their efficient application, and recommend new safeguards for human rights.

Intervention in court proceedings

With the consent of the courts, the NHRC may get involved in cases involving violations of human rights. For instance, in the *Best Bakery case*, where grave concerns were expressed regarding the justice system's fairness, the NHRC successfully intervened in a case involving egregious human rights violations.

Sensitization

The NHRC's mandate is to educate the government about its constitutional duties to ratify and uphold international human rights treaties. Additionally, the NHRC is tasked with promoting human rights education and awareness as well as supporting non-human rights organizations and institutions in India
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CHAPTER 3: METHODOLOGY

The methodology adopted for this NTCC project on Human Rights Protection in collaboration with an NGO involved a combination of practical fieldwork, interaction, and research-based approaches. Field visits were conducted to the NGO to observe their day-to-day functioning, awareness programs, and legal aid activities aimed at protecting human rights.

During the visits, structured and informal interviews were held with NGO officials, volunteers, legal experts, and community members, including marginalized groups such as women, children, and transgender persons.

Participation in various outreach programs and legal literacy sessions provided firsthand experience of the NGO's efforts in empowering vulnerable communities. Additionally, relevant literature, including constitutional provisions, the Protection of Human Rights Act, and reports from the National Human Rights Commission, were studied to understand the legal framework.

Case studies of specific interventions by the NGO were documented and analysed to assess the real-world impact of their work. Qualitative data collected through observation and interviews were reflected upon and compiled to draw insights and recommendations, which form the basis of this report.

CHAPTER 4: ROLE OF MEDIA IN PROTECTING HUMAN RIGHTS

All media—print, electronic, and new—protect and promote human rights in one way or another. The media interprets, defends, and advances specific social, political, and cultural values in addition to spreading information. As a profession, journalism exists to serve society. The media alerts the public to the possibility of human rights violations by state or non-state actors. When police officers commit crimes against civilians, the media reacts. It makes the public aware of the wrongdoings of the government. It fights corruption. Corruption itself violates human rights. Many scams have recently been made public by the media.

For instance, the Darsh Flat Case, the Commonwealth Games Case, and the 2G Spec Tom Case, among others. As a result, the free press serves as a warning of an approaching emergency. Preventive action is compelled by these warning indicators.

These days, social media and new media play a major role in human rights protection and anti-corruption initiatives. It has enormous potential and has the ability to impact millions of people. Additionally, it provides more backing for the overthrow of corrupt governments and the liberation of people across the globe. By educating people about their rights and responsibilities, the media helped advance human rights. Media have educational value in this way. It can help spread the value of human rights by fostering values like peace, non-violence, fraternity, etc. The media reports on human rights abuses and draws the authorities' attention to the issue at hand.

By giving publicity to people and groups involved in human rights protection efforts, the media helps to popularize human rights. Free media can be a potent weapon against abuse and human rights violations in a democracy. The media's ability to reveal human rights abuses makes it a potent tool.

Investigative journalists bring numerous human rights violations to the attention of the public and the government. It had been effective in numerous instances of political criminalization and corruption. The state and its agencies are held democratic and accountable in part by the media. The media's influence on social reality also helps advance human rights. However, we must keep in mind that the media, whether on purpose or not, is undermining human rights concerns in the globalized business world in order to increase profits.

They tried to protect the corporates and advertisers. The 64 Distance Learning School for Human Rights in India It only releases news that will increase its revenue through increased circulation or viewership. Sometimes it takes advantage of human rights abuses to tell dramatic stories. An independent and impartial media can only aim to protect and promote human rights.

CHAPTER 5: HUMAN RIGHTS MOVEMENT IN INDIA

People's union for civil liberties (PUCL)

One of the most well-known NGOs in India dedicated to defending and advancing human rights is the People's Union for Civil Liberties. The goal was to unite people on nonpartisan and nonpolitical grounds in support of human rights and civil liberties. Jaya Prakash Narayan established the People's Union for Civil Liberties and the Democratic Rights (PUCLDR) in 1976, from which the organization is derived.

