

# CONFLICT BETWEEN PRIVACY RIGHTS AND HUMAN RIGHTS- A MAJOR PROBLEM

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## ABSTRACT

Human rights are moral principles that describe certain standard of human behavior and are inherent to all human beings regardless of race, caste, language, religion, sex, nationality or any others status. These human rights are regularly protected as natural and legal rights in their municipal and international laws. Human rights include the right to life and personal liberty, freedom from slavery and torture, right to privacy, freedom of speech and expression, right to education, right to work and many other rights. Every human being is entitled to these rights without any discrimination.

Privacy is qualified fundamental human right essential to human dignity and autonomy. Privacy serves as foundation upon which may other human rights is built. Privacy provides people an ability to control all the things that are part of our life. It includes our identity, thought, feelings, body and our secrecy. It is an ability to keep one's information secret. Privacy enables people to create barriers and manage boundaries to protect ourselves from unwarranted interference in our life. It allows us to negotiate who we are and how we want to interact with the world around us. Right to privacy can be considered as umbrella under which different fields are covered. It is most pivotal fundamental right and it has gained momentum throughout the world. All the countries such as USA, U.K. India, Canada and many international organizations such as UDHR, ICCPR, ECHR and many other regional and international treaties have gained valid recognition to privacy as a fundamental human right.

**According to Justice Chandrachud**, “Dignity cannot exist without privacy bath reside within the inalienable values of life, liberty and freedom which the constitution has recognized. Privacy is the ultimate expression of the sancity of the individual”.

**Article 8 of Universal Declaration of Human Rights, 1948** provides that no person shall be subjected to any arbitrary interference with his privacy, family, home or correspondence, or to attack upon his honour and reputation.

Also, **Article 17 of International covenant on Civil and Political Rights** provide for the protection of the rights of the privacy.

In India, in 2018 the **Hon’ble Apex Court** struck down **Section 377 of IPC** which punished same sex relations with imprisonment, as discriminatory and infringing the privacy rights of some sex couples. Right to Privacy is not an absolute right but it is essential for development of individual’s personality and it facilitates the enjoyment of other Human Rights.

**The National Human Right commission (NHRC)** is responsible for promotion and protection of Human Rights in India. The protection of Human Right Act, 1993 provides for protection of rights relating to life, liberty, equality, dignity of the individual’s guaranteed by our Constitution. National Human Right Commission spreads Human Right Literacy among various sections of the society and promotes awareness of the safeguards available for the protection of Human Rights. NHRC may investigate into complaints of Human Rights violation. We have several laws to protect our Human Rights in one way or other. With the increasing use of internet and advancement of modern Technology our rights are not safe. There is urgent need to introduce stringent laws for the protection of these Human Rights and to safeguard and protect right to privacy of an individual.

## INTRODUCTION

Human beings are rational being. In order to live with dignity, all human beings are entitled to certain basic and inalienable rights and freedoms by virtue of their human being, which are essential for life, and commonly known as human rights. The word “Human” means a member of the homo sapient species or a person and the word Right means things to which we are entitled or freedoms that are guaranteed. Thus, “Human Right” means rights we have simply because we are humans. These human rights are inherent to all human beings as a birth right and rests on moral values. Thus, human rights are moral principles that describe certain standard of human behavior and every individual is entitled to these rights irrespective of his or her nationality, religion, race, caste, sex etc because of their existence. Human Rights are relevant to all of us not just those who face repression or treatment. They protect us in many areas of our day-to-day life including our right to express our opinion, right to privacy, right to education, right to private and family life, our right not to be mistreated or wrongfully punished by the state. These rights protect us against people who might want to harm us. These rights are universal and help us to live in peace.

Human Right help us to create positive environment in which people can develop their full potential and lead productive and creative lives in accordance with their needs. It provides suitable condition for the moral and material uplift of the individuals. Human rights belong to every person in the world from birth until death. Human rights demand recognition and respect for the inherent dignity to ensure protection against abuses. Human Rights are also sometimes referred as natural rights, basic rights, fundamental rights, inherent rights and birth rights. These rights are set out in the constitution so that they can be protected by any Act of legislature. Human Rights include freedom to get a job; adopt a career; select a partner of one’s choice; right to work gainfully without harassment, abuse and threat of arbitrary dismissal and right to travel. They even embrace right to leisure. These rights can never be taken away, although they can sometimes be restricted, for example in the interest of national security, in the case of emergency etc.

