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PREVENTION STRATEGIES IN ISSUES ON HUMAN RIGHTS VIOLATION IN INDIA: AN OVERVIEW

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Introduction

Human rights are basic and fundamental principles or norms that pronounced certain principles of human behavior and are regularly protected as natural and legal rights not only at national level but also the international legal safeguards as well as UN conventions and declarations. They are commonly understood as undeniable, fundamental rights "to which a person is inherently enabled modestly because she or he is a human being" and which are "inherent in all human beings" irrespective of their race, ethnic origin, location, language, religion, nation or any other status. They are applicable everywhere and at every time in the sense of being universal. In our ancient society, there were no written laws only followed by our traditional values and norms from our previous generation. The history of human rights is a people were struggling for liberty and enforcement of fundamental rights. In this occasion people achieved success manifested in such celebrated document as the Magna Carta in England in 1215. (Waghmare, 2001, pp.1-3) documentation After that, the formation of the constitution, national laws such as Indian Penal Code 1860, Criminal Procedure Code 1973, etc, as well as UN convention, declaration, as well as our constitution clearly explained about fundamental rights and duties of each and every citizen by interests.

The UN Declaration of human rights was the first part of the objective; other parts, designed to elaborate the content of the provisions of the declaration, took many years to complete, on 16th December 1966, the United Nations General Assembly Adopted to covenants. The International Covenant on Social, economic and cultural rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR) allowing for complaints to be made by individuals on violations of their rights embodied in the covenant. The Vienna Declaration and Programme of action 1993 called for increased integration of women rights into the National Human Rights System. It leads to Declaration on the Elimination of Violence against Women adopted by the United Nations General Assembly in 1993 calls on all states to take measures to prevent and punish violence against women. On 2 September 1990. The convention on the rights of the child came in to force less than one year after that it had been adopted by the UN General Assembly on 20th November 1989. (Leah Levin, 1998, pp.29-30). The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act should be reviewed with the aim of extending its scope to Dalit Muslims and Dalit Christians. The criminal legislation should be reviewed to ensure that all gender-based killings, as well as the killing of any member of a tribe or lower caste, receive high sentences, possibly under the forms of life sentences. The Indian legislation regarding the imposition of the death penalty should be reviewed to provide that the death penalty may be imposed for the most serious crimes only, namely only for those crimes that involve intentional killing. India should consider placing a moratorium on the death penalty in accordance with General Assembly resolutions with a view to abolishing it. A mechanism should be put in place to regularly review and monitor the status of implementation of the directives of the supreme court and the NHRC guidelines on arrest, encounter killings, and custodial violence and death.

Violation of Human Rights

The violation of human rights is a universal phenomenon. Ever increasing various types of torture, abuse, cruelty and offences against people most of the violence against marginalized and vulnerable groups i.e religious minority, caste minority, women, children, elder, people with physical and mental impairments, LGBT and etc. now a days many more custodial death in police station during the enquiry of the accused, many international human rights organizations and worldwide NGO's working for such types of violation in worldwide.

According to the report of the Asian Centre for Human Rights "Torture in India 2011", The National Human Rights Commission recorded a total of 14, 231 deaths in custody in India between 2001 and 2010, which includes about 1,504 deaths in police custody and about 12,727 deaths in judicial custody. This report observes that these are only the cases reported to the NHRC, and do not include all the cases of custodial deaths. The report attributes the deaths in custody to torture, denial of medical facilities and inhuman prison conditions. Once a person was taken into custody, the responsibility for his/her life, health and safety rest with the authorities in whose custody he or she is, be it the police or the jail authorities (Sugas et al, 2013, pp.121-124).

After various decades, the formation of National Human Rights Commission at the national level, while the State Human Rights Commission at the state level.

