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Sanjay Kumar Sahu
Research Scholar, Department
of Political Science, LNMU,
Darbhanga, Bihar, India

Human rights movements and social justice in India

Sanjay Kumar Sahu

Abstract

Human Rights and social justice are closely related. Social justice for people is unimaginable and unattainable if human rights are violated and denied. Human rights form a major part of social justice. Human Rights constitute sacred, democratic and human principle, and the rights basic to human decent existence in society need to be kept outside the purview of narrow, petty politics. Sometimes politicisation of some issues of human rights exercise a damaging impact upon the political environment and national interest of the country and give rise to great concern for national security. The Government of India and the State Governments should attach more importance to the protection and preservation of human rights to ensure social justice to people and must not allow of the issue of human rights.

Keywords: Human rights movements, social justice, petty politics

Introduction

Basic rights to life which are indispensably required for an individual to lead a life of security, justice and human dignity constitute human rights. Human Rights are central to democracy and form the basis of equality, freedom, and justice without which an individual in the society is reduced to a slave. We all know that slavery has been banned as it has been hostile to human existence in society. No society can claim to be civilized if human rights are grossly violated.

The practice of slavery has been abolished as it is inimical to humanity as well as to decent, democratic human existence in society. It has been universally condemned as it has disgraced the humanity. Life without freedom, democratic right, social, political, and economic equality, honour and dignity etc. is slavery.

Slavery is a state of denial of rights and freedom, of deprivation and oppression, of exploitation and injustice, insecurity and danger of the existence of life. Slavery negates honour and dignity to individuals in society and has nothing to do with protection of rights and freedom and prohibition of all types of violence. It cannot guarantee the rights of people. In society justice is a myth if the basic rights of people are diluted and denied.

Right to life is the foundation of all rights that people enjoy. It is the most important of all rights. If man is deprived of right to life, all his rights prove to be meaningless and useless. Man can acquire strength and enjoy his other rights only if he is allowed the right to life. This right to life is based on the instinct of self-preservation. Hence, it is one of the fundamental duties and responsibilities of the state to ensure its citizens' right to life and provide adequately for the safety and security of their life. The State needs to protect the life of an individual against possible attack by other members of the society.

Right to life is specific to human being in society. Man is born with the rights which he is entitled to enjoy in society and of which the democratic state cannot deprive him. "Man is a social animal" and he is supposed to live in a civilized society to lead a civilized life. The rights which People are allowed to enjoy in the society are known as civil rights which cannot be violated, and the violation of civil rights stands for the violation of human rights. No civilized society permits the social situation and the State system to deprive its members of those rights which are essential for a decent social life. Civil rights are normally guaranteed by all democratic States to its citizens for the development of the individual personality. They contribute to the facilitation of all-round development of the individual personality. In addition to the basic rights, the State needs to provide guarantee against economic insecurity and exploitation, opportunities for education, to preclude disparity and discrimination and to ensure equality in all fields.

Corresponding Author:
Sanjay Kumar Sahu
Research Scholar, Department
of Political Science, LNMU,
Darbhanga, Bihar, India

Human life and natural rights

Rights are basic to human life. Everybody has the natural right to lead a normal life. Even an individual has no right to terminate his own life. An individual has life to live and enjoy because man is born free. To restrict freedom or to deny one's natural rights is a violation of natural rights and a denial of natural justice, not to put an end to it. Hence to commit suicide is an offence. It is a crime or vice or sin as it is interpreted. So, suicide is discouraged from the individual as well as social point of view. It is judicially prohibited in all countries of the world.

Society condemns suicide and denounces the situation that leads or compels an individual to commit suicide. There are score of incidents of suicidal death in our society.

Suicide or death penalty: A violation of human rights

Death is thought as a way of relief from unbearable memories by those who attempt to commit suicide. The poor and destitute commit suicide to get relief from poverty, some commit suicide to get relief from the burden of debt, to forget insult and humiliation, to protest discrimination, exploitation and injustice. There are several incidents of dowry suicidal death. Women attempt to commit suicide or commit suicide to get rid of family or social violence against them. Hence, suicide is the consequence of violation of human rights. Law of the land permits the State to sentence a murderer or one who is convicted of heinous crime to death and it deprives him of his right to life. But this is a wild justice, and civil society does not to approve of death-penalty.