## **THE CONCEPT OF HUMAN RIGHT IN INDIA**

Human Rights are on the increasing demands of the mankind for a life in which the inherent dignity and worth of each person will receive respect and protection. These rights enable us to fully use our talent, intelligence etc. Human rights are the minimal rights which human beings need to have against the state by virtue of their being member of Human family irrespective of any other consideration. The concept of Human Rights is based on ancient doctrine of natural rights based on natural law.

Awareness to protect human rights has grown to the extent that today it is being used as a yardstick to measure the civilization of societies, status, regimes and positive laws. It is being used as criteria for making value judgements for both individuals and the Government. It is used as a limitation on the Government and authorities as well as vehicle of development in every humanitarian and international monetary. Thus, protection and promotion of human rights ensure prevalence of freedom, justice, peace and order in every society. It ensures recognition of worth of individual on equal basis and also ensures that every human being fulfils a quality life based on equality, dignity, respect and concern.

Hence, the concept of Human Rights is based on the belief that every human being is entitled to enjoy his or her rights without any discrimination. Further, the concept of Human Rights can be treated as universal, inconvertible and subjective as every human being possesses them because of their capacity for rationality, agency and autonomy. Human Rights and fundamental freedoms allow us to fully develop and use our human qualities, our talent, our intelligence and our conscience and to satisfy our physical, moral, spiritual and other needs. They are based on mankind's increasing demand for a life in which dignity and worth of each individual will received respect and protection. These cannot be denied without a grave affront of justice as they may affect the human dignity. Thus, idea of Human Right is bound up with the idea of Human dignity.

## RIGHT TO PRIVACY AND HUMAN RIGHTS

Nobody should be able to secretly watch what we are doing without good reason and we have the right to enjoy a family life in the way we choose.

**According to** Microsoft Smith: “Privacy protection is essential to shield Human Rights.”: Privacy as a qualified fundamental Human Right has gained recognition throughout the world, which is essential to human dignity and autonomy. It includes respect for our sexual orientation; the right to personal autonomy; respect for our private and confidential information and right not to subject to unlawful state surveillance. Privacy underpins Human dignity and many key values such as freedom of speech and expression, freedom of association etc..

**Hon’ble Justice Chandrachud** says, “Privacy postulates the reservation of private space for human being and describes privacy as the right to be let alone. The concept of privacy was founded on autonomy and dignity of the Human being. The ability of a human being to make choice lies at the core of Human personality. The notion of privacy enables the individual to assert and control the human element which is inseparable from the individual’s personality. The body and mind are the inseparable elements of human personality. The integrity of the body and sanctity of the mind can exist on the foundation that each individual possesses an inalienable ability and right to preserve a private space in which individual’s personality can develop without the ability to make choices, the inviolability of the personality would be in doubt.

Thus, privacy is postulate of Human dignity itself that enables people to take crucial decisions which find expression in the human personality. It enables people to preserve their thoughts, beliefs, ideas, expressions, preferences, ideologies and choices against social demand of homogeneity. Privacy attaches to the person not to place where it is associated. Privacy constitutes the foundation of all Human Right as without privacy, person cannot decide how liberty is best exercised. Hence, human dignity and privacy are inextricably woven out of thread of diversity into fabric of plural culture.



## WHAT IS PRIVACY

Of all the Human Rights, privacy is perhaps most difficult to define. Privacy has deep root in history. The Bible has numerous references to privacy. In many countries the concept of privacy has been fused with data protection, which interprets privacy in terms of management of personal information.

Generally, the term ‘privacy’ means a way of drawing line at how far society can intrude into person’s affairs. The right to privacy is illusory and keeps domain around us and include all things that are part of our life such as body, property, our thought, feeling, identity, secrets etc.. The Right to privacy gives us ability to choose, which part in this domain can be accessed by others. Privacy enables people to create barriers and manage boundaries to protect ourselves from unwarranted interference in our life. Thus, right to privacy seeks to erect unbreakable wall of dignity.

Right to privacy has gained momentum throughout the world. All the countries such as U.S.A., U.K., India & Canada and many International Organizations such as UDHR, ICCPR, ECHR and many other Regional and International treaties have gained valid recognition to privacy as a fundamental Human Right essential to Human dignity and autonomy. Privacy serves as foundation upon which many other Human Rights are built. Privacy applies to a wide spectrum ranging from phone tapping to sexual orientation.

