



An overview of India's human rights movement and civil liberties

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Abstract

The Human Rights Movement in India, rooted in civil liberties and human rights, has evolved over the past 35 years, influenced by historical events, emergencies, women, and the Dalit movement. Its major concerns include women's participation, but it has faced weaknesses like lack of representation and a focus on emergencies. The movement has been enriched by collective wisdom from various movements, including tribal, peasant, environmental, women's liberation, child rights, dalit, and differently abled persons. Despite historical love-hate relationships between the state and mainstream institutions, the movement continues to evolve.

Keywords: Civil liberties, women's movement, peasant struggles, dalit movement, state, civil society

Introduction

The 1976 national emergency in India led to a surge in human rights activism, with students, intellectuals, and activists joining rallies against anti-democratic acts. Several groups, including Citizens for Democracy, People's Union for Civil Liberties, and PUCL, emerged. The post-emergency period saw draconian laws enforced to repress the poor. This sparked a shift in human rights movements, with social movements now acknowledging the emancipatory potential of human rights. Today, human rights are often overshadowed by security concerns and techno-science.

Research objective

The text discusses human rights in ancient India, the aftermath of emergencies, women's participation in the movement, and the Dalit movement, highlighting major concerns and weaknesses.

Research methodology

Descriptive analysis methods are essential in data analysis, summarizing and describing data to reveal patterns and trends without making inferences or generalizations, using techniques like frequency, central tendency, dispersion, and position.

Primary data, gathered through surveys, interviews, and experiments, is original and tailored to the research question. Secondary data, derived from existing sources, is derived from published sources.

Concept of Civil Rights

Civil rights, rooted in liberalism, include life, liberty, property, equality, and protection against arbitrary detention, aimed at preventing executive power exercise and upholding the rule of law.

The text discusses human rights in ancient India, the aftermath of emergencies, women's participation in the movement, and the Dalit movement, highlighting major concerns and weaknesses.

History of Civil Rights Movement in India

Both before and after independence, India's Civil Rights Movement has a lengthy history. Human rights, Dalit rights, and the struggle against colonial domination are important movements. Human rights organizations, social activists, and Mahatma Gandhi are important characters. Both civil and basic rights are protected under the Indian Constitution. Social inequities, discrimination, and the degradation of civil liberties are among the difficulties.

The Indian freedom struggle was the largest civil rights movement, demanding basic freedoms like press freedom, greater legislative representation, and opposition to the Rowlatt Bill. Pandit Nehru was a key activist, and the 'Indian Civil Liberty Union' was founded on November 7, 1936, with Rabindranath Tagore as President and Sarojini Naidu as Acting President.

Civil Rights in the Constitution of India

The Indian Constitution is a revolutionary document that embodies human rights, providing fundamental rights to non-citizens and a scheme of social and economic rights. However, it is unfortunate that a provision relating to preventive detention is included in Part III of the Constitution. Article 22 of India's Preventive Detention Act provides protections to individuals detained under this law, but it is primarily used in emergencies like war. In

India, preventive detention laws can be applied in ordinary times, but they are often misused against political opponents to suppress dissent. Section 124A of India's laws makes any speech, written text, sign, or visual representation illegal to incite hatred, contempt, or disaffection towards the government. The punishment is a non-bailable, non-compoundable, cognizable offense, punishable with imprisonment up to 3 years or life, with or without a fine.

Human Rights Movement in India

Since the 1980s, global awareness of human rights has grown, leading to a new phase of activism in India. Civil society and the judiciary have played a significant role in this, with activist judges like PN Bhagwati institutionalizing Public Interest Litigation (PIL), which has provided access to justice to marginalized communities. The Supreme Court has championed social and economic rights, defining the right to life, including education, health, clean environment, safe drinking water, and animal dignity. Globalization has increased advocacy groups in India, leading to international NGOs like Amnesty International opening offices and participating in the human rights movement. The UNHRC conducts the Universal Periodic Review (UPR) of member states in India.

India faces significant human rights concerns, including a large number of undertrial prisoners, poor prison conditions, human rights violations by armed forces in insurgency-affected areas, a slow justice system, abuse of preventive detention laws against political opponents, violence and exclusion based on caste and religion, a negative sex ratio, and hunger.

