



## Panacea to the violations of human rights in secular India

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### Abstract:

This research paper discusses different aspects of the current state of human rights to determine the extent to which, if at all, human rights will improve on a national scale. It finds a violation of human rights in the name of caste, colour, creed and religion whereas human rights proponents seem to show growing ineffectiveness. India being a multi-religious, multi-linguistic, multiethnic and multi-regional civilization, secularism is the only way out where every religion and religious community will get the needed space to survive and respect each other. This paper argues that unless some radical measures are taken to reinstate human rights and to implement the constitutional provisions and safeguards to prevent human right violations it is not likely that the lives of the deprived and the marginalized population will be better protected against systematic violations of human rights. The government must not favour or discriminate against any religion. It must treat all religions with equal respect. And every citizen must practice the principle of "sarvadahrmamasambhava" (Equal respect for all religions)

**Key words:** constitutional provisions and safeguards, human right violations, secularism.

### Introduction

This study is a descriptive approach, based on documents and published materials are relevant to the present study. The descriptive method is designed to analyze and to interpret the materials pertaining to secularism and human rights in India. Human rights are rights inherent to all human beings, regardless of gender, nationality, place of residency, sex, ethnicity, religion, colour or and other categorization. Thus, human rights are non-discriminatory, meaning that all human beings are entitled to them and cannot be excluded from them. Of course, while all human beings are entitled to human rights, not all human beings experience them equally throughout the world. Many governments and individuals ignore human rights and grossly exploit other human beings. The primary sources

include published documents of nhrc, parliament acts, laws in India and other relevant research materials. The secondary sources consist of books and articles which appeared in journals and newspaper, reports of committees etc.

### Analysis

Human rights are validated as the rudimentary and fundamental rights. It is also proclaimed into the civil and religious rights. They are applicable to all over the world a universal without any discrimination. Therefore the human rights envisage that all human beings are born free and equal in dignity and rights.

### There are a variety of human rights, including:

- Civil rights (such as the rights to life, liberty and security),
- Political rights (like rights to the protection of the law and equality



- before the law),
- Economic rights (including rights to work, to own property and to receive equal pay) Social rights (like rights to education and consenting marriages),
  - Cultural rights (including the right to freely participate in their cultural community), and
  - Collective rights (like the right to self-determination).

The Universal Declaration of Human Rights, signed on December 10, 1948, transformed an aspiration into legally binding standards and spawned a raft of institutions to scrutinize government conformity and condemn noncompliance. It remains the central organising principle of global human rights and a source of power and authority on behalf of victims.

A human right, owed to every person simply as a human being, is inherently universal. Human rights are held only by human beings, but equally by all; they do not flow from office, rank, or relationship. Universalising the human rights norm was one of the great achievements of the twentieth century. Numerous U.N. conventions, declarations and protocols produced this progressive result. They are our "firewalls against barbarism" (Michael Ignatieff). India is a very large country. A unique feature of our country is that all the major religions of the world are practiced here. There are more than one thousand languages. Despite all these differences India is one political entity. We have to co-exist with each other peacefully. This is possible only when national integration is realised in true sense of the term.

The Indian constitution through its Preamble and particularly through its chapters on Fundamental Rights and Directive Principles has created a secular state based on the principle of equality and non-discrimination. Along with the principles of social and economic democracy, secularism has been held to be one of the 'Basic Structures' of Indian Constitution. It has been reflected in the Constitution primarily as a value in the sense that it extends support to our plural society. Secularism aims at promoting cohesion among different communities living in India.

Despite the constitutional provisions and safeguards it is unfortunate that all Indians are yet to be truly secular. We have to experience communal riots at regular intervals. Even a very insignificant reason leads to communal tension and violence. But secularism is essential not simply for maintaining.

If you look around yourself, you may find that your friends, classmates, neighbours or nearby residents believe and practice religions that are different from your religion. They belong to various castes. How can you interact with them and be a good friend, classmate or neighbour, if you do not respect their religion and they do not do the same. We all know that India has a plural society. It is therefore essential that all the people develop respect towards one another and practice peaceful co-existence.

India is a land of the great diversities and infinite varieties. It is a country with at least 18 major languages and over 400 important dialects~ It is a land that has given rise to four of the world's major



religions~ It is home to the world's second largest Muslim population~ It welcomed Christianity long before Europe embraced it. India has always offered refuge to people fleeing from religious persecution. It is a society with over 4,000 ethnic communities or castes or endogamous groups. India is thus a multi-religious, multi-linguistic, multi-ethnic and multi-regional civilization without a parallel. Therefore, secularism is the only way out where every religion and religious community will get the needed space to survive and respect each other.

