

HUMAN RIGHTS BEING MADE A MOCKERY

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INTRODUCTION

Human Rights as the name suggests are the basic rights given to a human being. The only pre-requisite to avail these rights is to be a human being. These rights are universal and given irrespective of once nationality, place of residence, gender, national or ethnic origin, color, religion, language, or any other status. So no one can be discriminated against when it comes to human rights.

Human rights are often expressed and guaranteed by law of every country as these are regarded very basic for human survival. International human rights even laid down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups. Human rights are classified and organized in a number of different ways, but the most acceptable and internationally recognized categorization of human rights splits them into civil and political rights, and economic, social and cultural rights.

CHARACTERISTICS OF HUMAN RIGHTS

1. Universal - Universality of human Rights means these are applicable equally every where in the world. These are omnipresent like sky on our heads no matter which country or district we are in. Looking at its significance at Vienna the **World Conference on Human Rights**, it was reinstated as the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.

2. Egalitarian - The literal meaning of Egalitarian is all people deserve equal rights which means that nobody is discriminated against while disbursing these rights and every

human being has equal reach to avail his human rights. Human rights are inalienable which should not be taken away at any point of time except in some specific situations and according to due process like if emergency is declared in a state then some of these rights may be taken away.

3. Interdependent and indivisible - All human rights are indivisible and inter dependent as all human rights exist together and the improvement of one right facilitates possession of all others on the other hand dispossession of one right adversely affects the others.

4. Both Rights and Obligations - Human rights involve both rights and obligations which signify that on one hand it is a right given to human being and on the other it is an obligation of the state to take positive actions to facilitate the enjoyment of basic human rights. States also assume obligations and duties under international law to respect, protect and fulfill human rights. The obligation to respect means that apart from taking positive actions to facilitate human rights, states must also refrain from interfering with or curtailing the gratification of human rights. It also requires states to protect individuals and groups against human rights abuses

HUMAN RIGHTS IN INDIA

Human rights in the form of fundamental rights have been incorporated in the Indian constitution. The Rights were adopted from many sources which included England's Bill of Rights, the United States Bill of Rights and France's Declaration of the Rights of Man. Fundamental Rights are defined as basic human freedoms which every Indian citizen has the right to enjoy for a proper and harmonious development of his personality. Just like human rights these rights are also universally applicable

throughout India to all citizens, irrespective of race, place of birth, religion, caste, creed, color or gender. It guarantees civil liberties to Indians so that they can lead their lives in peace and harmony as citizens of the biggest democracy.

These include individual rights in common, such as equality before law, freedom of speech and expression, freedom of association and peaceful assembly, freedom to practice religion, and the right to constitutional remedies for the protection of civil rights by means of writs such as **habeas corpus**. These are enforceable by the court of law and any violations of these rights can result into severe punishments as prescribed in the Indian Penal Code. Some of these rights are as follows :

1. Right to Equality - India is a land of vast diversities like language, caste, religion, culture etc. Thus the constitution of India provides for the most essential fundamental right in the form of right to equality. This right mandates equality before law, prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, and equality of opportunity in matters of employment, abolition of untouchability and abolition of titles like Raja, Nawab etc.

2. Right to Freedom - Right to freedom includes freedom of speech and expression, assembly, association or union, movement, residence, and right to practice any profession or occupation subject to security of the State, friendly relations with foreign countries, public order, decency or morality, right to life and liberty, right to education, protection in respect to conviction in offences and protection against arrest and detention in certain cases. So this right allows people of the world's largest democracy to express their views and opinions freely on a public platform without any fear. It also permits people to make association and protest against anything which according to them would infringe their fundamental right.

3) Right Against Exploitation - Any act which is against the human dignity and which is done against the free will of a person is regarded as exploitation. So it prohibits all forms of forced labor or bonded labor, child labor in factories as well as domestic and human trafficking.

4) Right to Freedom of Religion - According to this right a person can adopt and

follow any religion of his choice. It also includes freedom of conscience and free profession, practice, and propagation of religion, freedom to manage religious affairs, freedom from certain taxes and freedom from religious instructions in certain educational institutes. It also supports right to equality for the people of these diverse religions.