Article 8 of human rights act protects our right to privacy, our family life, our home and our communications. Thus, the state must not interfere with our right to privacy, though, it can be circumscribed to certain limits or though. It can be limited in certain circumstances.

Article 12 of Universal declaration of Human Right (UDHR) and Article 17 of International Convention on Civil and Political Rights (ICCPR) stipulates that “No one shall be subjected to arbitrary interference with his privacy, family home or correspondence, nor to attacks upon his honour and `reputation and that everyone has the right to protection of law against such interference or attacks.

Article 16 of International convention **on the protection of the rights of all migrant workers (CMW)** protects migrant workers and members of their families from arbitrary interference with their family life and privacy.

**Article 16 of Conventions on the Rights of the child (CRC)** states that, “No Child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation. Thus, it specifically guarantees privacy rights for children.

Articles 22 of Conventions on right of persons with disability (CRPD) specifically guarantee privacy rights for disabled persons.

Article 8 of European Convention on Human Rights (ECHR) sets out the right to respect private and family life, home and correspondence.

Article 11 of American Convention on Human Rights (ACHR) sets out right to privacy, honour and dignity and prohibits arbitrary interference with the right to privacy and it states that everyone has the right to protection of the law against attacks or interference with the rights.

Nowadays, importance of human rights has been accepted in the international structure as it has legal, moral and political bearing. Human Rights are legal as it involves implementation of rights and obligations mentioned in international treaties. Human rights are moral as human rights are value-based system to preserve human dignity. They also operate to limit the power of Government over individuals.

## **DEFINITION OF HUMAN RIGHTS**

***According to: -***

- a. The United Nation Centre for Human Rights: - Human Rights are those rights which are inherent in our nature and without which we can't live as Human beings.
- b. According to UDHR (Universal Declaration of Human Rights): - Human Rights are the rights derived from inherent dignity of human personality.
- c. Protection of Human Rights Act, 1993, defines Human Rights as rights relating to life, liberty, equality and dignity of the individuals guaranteed by the constitution or embodied in the international covenants and enforceable by the courts in India.

- d. D.D. Basu says that human rights are those minimum rights which every individual must have against state or other public authority by virtue of being a member of human family irrespective of any other confederation.
- e. According to Hon'ble Justice M.H. Beg former CJI, Human Rights imply justice, equality and freedom from arbitrary and discriminatory treatment; these cannot be subjected to coercion for holding particular religious belief.
- f. According to Hon'ble Justice Nagendra Singh, respect for the Human Personality and its absolute worth, regardless of colour, sex, race is the very foundation of Human Right. These rights are essential for the adequate development of the human personality and for human happiness and progress.
- g. Hon'ble Justice P.P. Rao defines human rights as the inherent dignity and inalienable rights of all members of human family, recognizing them as their foundation of freedom, justice and peace in the world.
- h. Hon'ble Justice Rangnath Misra, the first Chairman of National Human Rights Commission of India has stated that "It is an obligation which all of us have to perform., wherever he lives, whatever religion he professes, whatever food he takes, is a member of one family. All of us must learn to live like a member of one family. The whole world is one family. We will be able to develop the culture of Human Rights. In the absence of human rights, individuals and families are disintegrating in the modern era. It is challenge to human progress. We should all be prepared and united to face the challenge of the discipline. Everyone must realize that what is prescribed by law is not for next man or the man two follow but for you."

## **HUMAN RIGHTS OF WOMEN, CHILDREN AND SEX WORKERS**

- A. *Women's human rights:*** - Women rights are the Human rights," this means women are entitled to all these rights. These rights were enshrined by the United Nations for every human being in this world. These rights cover every aspect of life i.e. health, education, political participation, economic well-being and freedom from violence. Women and girls are entitled to these rights without any discrimination. The charter of United Nation guarantees the equal rights of women and men.



Hillary Clinton says that: - “Human rights are women’s rights and women’s rights are human rights, once and for all.