Secularism implies equality of all religions and religious tolerance. It means that India does not have an official state religion. Every person has the right to preach, practice and propagate any religion they choose. The government must not favour or discriminate against any religion. Communalism is generated when individuals belonging to one religion develop excessive affinity to their religion and hatred towards other religions. This kind of feeling promotes religious fundamentalism and fanaticism and proves to be dangerous for the unity and integrity of the country.

Regionalism may be reasonable if the demands are based on genuine grievances of the regions that have been denied fair shares of projects and industries in the overall structure of development. Those may also be related to the continued neglect of a particular region. In spite of over six decades of planned development, all regions in our country have not been developed in the desired manner. However, there are non-Hindi speaking States where Hindi

is being promoted. It is necessary that Hindi speaking States also promote non-Hindi languages like Tamil, Telugu, Malayalam, Kannada, Oriya or Bengali or Assamese in their respective areas.

Because these movements use violence, create fear in public life, cause loss of lives of government personnel and people and destroy public property. Mostly the youth participate in such movements. The basic reason for taking up arms by the youth is the continuing state of socio-economic deprivations and exploitation. But the extremist activities have been threat to law and order and peaceful living of the people residing in the affected areas. Human rights establish boundaries between individuals, society and the state. The assertion of a human right is a claim on protection from threats from people, groups or public authorities. Human rights are endangered in conditions of anarchy when there is no functioning law enforcement and judicial machinery to defend them. In most cases, however, the gravest threats to the human rights of citizens emanate from states.

There is a lot of talk of terrorism these days and of even a "war against terrorism". Everybody feels that terrorism poses a grave threat to human rights. International terrorism is a modern form of warfare against liberal democracies. The goal of these terrorists is to destroy the very fabric of democracy and it would be wrong for any democratic state to consider international terrorism to be "someone else's" problem. The terrorist acts are part of a broad campaign aimed at the disintegration of democratic societies. The liberal democracies must, therefore, acknowledge that



international terrorism is a collective problem. When one free nation is under attack, the rest must realise that democracy itself is under attack. The oft-repeated cry "One man's terrorist is another man's freedom fighter" is but one manifestation of the widespread confusion about the morality of terroristic forms of violence. Another unfortunate trend in violations of human rights is ever-growing religious fundamentalism and use of terrorist activities for imposing "their will". While all faithful believe in harmony and brotherhood in religion, it is the misguided fanatics who do not value human life and in the name of religion resort to all types of attacks on human rights.

Local authorities on occasion relied upon certain sections of the 150-year-old Indian Penal Code (IPC), which in general emphasize preserving social harmony rather than individual freedoms, to arrest persons engaged in religious activities. For example, IPC section 153A prohibits "promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, and doing acts prejudicial to maintenance of harmony." IPC section 295A prohibits "deliberate and malicious acts, intended to outrage religious feelings or any class by insulting its religion or religious beliefs."

In 2007 Andhra Pradesh enacted the Propagation of Other Religions in the Places of Worship or Prayer (Prohibition) Law. Thus far the state has identified only Hindu religious sites for this protection. Punishment for violations of the act can include imprisonment up to three years and fines

up to 5,312 rupees (\$125). To date there have been no prosecutions under the act. A fact finding team from the NCM found that the prohibition was not in line with the constitution's protections of freedom of religion, adding that the IPC had provisions sufficient to deal with offenses committed in places of worship. The states of Madhya Pradesh, Rajasthan, Uttar Pradesh, and West Bengal have laws regulating the construction of public religious buildings and the use of public places for religious purposes.

There were different personal laws for the various religious communities in matters of marriage, divorce, adoption, and inheritance. The government granted a significant amount of autonomy to personal status law boards in crafting these laws. There was Hindu law, Christian law, Parsi law, and Islamic law; all were legally recognized and judicially enforceable. None were exempt from national and state level legislative powers or social reform obligations as laid down in the constitution.

The government observes numerous religious holidays as national holidays, including: Good Friday and Christmas (Christian); the two Eids (Islamic); Lord Buddha's Birthday (Buddhist); Guru Nanak's Birthday (Sikh); Dussehra, Diwali, and Holi (Hindu); and the Birthday of Lord Mahavir (Jain). Efforts at ecumenical understanding brought religious leaders together to defuse religious tensions. Prominent leaders of all religious groups made public efforts to show respect for other religious groups by celebrating their holidays and



attending social events such as weddings, communal harmony and peace, but for the very existence of our nation.

India's religious, linguistic, cultural, social, economic and regional diversity provides the setting for a complex political landscape. Foundational knowledge envisaged the inter-linkages between secularism, gender equality, human rights, peace and democracy in India in order to foster dialogue across conflict faultlines; and hence, to fostering secularism. The principle of secularism appears to offer a sure route.

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