The purpose of PUCLDR was to demonstrate against the Indira Gandhi regime's undemocratic policies and the emergency. The group questioned the civil liberties violations that occurred when a national emergency was declared. However, as the Indira Gandhi government was overthrown, the vibrant aspect of PUCLDR diminished as well. The Janatha regime caused the organization to lose steam, and J.P.'s passing hastened the process. The members were forced to re-strengthen the organization due to the ongoing violations of civil liberties, regardless of the type of government.

As a result, the PUCLDR was split up into two groups. PUCL and PUDR are the two. On November 23, 1980, the PUCL became a membership organization and ratified its charter. The constitution of the organization states that members of political parties will not have the right to hold any office if they join the organization. V.M. Thar Kunder served as the organization's first president, and Arun Shourie as its first general secretary. The structure of PUCL is divided into three levels. The National Convention is the general body at the grassroots level. The National Council and its Executive are above that. The state branches are established by the national PUCL.

MAJOR AREAS OF ACTIVITY

The organization's key initiatives include influencing public opinion in favor of improved conditions for the defence of civil liberties worldwide, investigating human rights violations, publishing the results, and submitting petitions. Funding agencies in India and overseas do not accept donations from the organization. The members themselves cover the costs.

The PUCL has established a journalism award for the best human rights stories and publishes a monthly journal called the "PUCL Bulletin." Every year on March 23rd, it hosts a JP memorial lecture about human rights.

It had actively opposed the NSA, which was frequently employed against Madhya Pradesh's trade union members. The group had made a substantial contribution to the cause of society's disenfranchised. In order to activate the use of PIL to defend the rights of the people, it put pressure on the Supreme Court in a number of ways to liberalize the locus standi provision. It had looked into whether child labour existed in Assam and Tamil Nadu. Human rights abuses during intercommunal riots were another area of focus. The group released reports on topics such as the Hasimpura and Meerut riots in 1987, the Bombay riots, the Sikh massacre in the Delhi riot in 1984, and others.

The group took strong action against the dehumanizing practice of sati in 1988. In the Roop Kanwar sati case, PUCL plays a significant role. In 1995, it concentrated on the cases of fictitious encounters in the northeast as well as the human rights abuses in Jammu and Kashmir. It had battled in court for the vulnerable groups' rights to food and health in India. Additionally praiseworthy are the organization's cooperation with the NHRC and its use of the right to information.

ENVIRONMENTAL MOVEMENT

Environmental movements play a significant role in research on natural resources, air, water, and specifically the right of the third generation to a clean environment. The development paradigm, which completely disregarded the significance of nature in human life, gave rise to environmental movements. The enormous devastation of nature had a variety of effects on people's lives worldwide. Large-scale movements based on natural protection have been created to address issues like deforestation, water scarcity, pollution, ozone depletion, soil erosion, acid rains, species extinction, desertification, unequal access to resources, etc.

The Silent Valley Movement, the Chipko Movement, the Narmada Bachao Andolan, the Mithani Village Movement, the Jharkanthi organization against radiation, the National Fish Workers Forum, the Beej Bachao Andolan, and others were significant environmental movements in India.

One of the successful environmental movements of the 1970s was the Silent Valley Movement, which stopped a hydra project from being built in the ecologically rich Silent Valley region along the Kunthi River.

An environmental NGO called KSSP spearheaded the movement, which helped raise awareness of environmental issues in the Keralan state. In the 1970s, the Chipko Movement in Uttaranchal was another effective campaign against the cutting down of trees for commercial use. One of the longest-running campaigns against the Sardar Sarovar Project, a set of dams being built on the Narmada River, is the NBA. The movement challenged the prevailing paradigm of development, which led to conflicts between development and the environment.