The path of suicide is often chosen by an individual when he/she is not able to brave an awkward situation of life. He/she is compelled to end his/her life to save his/her honour, prestige and dignity. Women are sometimes heard to have committed suicide to be relieved of humiliation and endless torture in their in laws' houses. It is also heard that an aggrieved woman has been compelled to commit suicide in protest against denial of justice in society. One such an incident occurred in a village (Manickchak) of Malda. A woman set herself on fire after she had been raped by a neighbouring youth, and she failed to get justice in a Kangaroo Court ^[1]. She killed herself to protest injustice but she did injustice to her own life, for she was born in this world, not to commit suicide. Her suicide was a crime in the eye of law.

M. Karunanidhi, President of the DMK party, is opposed to capital punishment. "Reflecting party provided M. Karunanidhi's long-stated position, DMK today pitched for abolition of death sentence, emphasizing that capital punishment would "neither eradicate nor reduce crimes" ^[2]. The party expressed grievance over the government's indifference to the persistent pleas against capital punishment.

The DMK President has been insisting on abolishing death sentence which can only take away lives in an inhuman manner." The party stated: "Change of heart is needed for eradicating crime and death penalty will not be an appropriate solution to this. Hence, the Centre must bring amendments to this law to stop and abrogate death penalty." The DMK resolution assumes significance in the backdrop of persistent pleas for commuting death penalty of three convicts in the late Prime Minister Rajiv Gandhi's assassination case."

Meaning of human rights

Human rights are considered as basic rights which most nations agree that all people should be allowed to enjoy natural rights in order to lead a normal, decent and dignified life. This principle holds that every living person should have those rights such as rights to freedom, justice, equality etc. which are basic to human life. Longman Dictionary of Contemporary English defines the term 'human rights' as "the non-political rights of freedom, equality, etc. which belong to any person without regard to race, religion, colour, sex etc." Human rights are the rights provided to people by state laws for satisfying their requirements and safeguarding interests. These rights are attached to the principle of humanity.

The rights oppose any attempt of the State or its agencies or the society or anyone to deny anybody's basic rights or to violate these. Human rights defend the basic rights of man and uphold their value. The exponents of human rights consider the basic rights of man to be inviolable everywhere and even on the battlefield. To violate the basic rights of war-prisoner is interpreted as a type of war crime. To torture and kill civilians during war is a gross violation of human rights. Human Rights are concerned with humanity, dignity and social justice.

Evolution of human rights as a movement for human justice

Human Rights have become a global movement to protect the basic rights of man against their violation and to let him live a life of man as man. The origin of this movement dates back to the post-World War II era. The War led to the gross violation of the rights of man, and the colonial rule that covered a larger part of the world denied rights to people and deprived them of justice, as it is historically branded as the rule of oppression and exploitation. The end of World War II led the World to awaken to the necessity of protecting the rights of people and then to render justice to them. The World leaders came to realize that human rights are the inherent, inalienable rights which every individual must enjoy as a human being.

"Human rights are those conditions of social life without which no person can seek, in general, to be his best." ^[3] The world leaders laid emphasis on the basic rights of people which need to be protected against violation by the State.

UN declaration on human rights

"On December 10, 1948, the General Assembly of United Nations Organisation (UNO) adopted the UN Declaration on Human Rights, a document outlining tasks for the accomplishment of which all peoples and States should strive. The Declaration contains an enumeration of fundamental human rights such as equality without discrimination, the right to life, liberty and security of person, the right to the inviolability of dignity, reputation and the home, and to the protection of the rights by an impartial tribunal. The Declaration calls upon the States to incorporate in the Constitutions such as civil and political rights and freedom of thought, conscience and religion, freedom of convictions, peaceful assembly and association, and universal and equal suffrage by secret ballot. The Declaration also proclaims social and economic rights: the right to work and to equal pay for equal work, the right to form trade unions, the right to rest and leisure and to social security, the right to education, and the right to participate in

the cultural life of the community. Exercise of real human rights depends on the actual conditions of life in society, on its social, economic and political systems".^[4]