Ancient in India Human Rights

The concept of human rights dates back to the 15th century BC Vedic period, where equality is depicted through the Charter of Equality of All. Kautilya emphasizes the welfare state, where the happiness of the state lies in its subjects' happiness. Civil and legal rights were first formulated by Manu, including economic rights. The importance of human rights was supported by Jains, Buddhists, and other minority religious groups. King Ashoka tirelessly worked to protect human rights.

The human rights movement in India emerged during the Emergency rule of 1975-1977 and the post-Emergency period. It has been influenced by various movements, including tribal, farmers', environmental, women's liberation, child rights, Dalit, and persons with disabilities. The movement has had a complex relationship with the state and mainstream institutions throughout history.

The harsh shock caused by the imposition of the National Emergency in 1976 led to a surge in human rights activism. Students, intellectuals, political activists, trade unionists, and artists took action against the lack of democratic rights. The government's monopoly on television led to massive rallies protesting against undemocratic actions and mobilizing public opinion to protect Indian democracy.

During this period, various civil liberties and democratic rights groups emerged, such as Citizens for Democracy, People's Union for Civil Liberties (PUCL), People's Union for Civil Liberties and Democratic Rights (PUCLDR), and Chhatra Yuva Sangam Bahini. State-level and city-based parties also formed during this time.

After the lifting of the National Emergency in 1977, stories of custodial violence and torture began to appear in mainstream press. Civil liberties and democratic rights groups started publishing their own newspapers and magazines in English, Hindi, and regional languages.

In the 1980s, the 'Civil Liberties Movement' was confined to those concerned only with formal democracy. Organizations working against oppression of workers, the poor, farmers, Dalits, women, and tribals joined the 'democratic rights movement'. This laid the foundations for the human rights movement in India in the 1990s, which established its network from local and regional to global levels.

In the 21st century, the state of human rights is almost overshadowed by security concerns, terrorist threats, and techno-science.

A nationwide anti-rape campaign in the 1980s led to the emergence and spread of autonomous women's organizations in many towns and cities in India. She continued to campaign and campaign against serial cases of custodial rape, domestic violence and dowry harassment. The groups soon realized that for the rehabilitation aspects of violence against women to work on a sustainable basis, it was important to build institutional frameworks to support women victims of violence based on the feminist principles of solidarity (mutual consultation) and fraternity.

Initially, she focused on literature on women-specific issues such as wife-beating and dowry deaths, domestic violence, rape and molestation, honor killings, pornographic films, dramas and workplace harassment of women. Due to apathy/laziness of the state machinery, one had to resort to extremist activities, social boycott, siege of harassers, raids on matrimonial homes for dowry recovery. From this experience of direct action, women's group activists learned the power relations that operate within modern families (working, middle and upper class), different religious communities and different caste organizations.

Dalit movement

Violations of human rights of vulnerable groups in contemporary India are the result of complex relationships between the politics of identity, exclusion, inclusion and alienation rooted in history, cultural policy, politics and economics.

Beginning in the 1920s, various social, religious and political movements arose in India against the caste system and in support of the human rights of the Dalit community. In 1950, the Constitution of India was adopted and it was originally Dr. B.R. Ambedkar (Chairman of the Constitution Drafting Committee), moved away from the norms and traditions of caste system in favor of justice, equality, liberty and fraternity and guaranteed basic human rights to all citizens irrespective of caste, religion, gender or caste. Unfortunately, the implementation and enforcement of these policies have failed miserably. Despite the abolition of 'untouchability' under the Constitution of India in 1950, the practice of 'untouchability' - the imposition of social disabilities on individuals due to birth in a particular caste - remains a part of India.

Weaknesses of the Human Rights Movement

Upendra Bakshi argues that India lacks a genuine human rights movement, but rather a human rights industry with advocacy groups and staff management graduates. Bakshi's views are biased and he rarely addresses human rights violations by terrorist organizations or the killing of armed forces. Nandita Haksar emphasizes the need for the human rights movement to work within national discourse and avoid zero tolerance towards terrorists. As India faces threats to its territorial integrity, laws like AFSPA will continue to be justified. To boost India's credibility, the government should reform the National Human Rights Commission (NHRC) and give it greater powers to deal with human rights abuses by armed forces. The government should also ensure discipline among enforcement agencies and implement police, prison, judicial, and criminal justice reforms.