In connection with the growth of NTPC in the village of Sonbhadra, the Mittani movement concentrated on the problems of rehabilitation and displacement. The movement was successful in obtaining a sizable compensation package. The Jharkhand VCIL rehabilitation and settlement movement, known as JOAR, evolved into a movement that also addressed issues like radioactive waste management and health risks associated with radioactivity. Beej Bachao Andolan is an advocate for preventing the extinction of various native seeds.

CHIPKO MOVEMENT

The famous Chipko Movement started in the Uttarakhand hills (now in the state of Uttaranchal) in 1971. Chipko, which translates to "embrace" or "hug," refers to the movement's initial action at Mandal Village in the Alakananda Valley.

The government's decision to give a piece of forest land to a sports goods company while forbidding the villagers from using local timber to make agricultural tools served as the impetus for the movement. Women played a significant and pivotal role because they were the ones most impacted by the ongoing environmental degradation and the privatization of essential resources. The women intervened to protect their environment and means of subsistence when efforts were made to divert the men's attention. To stop them from being cut down, they declared that 67 School of Distance Education trees in India were being huffed. Under Chandi Prasad Bhatt's direction, the straightforward action developed into a coordinated and nonviolent movement.

The Chipko Movement's great leader, Sundar Lal Bahuguna, was a philosopher and Gandhian activist who coined the catchphrase "Ecology is permanent economy." Gandhi's nonviolent principles were a major source of inspiration for the movement.

Both globally and in India after independence, this was the first such movement. It is recognized as one of the characteristics that distinguish the environmental movement. 1. Prime Minister Indira Gandhi announced a ban on tree logging in the 5000-kilometer trans-Himalayan region after the government finally gave in to the growing movement. The UN Environment Programme praised the efforts of the participants and stated, "The Chipko people are working for a socio-economic revolution by winning control of their forest resources from the hands."

ANTI-DAM MOVEMENT

Narmada Bachao Andolan

The central Indian Narmada River valleys are to be protected by the Narmada Bachao Andolan (NBA). On a scale never seen in an environmental movement in India following independence, it brought people together at the grassroots level. The movement mainly opposes the Sardar Sarovar Dam's expansion, which is predicted to uproot 300,000 people, mostly peasants and tribal people, and flood agricultural land and forest areas that are home to endangered species. The NBA and its supporters contend that the social and environmental costs greatly exceed the anticipated benefits, which are unlikely to occur given prior experiences.

The NBA has been successful in drawing attention to Indian development and environmental issues. It has sparked debate over whether India should follow the West's large-scale industrialization model, which has irreversibly harmed the environment, or focus on small businesses. India's human rights 68 Distance Education recognizing and appreciating the needs of the environment and local communities. The NBA supports the latter by advocating for the protection of the environment and the economic, social, and cultural rights of those who have been displaced. It supported the development of dry farming methods and the preservation of traditional water harvesting systems in villages to foster ecological and social harmony.

According to NBA central organizer Medha Patkar, the development model exemplified by initiatives like the Sardar Sarovar Dam is the "epitome of unsustainable development," and the only viable option is to reinterpret "modernity" and the purpose of development in order to expand it to a just and sustainable society founded on peaceful, non-exploitative relationships between humans and the natural world. The movement has raised public awareness of the tensions between development and the environment. Due to human and environmental concerns, the World Bank decided to stop funding and participating in the project, and the NBA played a key role in that decision.

THE SALENT VALLEY PROJECT

The Kerala government's plan to build a dam across the Kunthi River in the Silent Valley is the target of another notable anti-dam movement. The government has maintained that it is a good substitute for the more costly and environmentally harmful thermal power sources. However, it is opposed by citizen and environmental groups because they fear it could upset the fragile ecological balance of the bio-diversity reserve, which is home to some rare species in the Silent Valley. Additionally, the river has historically provided drinking water to the local tribes and villagers; activists have accused the state of committing "state sponsored robbery of resources" by diverting the water.