5) Cultural and Educational Rights - India is a culturally diverse country where on every 5 Kilometers culture changes. So this right permits every section of citizens to conserve their culture, language or script, and right of minorities to establish and administer educational institutions of their choice and thus restore the cultural diversity of India.

6) Right to Constitutional Remedies - It is the most important fundamental right given to the people of India by the makers of the constitution. It is so, as this calls for enforcement of Fundamental Rights and makes way for a person to file writ in the court of Law for its implementation if any of his right is infringed by anybody. Another important thing about it is that the writ is filed directly in the High Court or Supreme Court so that quick decision could be made.

Cases where Human Rights were made a Mockery by The UPA Government

From a lot of events that have taken place since the starting of this year it is visible that the UPA Government does not respect the call of Indians on any issue. From protests against reservation to Anna Hazare's fast against corruption and the recent agitation against passing of 51% FDI in retail everything seems to have no effect on the policies of Government. In one way when so many common people come on roads and protest against something that means that the country does not support something or in case of corruption, the country want some fierce steps to be taken against it. But it seems that the government is absolutely unperturbed as they are not taking any steps to even show that they want **Lokpal Bill** to be passed or they would not allow **FDI in retail**. According to me all this is infringement of collective fundamental rights of the citizens of India. Now let us see some of the cases which show that government has no respect for the

will of people of a country which recognizes itself as a Government "of the people, by the people and for the people" and thus human rights are no more respected.

1. Baba Ramdev Instance - On 4th June 2012 this year Yoga Guru Ramdev started his fast against corruption after talks failed with the government for getting back black money deposited outside India and discontinuing higher denomination notes to stop circulation of black money in the Indian economy. On 4th June he started a yoga camp at the Ramlila Ground in Delhi and also announced a fast against corruption in a peaceful manner. The camp was held after taking permission of authorities and also after making due payment to the Municipal Corporation for the same. As always happens a lot of people gathered for the camp to see the yoga sensation of India performing yoga. But to everyone's surprise around mid night suddenly police broke in and instigated evacuating people using force and started lathi charging and firing on the armless common people assembled there. Nobody understood as to what has happened. Later in the morning sources said that police suspected presence of terrorists over there and expected violence happening over there.

This showed government's fear that if even a single such peaceful protest would succeed then the whole country would rise for the cause. This showed that government can go to any extent to force its own will. In this case government played with fundamental right to Freedom and Freedom of Religion.

2. Ignoring LokPal Bill - Anna Hazare is a social activist who wants to bring in a stringent anti-corruption law. Anna Hazare started an indefinite hunger strike on 5 April 2011 to exert pressure on the Indian government to enact a stringent anti-corruption law as envisaged in the Jan Lokpal Bill, for the institution of an ombudsman with the power to deal with corruption in public places. It led to nation-wide protests in support of Hazare from all sections of and age groups of people. The fast ended on 9 April 2011, one day after the government finally accepted Hazare's demands. The government issued a gazette notification on the

formation of a joint committee, consisting of government and civil society representatives, to draft the legislation.

But just after Anna ended the fast, government started its dirty game against the core committee members of team Anna and tried to attach a bad name to all of them. Well the parliament was in session several times since then but the government has not passed the Lokpal Bill as promised. This again shows that government does not respect its own promises let aside respecting fundamental rights of common man.

3. Allowing FDI in Retail - The Government has not been able to bring a strong law against corruption even after so many years and even after it has seen that now common man of India also supports it to huge extent. But to everyone's surprise rather shock, government enacted a new law allowing 51% FDI in multi brand retail and 100% FDI in single brand retail which again saw mass opposition and a demand of complete roll back, to which our PM said it can't be done. After the Monsoon Session of the Parliament was over, the government has now decided to allow 51% of FDI in multi-brand retail.

This could be on one hand a new way of getting mammoth size of money from foreign retailers who want an entry in Indian economy or on the other a new way of diverting people from lokpal bill. But in both the cases the party on the loose end and the one mishandled is the general public.

All the above instances show how government is making a fun of democracy, rights and will of citizens of India.

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