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PROTECTION OF HUMAN RIGHTS IN INDIA: LAW, JUDICIARY AND CHALLENGES

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Abstract

Human rights are fundamental to the existence of a democratic and just society. They guarantee every individual dignity, freedom, equality, and justice. As the world's largest democracy, India has adopted a comprehensive framework for the protection of human rights through constitutional provisions, statutory laws, and an independent judiciary. The Indian Constitution guarantees fundamental rights under Part III, while institutions such as the National Human Rights Commission have been established by the government to oversee their implementation. The Indian judiciary has played a transformative role by expanding the scope of human rights through progressive interpretations, particularly under Article 21, and by promoting access to justice through public interest litigation. Despite these safeguards, the effective protection of human rights in India still faces significant challenges, including custodial violence, poverty, illiteracy, delays in justice, and weak implementation mechanisms. This paper critically examines the legal framework, the role of the judiciary, and the major challenges to the protection of human rights in India, and suggests measures to strengthen the existing system.

1. Introduction

Human rights are the fundamental and inalienable rights inherent to every human being simply by virtue of being human. These rights are universal, indivisible, and essential for the holistic development of an individual's personality. They protect individuals from arbitrary actions of the state and government and ensure a life of dignity, freedom, and equality. In modern democratic societies, human rights serve as a limit on state power and form the foundation of social justice.

India has a long history of recognizing human values and dignity, which is reflected in its constitutional philosophy. After independence, the framers of the Constitution deliberately incorporated human rights principles into the constitutional framework, most notably through Fundamental Rights and the Directive Principles of State Policy. India is also a signatory to various international human rights conventions and has enacted domestic laws to fulfill its

international obligations, thereby benefiting its citizens.

However, the mere existence of constitutional guarantees and laws does not automatically ensure the protection of human rights. Socio-economic inequalities, lack of awareness, administrative inefficiencies, and systemic delays continue to pose practical challenges to effective implementation. Therefore, it becomes crucial to analyze not only the legal provisions but also the role of the judiciary and the challenges faced in protecting human rights in India.

2. Constitutional Framework for the Protection of Human Rights

The Constitution of India provides a significant, comprehensive, and enforceable framework for the protection of human rights, primarily through Part III, which enumerates Fundamental Rights. These rights are justiciable and can be enforced through constitutional remedies.

2.1 Right to Equality

Article 14 guarantees equality before the law and equal protection of the laws. This ensures that no person or group is subjected to arbitrary or discriminatory treatment. Articles 15 and 16 further prohibit discrimination on the grounds of religion, race, caste, sex, or place of birth, and guarantee equality of opportunity in public employment, preventing any form of discrimination.

2.2 Right to Freedom

Article 19 guarantees six fundamental freedoms, including freedom of speech and expression, assembly, association, movement, residence, and profession. These freedoms are essential for the functioning of a democratic society and allow individuals to express themselves freely, subject to reasonable restrictions.

2.3 Right to Life and Personal Liberty

Article 21 is the heart of human rights law in India. Initially, it was interpreted narrowly, but the judiciary has given it a broad interpretation, including the right to live with human dignity, the right to livelihood, the right to health, the right to education, and the right to privacy.

In the *Maneka Gandhi v. Union of India* case, the Supreme Court ruled that the procedure established by law must be just, fair, and reasonable, which significantly expanded the scope of Article 21.

2.4 Prohibition of Exploitation

Article 23 prohibits human trafficking, forced labor, and compulsory service, while Article 24 prohibits child labor in hazardous occupations. These provisions aim to protect the vulnerable sections of society from exploitation and abuse, particularly preventing the exploitation of young children.

3. Legal Protection of Human Rights

In addition to constitutional guarantees, the Indian Parliament has also enacted several laws to strengthen the protection of human rights.

3.1 Human Rights Protection Act, 1993

The Human Rights Protection Act, 1993 was enacted to provide a legal framework for the protection of human rights. This led to the establishment of the National Human Rights Commission (NHRC), State Human Rights Commissions, and Human Rights Courts.