Under pressure from global organizations such as the World-Wide Fund for Nature (WWF) and the International Union for the Conservation of Nature and Natural Resources (IUCN), Prime Minister Indira Gandhi halted the project in 1983. One of the rare occasions when the state gave in to pressure was during this swiftly successful movement.

CHAPTER 6: CHALLENGES TO HUMAN RIGHTS

Human Rights Violation against Minorities, Dalits, Adivasis and Women

Neither the Indian Constitution nor the National Commission for Minorities Act (NCM Act) define minorities or make reference to people who are "based on religion or language." The central government has classified the following groups as "minorities": Buddhists, Christians, Sikhs, Muslims, and Parsis. This definition of minority excludes, among other things, the Baha'i faith, Judaism, and Jainism. 2.

Articles 29 and 30 of the Indian Constitution address the rights of minorities. Article 29 states that any group of people residing in India or any of its territories who speak a particular language, script.

THE NATIONAL COMMISSION FOR MINORITIES

In order to investigate the welfare of minorities, the Minority Commission was initially established in 1978. With the passage of the National Commission for Minorities Act in 1992, the Commission became a statutory body with the goal of more effectively and efficiently addressing the interests of minorities. Despite the fact that the constitution contained special provisions for the protection of minorities, Human Rights in India 71 School of Distance Education felt that a special commission for minorities was required. The central government must appoint the commission's chairperson, vice chairperson, and five members from among individuals of distinction, aptitude, and integrity; the chairperson and the five members must come from minority communities.

The NCM has been given the authority of a civil court to assess how minorities have developed under the union and the states, keep an eye on how the protections outlined in the constitution and in laws passed by the parliament and state legislatures, investigate specific complaints about the denial of minorities' rights and protections, and bring up such issues with the proper authorities. Despite having quasi-judicial authority, the NCM lacks an independent investigative unit of its own and is not officially granted statutory investigative powers.

Along with conducting studies on discrimination against minorities and suggesting measures to stop it, the NCM also advises the Central or State Government on how to effectively implement safeguards for minorities' protection, encourages research on issues pertaining to minorities' socioeconomic and educational development, and reports to the Central government on any matter pertaining to minorities.

HUMAN RIGHTS VIOLATIONS AMONG DALITS AND ADIVASIS

Women, minorities, Dalits, and Adivasis are among the vulnerable groups that are subjected to police brutality. Members of minority communities, Dalits, and tribes are frequently the targets of arbitrary arrests and detentions. They never use savage investigative methods on suspects who are from the lower echelons of society. In states like Bihar, Uttar Pradesh, Madhya Pradesh, Haryana, and Gujarat, police brutality against Dalits and tribes is widespread. In practically every instance, the police blatantly display their upper caste bias. Furthermore, the police disregard the backward caste members' complaints.

Thomas Paine claimed that "government by terror is intended to operate over the lowest class of mankind and on them that it operates to the worst effect of human rights in India 72 School of Distance Education." Because the dominant group controls the state and its agents, it will use force against the underprivileged and disenfranchised in order to preserve its power.

ATROCITIES ON ADIVASIS

Due to their distinct cultural taints and place of residence, Adivasis or tribal people stand out as a community in discussions on human rights. Adivasis are groups of people, families, clans, or communities that have a common ancestor, culture, dialect, and leader, as well as social, economic, and political ties. The majority of tribal movements in India, both before and after independence, have been characterized by the degradation of Adivasi rights in forests.