The functions of the Human Rights Commission

The major functions of human rights commissions protect the people from all the violence and also create the awareness about fundamental rights, intervening the court proceedings if there is any necessary and co-operation with non-governmental organizations working for human rights violation. Many occasions it will be investigating if any violation against the people by the perpetrator whom they are may be individual (or) groups (or) government officials. As well as, notice to judicial and police officials those who do not have any interest in particular cases related to the human rights violation. According to our constitution given certain rights to all of us born in society. This phenomenon not only applicable to the particular state, but it also has a universal phenomenon according to the law of their country itself. Therefore, fundamental rights clearly indicate that all the human beings are equal before law there is no one cannot be escaped from the law without any biased such as race, gender, ethnicity, political and other backgrounds, if they have broken the law or violate the human rights. The principles of human rights clearly indicate that all human beings who have possessed certain rights by inherently i.e. Right to born, liberty, freedom of speech and expression, religious rights and constitutional remedies, political rights, right to education and etc. but their rights and freedom should not hurt anyone in any way. The UN Declaration of human rights containing 30 Articles socio, economic, cultural and political rights aims at protection of liberty and security of a person, freedom from inhuman treatment and torture, equality before the law and also right to hearing by an independent and impartial tribunal and right to social security, work, health, education and rest. (Waghmare, 2001, p.2) Generally, all their rights and freedom also regulated by the laws that what is appropriate and inappropriate, right or wrong. Therefore, human rights also strictly regulate the individual behavior and role of state and public officials as well as public in the society.

Some initiatives were taken by NHRC

Since in 1993, the NHRC has undertaken numerous activities in the area of protection and promotion of human rights. It is constantly organizing workshops, colloquiums, campaigns, create awareness about human rights issues particularly among the people in slum and urban areas. Moreover, it is organizing research training and carrying out various projects relating to human rights issues. The many studies which are still going on are on the topic of varied background such as proposal enactment of the Juvenile justice care and protection, problems of child abuse and child laborers, the impact of globalization on human rights status of de-noticed and nomadic communities of India. In addition, the NHRC is deserving enormous disbursement on the

publication of material on the human right to make people conscious about human rights. It is organizing internships programmes for students of different parts of the country. International collaboration in the area of protection of human rights has also been encouraged by the NHRC. The annual meetings, discussion, and conferences with professionals in various countries are common whereby the Commission is interacting with representatives of several countries on issues of terrorism, the problem of environmental pollution, infectious diseases and trafficking of women and children. All these problems are trans-boundary in magnitudes which also can be undertaken with rigorous efforts of the global community to prevent so-called worldwide human rights violations (Sandeepkumar, (2017, p.866).

The Amnesty International finds 12 major types of Human Rights Violations In India

Amnesty International is a worldwide NGOs working for human rights issues at global level. In the year 2015 Amnesty International founds several major attacks on human rights in India. That violation such as harassment, Intermediation among the various communities and minority groups

1. Abuses by armed groups

Many armed groups committed human rights abuses. While the Socialist Party of India (Maoist) was disbelieved of extortion, abductions and unlawful killings in central and south India, armed groups in northeast India are believed to have committed similar crimes. This included the killing of 14 people by National Democratic Front of Bodoland (I.K. Songbijit faction) in Kokrajhar in Assam. In the meantime, suspected members of the Jaish-e-Mohammed are believed to have attacked an air force base at the beginning of January 2016, killing eight people, including a civilian.

2. Caste-based discrimination and violence

Above 56,000 crimes had been committed against scheduled castes and scheduled tribes in 2015. These comprised rejecting Dalits entry into public and social universes, according to the report. In 2016, Dalit student Rohith Vemula committed suicide, complaining of discrimination and cruelty, leading to national protests. Meanwhile then, the government has alleged that student was not Dalit, but belonged to "other backward classes".

3. Children's rights

Crimes against children rose by 5% in 2015 as compared to 2014. A modification in a child labor act by the Parliament that allowed some exemptions was opposed by child rights activists, who were anxious it would affect marginalized groups and female children. A new draft education strategy released by the central government omitted any statement of human rights education.

4. Communal and ethnic violence

Many public were attacked by vigilante cow protection groups. These self-appointed guardians of cows beat up many people legally transporting cattle, and many of those exaggerated were religious minority groups. Two Muslim cattle exporters were found hanging from a tree in Jharkhand. In addition that, Other violations included gangrape of women and compelling cattle traders to eat cow dung.

5. Corporate accountability

A coal mine was prolonged in Chhattisgarh, subsequent in clutching of Adivasi land without their consent. In Gujarat, the government endorsed land procurement for several assignments which led to significant exclusions of families living there. In Jharkhand, three men were gunshot dead for demonstrating against a power plant, whereas four others were killed in a distinct protest against a coal-mine.