The Indian constitution: An echo of UN declaration of human rights

The UN Declaration stresses socialism as the positive principle to protect people's rights and to ensure social justice. It announces its mission to stop exploitation of man by man. It proclaims moral, political and ideological unity, based on the community of interests and world outlook of the workers in order to usher in a new era of human rights and justice in the world. It stresses the deepening and broadening of socialist democracy with a view to ensuring genuine freedom of development of the individual. A genuine government by people combining with the active participation of working people in running their State takes special initiative in protecting human rights. The legal guarantees are provided by laws that ensure the exercise by citizens of their constitutional rights.

The study of the Constitution of India reveals that the Constitution framers had been deeply inspired by the UN Declaration, 1948 on the matters of the "Fundamental Principles" and the "Directive Principles of State Policy." The 'Fundamental Rights' enshrined in the Constitution seem to be an echo of the UN Declaration of Human Rights.

Violations of human rights in India

Since the independence of India in 1947 there have been many cases of violating the basic rights of people. There arose allegations against the Union Government and State Governments of not attributing importance to the protection of people's basic rights which are indispensable for normal and healthy social and political life. The indifference of the State to the improvement of people's living standard, to the protection of people's civil rights, to the need of providing social protection to the backward classes, women, children and minorities, to the protection of human dignity against police atrocities and administrative injustice has led to the emergence of the Human Rights movements in India. The United Nations initiated the movement as a necessary condition for international peace, progress and prosperity and in India, the movements have popularised themselves as the positive force of and initiative in rendering social, political and economic security to people and in ensuring social peace, progress and security.

The basic concern of the framers of the Indian Constitution was to ensure "justice – social, economic and political" "to all citizen, and the Constitution has been so framed as to guarantee freedom, fundamental rights and freedom without discrimination. Parts III and IV of the Constitution provide for civil, political and socio-economic rights. This is a necessity that the government should adopt measures to protect the right of the socially and economically disadvantaged classes such as the Scheduled Castes and Scheduled Tribes. Apart from these, the Government needs to make an attempt to improve socio-economic and political condition of all the people and those of all regions alike so that the disparity among them may be minimized.

Social and economic rights are judicially not justiciable and enforceable. These are emphasized in part IV of the Constitution of India. The Government of the India and State Governments have made impressive efforts to translate many of the Directives into practices. "The commitment to

achieve sustainable development and the existence of process is for the promotion of human rights in a pluralistic Indian society can be considered as the hallmark of Indian polity."^[5] But what now deeply worries us are the facts that human rights are being violated in various ways and forms which include the engagement or employment of children in hazardous jobs, cases of bonded labour, atrocities against Dalits, custodial deaths, police atrocities, arbitrary restrictions on frivolous grounds to curb freedom of speech and assembly. These concerns have been the realities that lie behind the organization of human rights movements in India. Such realities are clearly hostile to human rights and thereby opposed to the principle of social justice. Police atrocities are violative of human rights. The police are often charged with excesses. Several allegations have been instituted against the army deployed in Punjab, and in North Eastern States of India. These actions are examples of violation of human rights and are branded and condemned as gross injustice.

Conclusion

Their movement could alone liberate the exploited class from the oppressive hands of those who controlled and dominated the society of rural India. The movement was a brave and strong voice of the deprived class of the society, but the State adopted brutal and inhuman means and ways to suppress it. The repressive action of the State against the Naxalite movement was condemned by the civil society and attracted the attention of human rights activists. This was, in reality, a movement for democratic rights of the oppressed and exploited segments of society for equality and justice. But the bloody paths which the Maoists chose and trod and are still treading in the name of social movement in the country is characterized of inhumanity, cruelty and barbarism and is openly charged with gross violation of human rights. In the perspective of broader humanity the Maoists movements in India may be described as wild and vindictive, and democracy does not permit it because the Maoist activists have had recourse to murder and bloodshed. Bloodshed cannot be the way of solution of any problem.

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