A defining characteristic of the Adivasis' way of life has been their distance from the so-called plain or modernized people, which has allowed them to maintain their ethnic and cultural traits, continue using

their traditional political and socioeconomic structures, and coexist peacefully with the environment, especially the forests. Nonetheless, as colonial rule was established and strengthened in the nation, efforts were made to integrate the Adivasis into the political, economic, and administrative spheres of society. The Adivasi people's peaceful and independent way of life was disrupted by this integration, and the tribal people also had to deal with the enduring issues of the so-called modern world, such as unemployment, exploitation, and poverty and debt. These issues violated the Adivasi communities' human rights and contributed to the decline of their traditional way of life. The concept of land alienation serves as the foundation for the analysis of the Adivasi human rights concerns. Due to elements like the government's and other institutions' acquisition of the tribal areas and their opening up for communication and development, as well as the gaps in the land laws. Furthermore, the Adivasis' socioeconomic structure was drastically altered by the contemporary land ownership system, which also caused non-tribals to infiltrate tribal areas. The Adivasis' symbiotic relationship with the forests is a major concern in the area of their human rights. The tribal people have historically relied on the forests and the land for their sustenance and prosperity. A persistent conflict between the government and the Adivasis has emerged as a result of the government gradually taking over the management of the forests as natural resources. The government has shown little concern for the forests' centrality to Adivasi social customs and rituals. Poverty, debt, and unemployment are a few more problems that raise concerns about the Adivasis' human rights. Over time, the Adivasis were pushed into poverty after losing their means of subsistence due to their loss of land and forest ownership. The Adivasis were forced to borrow money from dishonest moneylenders because they frequently needed it during hard times and famines. The Adivasis' increased reliance on the market for their food needs as a result of the shift from subsistence farming to a cash crop economy also contributed to their debt.

CONSTITUTIONAL PROTECTIONS OF THE ADIVASIS

According to Article 342 of the Constitution, certain social groups were to be classified as Scheduled Tribes (STs) for official purposes, creating a special category. Furthermore, the general prohibition against discrimination on the basis of race, sex, caste, and similar grounds is not applicable to measures for the advancement of STs, as stated in Article 15(4). Furthermore, in order to presumably stop the alienation or fragmentation of tribal property, the state may legally restrict the general rights of all citizens to travel, settle, and own property under Article 19(5). The state is required by Article 45 to advance the economic and educational interests of the STs with particular attention. These people are reserved for state and Human Rights in India 75 School of Distance Education center-level public services under Articles 16 and 355. Article 338 permits the creation of a National Commission for the Schedule Tribes.

Article 339(2) states that the Union Government may use its executive power to order states to create and carry out plans that are thought to be essential for the welfare of the STs. Article 275(1) directs the union to give the state grants in aid to pay for tribal welfare programs.

The administration and governance of scheduled and tribal areas in states other than Assam, Meghalaya, Tripura, and Mizoram are also covered by the Constitution's fifth schedule. Tribal areas in the aforementioned states are covered by the sixth schedule.

Similarly, in the states of Madhya Pradesh (now Chhattisgarh), Orissa, and Bihar (now Jharkhand), provisions have been made for a designated minister to oversee tribal welfare under Article 164. Additionally, scheduled tribes are temporarily given reserved seats and special representation in the Union

and state legislatures under Articles 330, 332, and 335. Numerous programs and policies targeted at the development of the tribe are based on the combined effects of these constitutional provisions.

The Indian government has launched numerous additional policies and initiatives for the advancement of Adivasis. However, it has been discovered that these programs and policies do not, for the most part, produce the intended outcomes.

VIOLENCE AGAINST WOMEN

Violence against women is defined by the Declaration on the Elimination of Violence Against Women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts coercion or arbitrary deprivation of liberty, whether occupied in public or private life." The number of crimes committed against women has been continuously increasing.

The definition acknowledges that violence can happen inside the home and is wide in its scope. There are two types of violence against women: active and passive. Physical acts of violence are not the only kind. Because they affect the victim psychologically, creating a hostile environment at work or at home, or saying derogatory and humiliating things, also falls under the category of violence in India 76 School of Distance Education.

