

Development of Human Rights in India – An Appraisal**Dr. Mane Sachin Babruvan**

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Introduction: -

Since the days of the Indus Valley Civilization, Indian culture has been the product of a Synthesis of diverse cultures and religions that came into contact with the enormous Indian sub continent over a very long stretch of time, As Jawaharlal Nehru wrote, there is "an unbroken continuity between the most modern and the most ancient phases of Hindu thought extending over three thousand years." The rights of man have been the concern of all civilizations from time immemorial. "The concept of the rights of man and other fundamental rights was not unknown to the people of earlier periods," The Babylonian Laws and the Assyrian laws in the Middle East, the "Dharma" of the Vedic period in India and the jurisprudence of Lao-Tze and Confucius in China, have championed human rights throughout the history of human civilization. The Indian concept perceives the individual, the society and the universe as an organic whole, everyone is a child of God and all fellow beings are related to one another and belong to a universal family. In this context, Mahatma Gandhi remarks, "I do not want to think in terms of the whole world."

Origin and Development of Human Rights in India: -

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 humans is represented by the virtues of non-violence, truth, freedom from anger, renunciation, aversion to fault-finding, compassion to living being, freedom from

covetousness, gentleness, modesty and steadiness the qualities that a good human being ought to have.

Human Rights in British India: -

The modern version of human rights jurisprudence may be said to have taken birth in India at the time of the British rule. When the British ruled India, resistance to foreign rule manifested itself in the form of demand for fundamental freedoms and the civil and political rights of the people; Indians were humiliated and discriminated against by the Britishers. The freedom movement and the harsh repressive measures of the British rulers encouraged the fight for civil liberties and fundamental freedoms. Under the British rule, human rights and democracy was suspect and socialism was an anathema. In the Indian cultural history, the British colonial period remains the Indian equivalent of the 'Dark Ages'. The English East India Company debarred Indians from high offices and deprived them of their political, social and economic rights.

Human Rights in Post-Independence Era

The congress government led by Pandit Jawaharlal Nehru guaranteed the citizens of independent India certain inalienable, fundamental rights through Constitution of India. The Constitution of India is one of the longest, most sweeping and most rights-based constitution in the world. It was heavily influenced by the Universal Declaration of Human Rights along with their ancient culture. Evidence of India's historical struggle against the British colonial powers that so consistently abused the rights of the people can also be found in the document. In the post-independence times, despite having one of the most elaborate exhibition of the fundamental human rights of the people, the operationalization of the human rights in the country became quite problematic. India certain inalienable, fundamental rights through the Constitution of India. The Constitution provides protections against such infractions, and includes other principles that informed the battle for independence in particular,

social reforms against practices like Sati, Child marriage, and Untouchability. The Constitution also directs the state to set policies for the welfare and relief of the people, thereby encompassing ideas of economic and social rights in addition to civil liberties. The leadership of Mahatma Gandhi saw the capitalization of the 'constructive spirit' within the society. Instead of regarding the people 'as raw material of reform, which in essence meant, at best, westernization, and at worst, collaborating with the colonial regime, the Gandhian movement focused on reorganizing people's own resources for goals of material and spiritual well-being which they were enabled to set for themselves'.

Constituent Assembly and Human Rights: -

The Indian Constitution was framed by the Constituent Assembly of India, which met for the first time on December 9, 1946. The Constitution of India gave primary importance to human right. To Quote Guha, "The demand for a declaration of fundamental rights arose from four factors"

1. Lack of civil liberty in India during the British rule
2. Deplorable social conditions, particularly affecting the untouchables and women

Human Rights and the Indian Constitution: -

The Constitution of the Republic of India which came into force on 26th January 1950 with 395 Articles and 8 Schedules is one of the most elaborate fundamental laws ever adopted. The Preamble to the Constitution declares India to be a Sovereign, Socialist, Secular and Democratic Republic. The term 'democratic' denotes that the Government gets its authority from the will of the people. It gives a feeling that they all are equal "irrespective of the race, religion, language, sex and culture." The Preamble to the Constitution pledges justice, social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and fraternity assuring the dignity of the individual and the unity and integrity of the nation to all its citizens.

Public Interest Litigation and Human Rights: -

Public Interest Litigation - an expansion of class action under the common law - is a procedural innovation, which the Indian judiciary has by now fairly perfected on the basis of a concept borrowed

from the United States. The rule of 'locus standi' normally dictates that he who approaches the court must prove his legal standing vis-a-vis the claim he seeks to vindicate, usually in terms of a legal right or a legal obligation violated by the defendant & respondent causing thereby some injury or damage to him for which law provides a remedy. On the other hand, the public interest litigation is based on the principle that:

Media and Human Rights: -

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, the 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.

Some other Measures of Protection of Human Rights under Indian Law

- 1) Indian Constitution 1950
- 2) The Protection of Civil Rights Act, 1955
- 3) Suppression of Immoral Traffic in Women and Girls Act, 1956
- 4) Maternity Benefit Act, '1961
- 5) Dowry Prohibition Act, 1961
- 6) Equal Remuneration Act, 1976
- 7) Right to Information Act, 2005

Conclusion:-

The Indian Constitution is a document rich in human rights jurisprudence. This is an elaborate charter on human rights ever framed by any State in the world. Part III of the Indian Constitution may be characterized as the 'Magna Carta' of India. The Judiciary in India plays a significant role in protecting human rights. The Indian Courts have now become the courts of the poor and the struggling masses and left open their portals to the poor, the ignorant, the illiterates, the downtrodden, the have-nots, the handicapped and the half-hungry, half-naked countrymen.

References and Notes

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