**B. Human Rights of Children:** -The United Nation’s convention on the rights of child (UNCRC) is an internationally binding human rights agreement. Children and young people upto 18 years have social, cultural, civil and political rights under this convention CRC (Convention on the right of child) is an international human right treaty adopted in 1989. CRC protects the rights of children in all fields of their life in including their right to:-

- ❖ Life, survival and development.
- ❖ Freedom from violence abuse, and neglect.
- ❖ Express their views in matters affecting them, including in legal proceeding.
- ❖ Education
- ❖ An adequate standard of life

The constitution of India also guarantees certain rights to all children. Every child is the future custodians of a Nation. They are future goals, hopes and ambitions. These hopes cannot be achieved without protecting their human rights. They are precious and valuable human resources.

Article 21-A of Indian Constitution provides free and compulsory education to all children of the age 6-14 years.

Article 24 provides the right to be protected from any Hazardous employment till the age of 14 years.

Article 45 of Indian Constitution: Makes provisions for early childhood care and education of children below the age of 6 years.

Also right to life under Article 21 of Indian constitution enumerates various rights for all which are essential to the enjoyment of dignified life. It includes right to privacy, right to education, right to health etc.

Article 23 and 24 of Indian Constitution determines the term “Child Labour”

**C. *Human rights of sex workers:*** - Unlike other professions, sex workers are not protected under normal Labour Laws, but they possess the rights of other citizens. In India, prostitution is illegal, but other related activities such as pimping, soliciting and brothels are illegal. In India, law dealing directly with sex workers is the Immoral Traffic (Suppression) Act of 1956. Under this act, sex workers can freely practice their profession without any intervention, they possess the right of rehabilitation and rescue if they so desire.

The Immoral Traffic (Prevention) Act was amended in 1986 as India was supposed to sign United Nations declaration against trafficking. This Act was enacted with the purpose of limiting and abolishing prostitution in India. Also, the sex workers Rights movement is also stated in many countries worldwide to improve working conditions, increasing benefits and eliminate discrimination on behalf of individuals working with sex industry, whether legal or criminalized.

## **CLASSIFICATION OF HUMAN RIGHTS**

All human rights are indivisible, inter-dependent, inherent and equally important for all human beings under United Nation system, human rights are classified into 2 parts.

- a. Civil and political rights, and
- b. Economic, Social and cultural rights.

French Jurist Karel Vasak inspired by French revolution classified human rights in three categories.

- A. Human rights of first generation i.e. Civil and Political rights;
  - B. Human rights of second generation i.e. economic, social and cultural rights; and
  - C. Human rights of third generation i.e. collective rights or solidarity rights which includes right to developments, Right to safe environment and right to self-determination.
- A. *Human Rights of first generation* (Civil and Political Rights):** - Civil Rights are related to the protection of the right to life and personal liberty, which are essential to live a dignified

life. These rights include-right to life; right to privacy; right to liberty and security of person, home or correspondence; freedom from torture and inhuman treatment; freedom of thought conscience and religion; freedom of movement etc. On the other hand, political rights allow a person to participate in the Government of a state. These rights include- Right to be elected at genuine periodic election; Right to vote; right to take part in the conduct of public affairs, etc.

These civil and political rights are inter related and inter woven. These are first generation's rights which derive primarily from 17<sup>th</sup> and 18<sup>th</sup> century reformatory theories which are related to the English, American and French revolutions. Civil and political rights are also termed as negative rights in the sense that a Government is required to abstain from doing these activities that would violate them specifically, these rights protect and safeguard the citizens from acts of torture, cruel and unusual punishment; acts of murder; ex post facto legislation and; the denial of habeas corpus and imprisonment without due legal process. These rights are capable of immediate and full realization without incurring significant costs.

**B. *Second generation's rights*** (i.e. Economic, social and cultural rights):- Russian revolution of 1917 and Paris peace conference of 1919 is considered the origin of social rights. Economic, Social and Cultural rights are related to the guarantee of minimum necessities of the life of human being. The existence of human being is likely to be endangered in the absence of these rights. These rights include- right to adequate food, clothing, housing, and adequate standard of living; freedom from hunger; right to work; right to social security, right to physical and mental health, right to education etc. These rights are included in the international covenant on Economic, Social and cultural rights.

These rights sometimes called positive rights as they require active intervention and major commitment of resources. Thus, their realization cannot be immediate like civil and political rights. These rights are based on the concept of social equality. They are only as general principles and not as specific rules.

