



A Perspective approach on Civil Society in Protecting the Human Rights in India

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Abstract

This paper gives a perspective approach on Civil Society in protecting the Human Rights in India. Human rights today have acquired legitimacy and significance in the external relations of the world community, but also in the domestic relations between the State and its citizens. Human Rights are those minimal rights that individual need to have against the State or other Public ascendancy by virtue of their being members of the human family, irrespective of any other consideration. Creation of a strong and pro-active human rights community has been long overdue in India. Human rights can be most effectively imbibed through a well thought out programme of education. Civil Society is a movement for advancing various causes. In recent decades, the cause of women environment, human rights, peace, children's rights, tribal rights are all being advanced through the movement of civil society. It is also a movement which enables raising the voice - the voices of those who are typically not heard - Dalit voices, Childrens' voices, minority voices, Women's voices. Governance will entail the performance of various institutions in civil society which address public good by using public resources. In this context, academic institutions, media institutions, political parties, development organizations. The concept of Governance enumerated above assures a democratic framework. The democratic systems, procedures and processes are the basic building blocks for the discussion of governance in general and the interface between civil society and governance.

Keywords: *Human Rights, Civil Society, Governance, Democratic Systems.*

Introduction

Human Rights Education is an indispensable part of the right to education and has of late gained larger recognition as a human right itself. The knowledge of the rights and freedoms, of oneself as much as of the others, is considered as a fundamental tool to guarantee the respect of all rights for each and every person.

Human rights are sometimes referred to as fundamental rights, rudimental rights, innate rights, natural rights and birth rights. *The Universal Declaration of Human Rights (UDHR), 1948, defines human rights as "rights derived from the inherent dignity of the human person." Human rights when they*

are guaranteed by a written constitution are known as "Fundamental Rights" because a written constitution is the fundamental law of the state.

The Civil and Political Human Rights are collectively known as 'Liberty Oriented Human Rights' because they provide, protect and guarantee individual liberty of an individual against the State and its agencies. Liberty rights also referred to as Blue Rights are the First Generation of Human Rights.

Human Rights are Universal

The twentieth century witnessed the crystallization of the philosophy of Human Rights when the United Nations adopted the UN Charter, 1945. The Universal Declaration of Human Rights



was adopted by the General Assembly of the United Nations on 10th December, 1948, was followed by two Covenants – International Convention on Economic, Social and Cultural Rights (ICESCR) and the International Convention on Civil and Political Rights (ICCPR) in 1966. India signed both these International Conventions in 1979. The Declaration consists of thirty Articles and covers civil, political, economic, social and cultural rights for all men, women and children. The declaration however is not a legally binding document. It is an ideal for all mankind.

The Universal Declaration covers the range of human rights in 30 clear and concise articles. The first two articles lay the universal foundation of human rights: human beings are equal because of their shared essence of human dignity; human rights are universal, not because of any State or international organization, but because they belong to all of humanity. The two articles assure that human rights are the birthright of everyone, not privileges of a select few, nor privileges to be granted or denied.

Article 1 declares that "all human beings are born equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Article 2 recognizes the universal dignity of a life free from discrimination. "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

The Indian constitutional context of Human Rights:

The fundamental rights of Indian Constitution reflecting on the dignity of the individual are the basic human rights against the State. The state includes government and the Parliament of India, as well as the legislature and government of each of the states, and local and 'other authorities', within the territorial jurisdiction of the Government of India as stated under Article 12. The fundamental rights that are guaranteed under the Constitution have a close similarity with those in the UN Declaration of Human Rights in form and content in Articles 14, 15, 16, 19, 20, 21, 23, 25, 29, 31 and 32. The Directive Principles of State Policy under Part IV of the Constitution. The Supreme Court of India is the guarantor of the rights according to the Constitution. The court takes into account fundamental duties while interpreting the constitutional right.

The National Human Rights Commission was established on 12th October, 1993 under the legislative mandate of the Protection of Human Rights Act, 1993. This act also recommended for the setting up of the State Human Right Commission at State level and Human Right courts along with the NHRC.