India's Dalit Right movement began in 1920 to address caste discrimination and community human rights propaganda. The 1950 Constitution accepted this, but 'untouchability' has not disappeared. The Dalit movement has faced increasing violence, including brutal murders and rape, particularly against women. This imbalance is exacerbated by the physical and sex of violence victims, labor exploitation, property exploitation, and limited access to wealth.

India, a democratic country, has signed the United Nations Human Rights Agreement, ensuring equal rights for both male and female citizens. To help disadvantaged groups, three ways are proposed: preferential treatment, affirmative action, and positive or reverse discrimination. Preferential treatment involves denying jobs to forward castes based on equal merit, while affirmative measures include scholarships and special schools for OBCs. Positive or reverse discrimination involves forced reintegration into previously excluded areas like higher education and employment.

The survival dilemma faced by Indian farmers is highlighted by farmer suicide, which has increased since 1997 due to the post-reform turmoil in agriculture. Rising production costs and falling agricultural product prices have led to a struggling economy. Many organizations are struggling against a suicidal economy and facing the challenge of long-term sustainable livelihoods. To prevent farmer suicides, Navadhanya launched the Seeds of Hope initiative, which involves moving away from GMOs and non-renewable seeds to organic, open-pollinated seed varieties, transitioning from chemical farming to organic farming, and shifting from unfair trade based on inflated prices to fair trade based on reasonable and fair prices.

Communism has been woven into the fabric of politics since the 1980s, but more strongly in the 1990s. After Indira Gandhi's assassination, the anti-Sikh riots of 1984 served as a grim warning that communalism could very well lurk beneath the surface. Another extreme communal manifestation was the 1989 Bhagalpur massacre. The Babri Masjid demolition on 6 December 1992 was recognized as a watershed of communalism and impunity by the majority. There is no denying the involvement of the state

Another horrific aspect of communalism was the killing of Graham Staines and his sons in Odisha. It is clear that the question of conversion in this context is infected with the communicative virus. Even when basic economic concerns are involved, forced "re-conversions" in Dangaria in Gujarat and Kandhamal in Odisha have communal implications. Attacks on Christians in Karnataka, Gujarat, and Orissa are often in the news and the issue of impunity is emphasized in this context.

Human rights organizations dedicated to secular humanitarianism publicize community play and advocate for victims of violence perpetrated by communal special interests. Current initiatives and campaigns focus on various issues such as child labor, AIDS-related work, Panchayat in the institution transfer, women's involvement, and women against violence, witch victim, and honor.

Human rights organizations have protested and challenged the Naxalite movement, militancy, dissidents, and self-determination movements, which have given rise to several exceptional acts. Human rights-related situations include killings, disappearances, and legal system inefficiencies where "extraordinary" conflict situations are common. In this situation, human rights jurisprudence emerged. An interconnected community of interests also emerged, and bridges were built between causes.

The post-Emergency period has seen interdisciplinary dialogue between academics, journalists, filmmakers, feminists, the judiciary, prison authorities, and social movements. Human rights are based on the core values of freedom, equality, fairness, and justice, ensuring equal treatment for all and no discrimination.

Conclusion

The human rights community in India has evolved significantly since the post-emergency period, when the first human rights movement emerged after India's independence from British colonial rule. The middle class was re-sensitized to fight for human rights due to a deficit in democracy. People's organizations use both top-down and bottom-up approaches to promote human rights. Government transparency is crucial in dealing with militancy,

and those caught for violating the law must be punished strictly in accordance with human rights standards. The politics of fear for short-term political gains encourages corruption and undermines the criminal justice system. Human rights movements are fighting religious chauvinism and market fundamentalism, promoting secular humanism and voicing the concerns of oppressed, suppressed, and brutalized individuals. Their commitment to human rights extends beyond individual rights to include collective rights.

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