The sanctity of family relationships is threatened by domestic violence, which takes place in the home. It is violence that takes place in the private sphere, usually between people who are related by blood, intimacy, or the law. Children, the elderly, married and unmarried women, and divorcees are all targets of both active and passive violence. Women are the main and most significant victims of domestic abuse. Abuse and the threat of abuse are both considered forms of domestic violence under the Protection of Domestic Violence Act of 2005.

Both asking for and giving dowries are punishable by law under the 1961 Dowry Prohibition Act. Women are among the most common victims of police brutality. Women's issues are still handled by the police in a callous and uncaring manner. Because they consider dowry deaths and domestic abuse to be private issues, they encourage compromises even when the women are severely tortured. Another important human rights issue affecting women in relation to the police is rape that occurs in custody or prison.

According to the 2002 NCRB report, only four of the 132 police officers tried for custodial rape were convicted. The 1980 Mathura case, in which a young girl from a lower caste was arrested and sexually assaulted by police officers, is a great example of the gender bias of Indian police. The daily media continues to report on such incidents. The way the police question rape victims is another example of their insensitivity. Because they consider these victims to be unclean, they speak negatively about them and even attack them. Women are also impacted by custodial death.

In its most recent report, Amnesty International noted that Indian authorities are not only failing to stop violence against women, but occasionally actively participating in it. These women frequently experience double discrimination based on both gender and caste. During their early years, women experience violence such as infanticide, neglect of their nutritional needs, and neglect of their education and health care. As adults, they deal with sexual abuse at work, domestic violence, etc. The police's response to all of this violence is insufficient.

POLICE ATROCITIES AGAINST CHILDREN

The Convention on the Rights of the Child is the first legally binding international agreement that covers all human rights, including social, political, economic, cultural, and civil rights.

The convention's 54 articles and two optional protocols contain descriptions of these rights. It lists all of a child's basic human rights, such as the right to life, the right to full development, the right to be protected from harmful influences. The convention's four guiding principles are non-discrimination, respect for the child's opinions, the right to life, survival, and development, and dedication to the child's best interests.

In the context of Indian society, which has recently emphasized the need for immediate affirmative action, we will limit our discussion to the two aspects of children's rights, even though they demand comprehensive treatment. These include the prevalence of child labour and violence against children, including violence committed by the criminal justice system. There are reports of ongoing child labour, trafficking, and violence against children even within their homes, despite the fact that children are still frequently the victims of various forms of exploitation and violence. Some of them experience police brutality and sexual harassment.

The National Human Rights Commission of India has taken the lead in educating and training state police, paramilitary, and armed forces on human rights. In many urban areas, there have also been reports of an increase in violence against street children.

India's human rights⁷⁹ Distance Learning School.

For the primary purpose of caring for, protecting, treating, developing, and rehabilitating neglected or delinquent children, Parliament passed the Juvenile Justice Act of 1986. One of the worst things about independent India has been the widespread exploitation of children for free or inexpensive labour. Children are involved in a range of crafts or leisure activities, such as creating matches and fireworks, carpets, glass bangles, plastic and rope weaving, extracting salt, and making incense sticks.

STATE AND HUMAN RIGHTS

The official agency charged with ensuring public safety, liberty, and life is the police. The survival of democracy and the appropriate exercise of human rights depend on a functional police force, which upholds the rule of law.

Police are responsible for preventing and detaining criminal activity, upholding law and order, investigating crimes, gathering evidence, apprehending criminals, maintaining internal security, protecting the environment, protecting VIPs, and managing traffic.

But when it comes to upholding human rights, Indian police fall short in many ways. The media has documented numerous instances of police brutality. Numerous national and international human rights NGOs have denounced the Indian police force for its flagrant disregard for human rights and its complicity in grave human rights abuses. In actuality, third-degree tactics are a continuation of police brutality. The two main grievances against police are accusations of assault and unprofessional behaviour. On occasion, police officers were accused of assaulting suspects in order to get confessions.