The NHRC is empowered to investigate human rights violations, intervene in court proceedings, review safeguards, and promote human rights awareness. Although its recommendations are advisory in nature, the Commission plays a crucial role in highlighting human rights abuses and holding authorities accountable.

3.2 Other Legislative Measures

Several other laws indirectly contribute to the protection of human rights, such as criminal laws addressing custodial violence, labor laws protecting workers' rights, and social welfare laws for women, children, and marginalized communities. These laws collectively strengthen the human rights framework in India.

4. Role of the Judiciary in Protecting Human Rights

The Indian judiciary has emerged as a powerful guardian of human rights. Through judicial activism and innovative interpretation, the courts have expanded the scope of fundamental rights and ensured access to justice for the marginalized.

4.1 Judicial Interpretation of Fundamental Rights

The Supreme Court has played a pivotal role in transforming human rights from abstract ideals

into enforceable realities. In the case of *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, the Court held that the right to life includes the right to live with human dignity and all that goes with it.

Similarly, in the case of *Bandhua Mukti Morcha v. Union of India*, the Court addressed the issue of bonded labor and emphasized the state's duty to ensure humane working conditions.

4.2 Public Interest Litigation (PIL)

One of the most significant contributions of the Indian judiciary to human rights protection is the development of Public Interest Litigation. Public Interest Litigation (PIL) has relaxed the traditional rules of locus standi and enabled socially conscious individuals and organizations to approach the courts on behalf of the underprivileged.

Through PIL, courts have addressed a wide range of issues, including prison reforms, environmental protection, custodial violence, and the rights of pavement dwellers. This has made justice more accessible and strengthened the enforcement of human rights.

The judiciary has also protected the rights of prisoners and accused persons. In the *D.K. Basu v. State of West Bengal* case, the Supreme Court issued detailed guidelines to prevent custodial torture and deaths, and declared custodial violence a serious violation of human rights.

5. Challenges in Protecting Human Rights in India

Despite a robust constitutional and legal framework, the protection of human rights in India still faces several challenges that raise serious concerns.

5.1 Lack of Awareness

Even today, a significant portion of the population, particularly in rural areas, remains unaware of their basic rights and the remedies available to enforce them. This lack of awareness prevents victims from seeking justice.

5.2 Custodial Violence and Abuse of Power

Incidents of custodial violence, illegal detention, and police brutality are frequently reported, highlighting the misuse of power by those in authority. Such practices undermine the rule of law and violate the fundamental rights to life and dignity.

5.3 Delays in Justice Delivery

Judicial delays and case backlogs often result in justice being denied or delayed. This leads to frustration among victims and diminishes the effectiveness of legal remedies.

5.4 Socio-Economic Inequalities

Poverty, illiteracy, and social discrimination continue to limit access to justice and hinder the effective enjoyment of human rights. Vulnerable groups, such as women, children, and marginalized communities, are disproportionately affected.

5.5 Weak Implementation Mechanisms

While institutions like the National Human Rights Commission (NHRC) and various NGOs exist, their recommendations are often not binding. Lack of enforcement power and bureaucratic resistance frequently diminish their effectiveness.

6. Suggestions and Way Forward

Several measures are necessary to strengthen the protection of human rights in India. Human rights education and awareness programs should be promoted at all levels. Law enforcement agencies must be sensitized and held accountable for violations. Judicial reforms aimed at reducing delays and improving access to justice are essential. Furthermore, strengthening human rights institutions by granting them greater enforcement powers can significantly improve the implementation of human rights laws. Most importantly, greater emphasis should be placed on education, as many children still cannot attend school due to poverty.

7. Conclusion

The protection of human rights is the cornerstone of a democratic society governed by the rule of law. India possesses a robust constitutional framework, comprehensive laws, and an active judiciary committed to upholding human rights. However, the gap between law and reality remains a significant concern. Effective implementation, institutional strengthening, awareness creation, and accountability mechanisms are essential to ensure that human rights are not merely theoretical guarantees but living realities for every individual. Only through the collective efforts of the state, the judiciary, and civil society can the constitutional promise of dignity, freedom, and equality be fully realized. The issue of human rights is very serious, and we ourselves need to step forward to ensure that the rights of no citizen are violated.