Civil Society in Protecting the Human Rights in India:

In democratic societies fundamental human rights and freedom are put under the guarantee of law and therefore, their protection becomes an obligation of government authorities. *According to Justice T.K Thommen, the National Human Rights Commission was meant to highlight the pressing problem that endangers human rights. Its main*



function is to be the watchdog of human rights. A dynamic civil society is essential to a functioning democracy. The four aspects of civil society, including the media, Non-Governmental Organizations (NGOs), religious institutions, and business participation. In terms of the media, there are two aspects that must be considered: the suppression of freedom of the press, and governmental influence on media production. Social and political activism is inherent to nongovernmental organizations, but they are encountering as many restrictions as the media. Government bureaucracies are restricting groups from organizing contrary to government action. Religious groups are facing a similar line of persecution from the government as the NGOs. Businesses face a different problem altogether. The real issue, however, has to do with the executive branch of the government putting pressure upon businesses to open themselves up to government intervention. If the business community refuses to allow the government to gain partial ownership, the companies may face nationalization and prosecution.

The Protection of Human Rights Act, 1993 recommends the constitution of the National Human Rights Commission along with the State Human Rights Commission in States for better protection of human rights. In our constitution certain safeguards are provided for the protection of their some of the rights, provided for SC's & ST's. National Commission for Women (NCW), was set up as a statutory body in Jan. 1992 under new act 1990 to uphold the rights of women and to look into the cases related to the deprivation of their rights.

Role of NGOs in Protecting Human Rights

The constitutional duty of the Indian Government to protect the Human Rights of the people. There are several national and state commissions for the purpose of protecting the Human Rights. But these commissions have certain limitations on the protection of Human Rights. Non – Government organizations (NGO'S) work for the welfare of people and also fight for the protection of Human Rights. There are hundreds of NGO's working at the national and international level for the cause of the protection of Human Rights. We are mainly concerned with the study of some prominent NGO' s in India that work for the protection of Human Rights.

Some prominent NGO's in India in the protection of human rights is the People's Union for Civil Liberties (PUCL) and People's Union for Democratic Rights (PUDR). The PUCL organizes the 'JP Memorial Lecture' on 23rd March every year. It is working for highlighting the instances of the violation of human rights. It also sees that the violations pertaining to human rights get redressed; the activities of the PUCL make it clear that weak democracy can be made strong only by protecting the civil liberties of the people. People's Union for Democratic Rights (PUDR) organization positively states that the underprivileged people have Right to organize them and to agitate or revolt for bringing about total change in the socio economic and political system if it does not ensure solutions to their problems. Thus both the PUCL and PUDR are fighting together for the protection of Human



Rights of people. The former concentrates on the protection of civil liberties while the latter fights for giving socio-economic justice to the people. The Chipko movement as a campaign for environmental protection has been protecting human rights of the people. The Narmada Bachao Andolan (NBA) started as environment protection movement gradually it became the Human Rights protection movement.

Protection of Human Rights through Good Governance:

Transparency in the formulation and implementation of public policies empowers the public to access social services and demand protection of their rights. The cases demonstrate, for example, that facilitating the public's access to information can be a powerful strategy in improving public spending and protecting economic and social rights. Anti-corruption measures are also part of the good governance framework. Public education and awareness-raising on human rights strengthen efforts to reform social and legal practices. Strengthening accountability of public officials is an important contributor to human rights protection.

Conclusion: Human rights are not a monopoly of any privileged class of people. Human rights are macrocosmic in nature, without consideration and without exception. The values such as divinity, dignity and equipollence which form the substratum of these rights are intrinsically in human nature. NGO's are working tirelessly for the cause of less privileged people. Here we are mainly concerned with kenning and evaluating the role of NGO's in bulwarking Human rights such as civil, political, and economic, Socio-Cultural

rights, Rights of disadvantaged persons, Right to development and Environmental rights. Utilizing radio programmes, local newspapers and public meetings, the media, civil society and denizens have mobilized around a number of issues, including environmental concerns and corruption; to inductively authorize transparency and accountability. Several of these initiatives have contributed to the reform of public policies or the design of policies which better bulwark human rights.

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