In world summit, 2005, it was stated that:- “We affirm that all human rights are universal, indivisible, interrelated, inter-dependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis.

**C. Human rights of third generation** (i.e. collective rights): -Law recognizes not only individual rights but also certain collective rights exercised jointly by group of individuals. Protection of collective rights is essential for the survival on this planet. Collective rights include right to economic and social development; right to healthy environment, right to self-determination; right to physical protection and right to natural resources. These rights are inter-dependent. United Nation has recognized these rights in separate covenant and realized that civil and political rights have no meaning without social, economic and cultural rights. Both are equally important. The relationship of two categories was recognized by **International Human Rights conference in 1968**. It declared that “Since the Human Rights and fundamental rights are indivisible. The full realization of civil and political rights without the enforcement of social, economic and cultural right is impossible.

**The General Assembly in 1972** stated that “All Human Rights and fundamental freedoms are indivisible and inter-dependent and equal attention and urgent consideration should be given to the implementation, promotion and protection of the both generation rights”

Vienna Conference of 1993 stated that “All human rights are universal, indivisible, interdependent and inter-related. The International Community must treat human right globally in a fair and equal manner, on the same footing and with the same emphasis.

World Summit, 2005 stated that “We affirm that all human rights are universal, indivisible, interrelated, inter-dependent and mutually reinforcing and that all human rights must be treated in a fair and equal manner.”

Protection of Human Rights under United Nation:- United Nation charter was signed in San Francisco on 26 June, 1945 and came into effect on October 24, 1945. United Nation charter sets forth the inherent dignity and equal and inalienable rights of all human beings. United Nation system has mainly two types of bodies to promote and protect human rights i.e.

- Charter bodies and
- Treaty bodies.

Charter bodies are established under the United Nation charter in order to fulfil United Nation purpose of promoting and protecting human rights. Some charter bodies are:

- **The Human Right Council:** - The Principle United Nation charter body is human right Council established by general Assembly in 2006 with the purpose of protecting human rights violation and fundamental freedoms for all without distinction. The Human Rights council replaced the 60-year-old United Nation commission on human rights.
- **The International Bill of Human Rights:** - The Universal declaration of Human Rights (1948) was the first legal document protecting universal human rights, drafted after two years study by commission on Human Rights established under **Article 68** of the charter by the Economic and social council. The universal declaration of human rights, the international covenant on civil and political Rights and the international covenant on economic, social and cultural rights, the three instruments together form international Bill of Human Rights.

Treaty bodies are committees of experts having responsibility for promoting and monitoring Human Rights treaties. A number of Human Rights treaties have been established to supervise the implementation of treaty obligations by state parties. Some treaty bodies are as follows:

- **International Convention on the Elimination of all forms of Racial Discrimination:** -It is major international human right instrument established by United Nation for monitoring state parties with ICERD. It was adopted on 21 December 1965.
- **Conventions on the Rights of the Child:** - This convention was adopted on 20<sup>th</sup> November 1989 by Human Rights committee for protection of Rights of the child.



- **International Convention on Civil and Political Rights (ICCPR):** 173 states are the party to the ICCPR and HRC may receive individual communications relating to state parties to the ICCPR.
- **The International Conventions on Economic, Social and Cultural Rights (ICESCR):** This covenant was adopted on 16 December, 1966 and came into force on 3 January, 1976 to promote universal respect of human rights and freedoms.
- **The Convention on the Elimination of all forms of Discrimination against Woman:** -This convention was adopted on 18<sup>th</sup> December 1979 and came into force on 3<sup>rd</sup> September 1981. It imposes obligations on the state parties to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights.

## PROTECTION OF HUMAN RIGHTS IN INDIAN LAWS

Protection of Human Rights in India adapts to the basic needs of the nation and its people. Respect for human rights is the main concern of every democratic country like India as democracy cannot survive and sustain itself without respect for human rights and sincere efforts to promote and protect them. In India, the concept of Human Rights stretched back to the age of the Vedas, the puranas and the various Epics.

After independence, the Indian constitution was formulated with a guarantee of fundamental rights and freedoms. In conformity with the **United Nations Declaration of Human Right (UDHR)**, **part-III of Indian constitution** provides several provisions of **fundamental Rights from article 14 to 32** and **Directive Principles of State policy from Article 36 to 51**. Such as Right to equality, Right to privacy, Right to freedom, right against exploitation etc. All the citizens are made equal in the enjoyment of these rights and opportunities. Also special care is taken while protecting the interests of the weaker sections of the society. There is provision for reservation of seats for these weaker sections in the legislature and employment in Government Jobs.