Confessions were frequently the sole piece of evidence used against the accused. The media has helped bring attention to police abuses, but it hasn't been able to strengthen the forces.

POLICE ATROCITIES

The segments of society that are excluded from the mainstream activities of society are known as marginalized sections. Other groups that experience police brutality include SC/STs, minority communities, Dalits, and Adivasis. Every communal riot has a unique tale of police brutality against minorities, according to Asgar Ali Engineer.

The partial role of human rights in India 80. The School of Distance Education claims that the police were involved in the Babri Masjid controversy, the 1984 Bhivandi riot, the 1987 Meerut riot, the 1989 Bhagalpur riot, and other incidents. One recent instance of police becoming spectators during a riot is the Gujarat Carnage of 2002. They need to be extra cautious and considerate when dealing with the weaker groups in society, particularly the marginalized community.

However, they frequently act contrary to this principle. Numerous complaints about police brutality against marginalized groups were sent to the National Human Rights Commission. The majority of these complaints center on unlawful detention of accused, suspects, and their relatives, abuse of authority, and failure to take appropriate action. Poor people, members of Scheduled Castes, Scheduled Tribes, and other marginalized groups in society frequently file complaints about police misconduct or atrocities. There was also caste decimation. Castes or individuals who carried out the duty of removing pollutants from the marketplace and other locations were regarded as untouchables.

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Women, minorities, Dalits, and Advises are among the vulnerable groups that are the targets of police brutality. Members of minority communities and Dalit tribes are frequently the targets of arbitrary arrests and detentions. Dalits and tribes are viewed by the police as repeat offenders. They never use savage investigative methods on suspects who are from the lower echelons of society.

In states like Bihar, Uttar Pradesh, Madhya Pradesh, Haryana, and Gujarat, police brutality against Dalits and tribes is widespread. In practically every instance, the police blatantly display their upper caste bias. Additionally, the police disregard the backward caste members' complaints. They are not prepared to file a complaint under the SC and ST Prevention Atrocities Act or Human Rights in India 81 School of Distance Education, even if they pay attention. According to Thomas Paine, "government by terror is intended to operate over the lowest class of mankind and it operates to the worst effect on them."

Police frequently use the following torture techniques to get confessions:

1. Applying electric current to the detainee's body
2. Spraying chilli powder in the eyes
3. Stretching the legs out to an intolerable degree
4. Hanging them from a roof
5. Depriving them of food and water
6. Pulling their nails, etc.

Police should make sure that officers don't violate people's rights either directly or indirectly. Only then will they be able to defend human rights. Reasons behind police brutality

The following are the main reasons why police atrocities occur:

1. Police brutality is a legacy of colonialism. Indian police are still governed by the British government's 1861 police act. The organizational structure, bureaucratic and political influence, management philosophy, and value systems have not changed since the colonial era.
2. A lack of ethical and professional norms.

3. Inadequate training.
 4. Fourth, police politics.
 5. Mental pressures.
 6. Insufficient equipment and vehicles.
- The Human Rights 82 School of Distance Education in India.
7. Components of illegal behaviour.
 8. Lack of staff and excessive workload.
 9. Deconian laws were introduced, including MISA, TADA, POTA, and others.
 10. A reduction in public confidence.

CHAPTER7: THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT 2019

BACKGROUND

The situation for transgender people in India is challenging and complex. In general, transgender people face a great deal of violence, prejudice, and economic marginalization. Consequently, transgender individuals often faced challenges in accessing basic human rights such as housing, employment, healthcare, and education. However, the government has recently made a number of changes, including permitting transgender individuals to take part in government initiatives. The Transgender Persons (Protection of Rights) Act 2019 was passed by the Ministry and went into effect on January 10, 2020, to protect the rights and welfare of transgender people.

The Transgender Persons (Protection of Rights) Act, 2019 is a significant step in protecting transgender people's rights in the country. The Act gives transgender people legal recognition as a third gender and recognizes their right to self-identification based on their gender identity.