6. Extrajudicial killings

A former Manipur state police officer claimed that he had been part of more than 100 such undertakings. Meanwhile, in Uttar Pradesh, 47 police officers were imprisoned of extrajudicial performances of 10 men. Parallel killings also took place in Chhattisgarh, Odisha, and Madhya Pradesh.

7. Freedom of association

The government canceled the registering of some civil society associations which exactly prohibited them from receiving external funding, even after the UN claimed it was not in accord with international law.

8. Freedom of expression

Various people were detained under sedition laws for articulating their dissension with government policy. Indians were under arrest for even posting commentaries on Facebook. Two men were arrested under informational technology law for sharing a mocking image of a Hindu nationalist group.

9. Human right defenders

At least two press reporters have shot dead allegedly for inscription against the establishment. Another writer was forced to leave her home and yet another was detained for sharing a message mocking a police official. Activists also faced extortion, physical attacks, and harassment. Numerous other journalists and activists were also arrested on false or politically-motivated charges, according to the report.

10. Jammu and Kashmir

Lots of people were killed in Jammu and Kashmir after protests subsequent the killing of a young militant leader. Hundreds were blinded by shotguns used by the police, and phone and internet services were adjourned in the area. A Kashmiri human rights supporter was stopped from traveling for a UN Human Rights Council session in Geneva and detained for over two months.

11. LGBT Rights

The cabinet accepted a faulty bill on transgender people's rights with a problematical description of trans people. Indians continuous to fight for the legalization of consensual same-sex relations.

12. Violence against women

More than 327,000 crimes were committed against women in 2015. Many of them belonged to marginalized communities. Women were allegedly sexually assaulted by members of the armed forces in Chhattisgarh.

Prevention Strategies to control the Human Rights Violation

Safeguard human rights is to guarantees that people get a certain degree of decent, humane treatment. Because our Constitution and the UN Convention that protects human rights are thought to reduce the threat of world conflict and all nations have a stick in promoting worldwide respect for human rights. (Antonia Cassese, 1990, p.2) International human rights law and humanitarian intervention law and refugee law all protect the right to life and physical uprightness and attempt to limit the unrestricted power of the state. These laws aim to preserve humanity and protect against anything that encounters public' health, financial well-being, social stability, and political peace. (Don Hubert and Thomas G. Weiss et al (2001),

Responsibility to safeguard human rights exist in first and leading with the states themselves. Even though, in many cases, public authorities and government officials establish new policies that violate basic human rights. Such abuses of power by political leaders and state authorities have overwhelming effects, Comprising, genocide war and crimes against humanity.

There are two manners of humanitarian interference to protect the human rights comprising the military: independent interferences by a single state, and collective involvements by a group of states. For example through the United Nations General Assembly and through other International human rights organizations and worldwide NGO's such as International Watch, Amnesty International and etc. Kithure Kindiki, (2001, no.3) Because moderately several states have the adequate force and ability to interfere on their own, most modern interventions are collective for preventing the human rights violations. Few also argue that there is a normative consensus that multidimensional intervention is the only acceptable form at present. (Martha Finnemore, 2003, chapter, 3).

Conclusion

Human rights violation is not only domestic issues and problem at the local level. But also it is a national and international issue and challenges to the peace and security of the state. Sometimes it will create the conflict between one group to another group within the territory. At the same time one country to another country. International legal instruments, Indian legislature, and our human rights laws also attempt to protect the all categories of people without any biased by their race, nationality, religion, ethnicity, culture, gender, and etc, within our country and also the relationship with other countries with brotherhood manner. But our political system and corrupt politics are one of the major drawback and insufficient efforts to preventing strategies to control the ever-increasing human rights violence. If any occurrence of major human rights violation within our country. The government will constitute the several committees headed by former supreme court justice or former justice of the high court. Many times the professionals of human rights commissions and officials from international human rights organizations will come and investigate the occurrence of such violations, but there is no justice to the victims and also offender will not be punished for involving that offense. Apart from that, The enlargement of international human rights law has often not been corresponding by practice. However, there is growing coordination that the protection of human rights is important for the resolution of conflict and to the rebuilding process afterward. To achieve these goals, the international community has identified a number of strategies both to bring an end to human rights abuses and to establish an environment in which they will be respected in the future. They are not alternatives, but each provides important benefits in dealing with the past and envisaging a brighter future.

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