These rights represent the basic values of a civilized society and are inherent in all human beings. These human rights are essential to protect the dignity of the individuals and create condition in which every person can develop his personality to the fullest extent. Any law which is violative to any of the fundamental rights is void. The Hon'ble Apex Court of India has recognized these fundamental rights as Human Rights 'or' 'natural rights'.

The Hon'ble Chief Justice Patanjali Shastri has defined fundamental rights as "those great and basic rights which are recognized and guaranteed as the natural rights inherent in the status of citizen of a free country."

In case of Golaknath Vs State of Punjab, The Hon'ble Chief Justice Subha Rao has observed that "Fundamental Rights are the modern name for what have been traditionally known as natural rights."

The Hon'ble C.J. Sikri in Kesavananda Bharti Vs State of Kerala observed "I am unable to hold these provisions that now rights are not inalienable or natural rights. As a matter of fact, India is a party to **UDHR (Universal Declaration of Human Rights)** and that declaration describes some fundamental rights as inalienable."

The framers of Indian constitution were influenced by the concept of Human Rights and guaranteed most of Human Rights contain in UDHR. The UDHR contained civil and political rights as well as economic, social and cultural rights. **Part III of Indian constitution** contains civil and political rights while **part-IV** contains economic, social and cultural rights. **Part-III** guarantees certain rights to the individuals, whereas **part IV** gives directions to the state to provide some other rights to its people.

The right to privacy is stipulated in covenant on civil and political rights under Article 17 Para (i), but this right is not expressly guaranteed in Indian Constitution. However, in the case of K.S. Puttaswamy Vs. U.O.I., The Hon'ble Apex Court has recognized right to privacy as an intrinsic part of right to life and personal liberty under **Article 21** and as a part of freedom guaranteed by **part III** of the Indian Constitution.

The Hon'ble C.J. J.S. Khehar observed, "The Right to be let alone is a part of the right to enjoy life. The right to enjoy life, in its terms, is a part of the fundamental right to life of the individual".

Thus, judgment in the above said case declared "Privacy is the constitutional core of Human dignity."

**Protection of Human Rights Act, 1993:** -In order to protect and safeguard human right issues at National and International level, "Protection of Human Rights Act, 1993" was enacted. The Act provides for human right commission at National and State level and further setup of human right courts at District level for better protection of Human Rights relating to life, liberty, equality, dignity of the individual's guaranteed by our Constitution.

**National Human Right Commission (NHRC):** - It is a statutory body constituted on 12 October, 1993, under the protection of Human Rights ordinance of 28 Sep. 1993 with the purpose of protection and promotion of human rights in India. The commission was set up to investigate, promote and protect human rights and to spread human rights literacy among various sections of the society. The commission has all the powers of civil court. It has power to investigate into complaints of human rights violations. All complaints received by commission are registered. Commission also has power to dismiss complaint in limine. Annual report of NHRC is submitted to the Central Government, who presents the report before each House of Parliament along with memorandum of action taken or promised to be taken on recommendations of the commission.

**Rule of NGO's in Protection of Human Rights:** -All over the world many organizations dedicate their efforts to protect human right mainly non-governmental organizations (NGO's) plays important role in focusing the International community on Human Right issues. NGO's Monitor the actions of government and pressurize them to act according to human rights principles. Some of them are: -

- **Amnesty international:** - It is a non- governmental organization which was founded in London in year 1961 by British Lawyers Peter Benenson and Philip James to draw attention to

human right issues and to prevent abuses of human rights and to demand justice for all those whose rights have been violated.

- **Children's Defense Fund (CDF):** - CDF is a child advocacy organization that protects children from abuses and ensures their rights to equal care and education.
- **Human Rights Action Centre:** - It is a non-profit organization in Washington DC, headed by Jack Healey that works on issues of Universal Declaration of Human Rights and develop new strategies to stop human rights abuses.
- **Children's Rights International Network (CRIN):** - CRIN is a NGO that monitors rights of children by circulating child rights and its violation. It was established in 1991 by Radda Barnen, a Swedish venture.
- **Association for Women's Rights in Development (AWID):** - It was founded in 1982 to achieve gender equality and women's rights all over the world.
- **World Organization against Torture (Organization Mondiale Contrela Torture):** -OMCT is a world's largest NGO for human rights that fights against violence. It aims at eradicating torture and violence against humans with human rights.