The Act's ban on discrimination against transgender people in public places, the workplace, healthcare, and education are one of its main advantages. The Act also requires the establishment of welfare boards at the state level, whose job it is to help transgender people access social welfare programs

Additionally, the Act provides for transgender individuals to receive a certificate of identity, allowing them to access a range of services and benefits in accordance with their self-identified gender. The Act also calls for the creation of distinct clinics and hospitals to offer transgender people medical care

Additionally, the Act makes it illegal to commit crimes against transgender people, such as economic, emotional, sexual, and physical abuse. Additionally, it stipulates that those who coerce transgender people into begging or bar them from public spaces like parks, hospitals, or dining establishments will be punished.

Overall, the transgender community in India has benefited greatly from the government's Transgender Persons (Protection of Rights) Act, 2019.

The Act seeks to make society more inclusive and equitable for everyone by offering welfare, protection, and legal recognition.

ACHIEVEMENTS

- On September 29, 2020, the Transgender Persons (Protection of Rights) Rules 2020 were created in order to carry out the Act.
- The constitution of the National Council for Transgender Persons, which is composed of representatives of the transgender community and various ministries and departments.

- The ministry established 12 pilot shelter homes in 9 states called Garima Greh: Shelter Home for Transgender Persons to offer transgender people basic services like food, healthcare, and recreational opportunities.
- The Department established a National Portal for Transgender Persons, which allows transgender people to obtain an identity card or certificate of identity without having to visit a physical location.
- More than 11,000 certificates and cards have been issued in 32 states and territories thus far.
- The department regularly organizes awareness programs for the community, government officials, and other stakeholders through an independent body. Over 15,000 people took part in these programs.
- In collaboration with NITI Aayog and the UNDP, the Ministry arranged five regional consultations with all States/UTs, civil societies/NGOs, and the transgender community to raise awareness of programs for the welfare of transgender people.
- Transgender certificates of identity are now accepted as supporting documentation for Aadhaar Enrollment.

CONCLUSION

The collaboration with the NGO provided valuable insights into the practical aspects of human rights protection. Through field visits, discussions with activists, and direct engagement with marginalized communities, we learned how constitutional rights and human dignity are safeguarded on the ground. The NGO plays a crucial role in spreading awareness, supporting vulnerable groups such as women, children, and transgender individuals, and ensuring access to justice.

The NTCC project helped us connect theoretical knowledge from subjects like the Indian Constitution, Human Rights Acts, and International Conventions with real-life challenges. It also highlighted the importance of media, education, and community participation in building a society based on equality and justice.

Overall, this experience strengthened our understanding of the human rights movement in India and inspired us to actively contribute towards a more just and inclusive society. The NTCC has not only enhanced our academic growth but also encouraged us to become more responsible and aware citizens.

In the contemporary context, human rights encompass far more than merely living with dignity. The International Institute of Human Rights in Strasbourg classifies human rights into three generations. The first generation comprises civil and political rights, focusing primarily on individual freedoms. The second generation includes economic, social, and cultural rights, ensuring equitable conditions and fair treatment for all members of society. The third generation refers to collective rights such as the right to self-determination and the right to development.

With the continuous evolution and expansion of human rights, the responsibility of protecting these rights has also broadened significantly. The judiciary holds a pivotal role in actualizing these rights, a task that relies heavily on the dedication and integrity of judicial officers across various courts.

Despite numerous challenges, the Indian judiciary has emerged as a unique and unparalleled institution globally. It is imperative for the judiciary to uphold the trust and confidence placed in it by the public. Beyond its conventional function of adjudicating disputes, the judiciary must actively contribute to the nation's development and the establishment of a social framework that guarantees all citizens essential economic and social rights such as employment, housing, healthcare, and education. Only by fulfilling this expansive role can the judiciary secure the enduring respect and faith of the people.

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