## MAJOR CHALLENGES TO SEEK PROTECTION OF HUMAN RIGHTS IN INDIA

According to **kofi Annan, former secretary General, United Nation**, "We all know what the problems are and we all know what we have promised to achieve. What are needed now are not more declarations or promises, but action to fulfil the promises already made."

We expect a nation would be free of caste discrimination, child labour, custodial death, sexual harassment, police atrocities etc. India was a signatory to the universal declaration of Human Rights, but the violations and atrocities are still prevalent. India has witnessed some major cases of Human Rights violations which led to a lot of bloodshed due to violent clashes between

religious groups and social groups. Due to these wide scale violations of human rights, the Indian Government has set up the National Human Rights Commission (NHRC) in 1993.

With the increasing crimes, scandals and scams, Human Rights are being violated. In India violations against women is increasing at an alarming rate and their rights are not safe. They are the victims of sexual harassment, trafficking and forced labour. Powerful politicians and police are compromising with the security of women.

- **Issue (i):** -On 16<sup>th</sup> December 2012, Nirbhaya Case in which gang rape took place of a young woman is one of the most heinous crime. After Nirbhaya Case various strong laws and acts were framed by the government and it was assumed that things will change. But, women across India still continue to suffer from rape, acid attacks, domestic violence and murder etc. Hyderabad latest incident of rape with veterinary doctor is the evidence of all this.
- **Issue (ii):** -In India systematic discrimination to lower caste, minorities and poor section has always been a part of caste structure. Due to discrimination these people have failed to access their basic human rights. A violent protest erupted in January 2016 after suicide case of 25 years old Dalit student named Rohit Vemula, which entrenched caste-based discrimination. Many students and activist protested for reform in higher education.
- **Issue (iii):** -In July, 2016, after killing of Burhan Wani, a militant leader of Kashmir in an encounter with the Indian security forces, a protest was erupted all over the nation in which 85 people lost their lives and over 13000 civilians and 4000 security personal were injured. In other major attack on 18 September, 2016 at an army base in Uri near line of control, about 17 soldiers were killed. It was terrorist strikes on security focus.

According to National Human Rights Commission Report, Delhi trails only U.P. and Haryana in cases of human rights violations. In spite of increasing number of complaints of Human Rights violations, Delhi Government has not constituted State Human Right commission. There is lack of political will to tackle Human Right issues. Recent is the disclosure made by Whatsapp about Pegasus spyware created by Israel based NSO Group for the purpose of surveillance.



In India, many cases of human right violations were recorded due to police atrocities such as illegal detention, police encounters, extortion, torture etc. Thus, the custodian of law has become the law breakers as police itself has become the violator of human rights.

## CONCLUSION

Protection of Human Rights has become important issue throughout the world. With the increasing use of science and modern technology our rights are not safe. India is a signatory of various Human Rights instruments. But government has failed to fulfil its obligations not only to its citizens but also breaches many international Human right laws.

In India full realization of human rights cannot be achieved accordingly. It has become a distant dream due to many social and economic problems like poverty, illiteracy, unemployment, increasing population, corruption etc. Law and order have not been properly implemented and people are not aware of their rights. The strong will and determination for the promotion and protection of human right will certainly make the human right movement successful.

Our judiciary is also playing a role of savior of the Human Right of people so that each individual can live a dignified life. Recently, Government of India under leadership of PM Mr. Narendra Modi has taken important steps especially with the legal reform with respect to treatment of women, children, Dalit and other vulnerable groups. Some of the initiatives launched by PM. Mr. Modi are “Beti Bachao Beti Padhao; Ujjawala Scheme”; “Stand up India” Scheme for women etc.

Since 1980, new mechanisms have been adopted for protection of human rights such as creation of fast track courts, special courts for speedy trial cases, free legal aid for poor people and PIL (Public Interest Litigation). Now PIL has become the tool for protection of Human Rights as it is an opportunity to make Human Rights meaningful to the deprived and vulnerable sections of the community.

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