

A Survey of Movements for Human Rights Protection in Various Regions of India

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Abstract

Human rights are better protected at national level with adequate laws, independent judiciary and effective mechanism. Human rights are those rights which belong to an individual as a consequence of being human. They are based on elementary human needs as imperatives some of these human needs are elements for sheer physical survival and health other are elements for psychic survival and health. These rights are associated with the traditional concept of natural law. These rights belong to them because of their very existence they become operative with their birth, human rights being the birth right are therefore inherit in all the individuals irrespective of their caste, creed, religion, sex and nationality. Human Rights are worldwide rights; it cannot bind by any particular country. This research paper includes some important current topics like Delay Justice and Human rights, important movement in the North-East and Northern Region, Eastern Region, Southern and Western region, Reproductive Human Rights, and Judicial Peroration which focused on Human Rights movements. "The Human Right is a natural right which is the Ultimate Giver has also assured that land, water, air, space and energy are meant for the use of all creatures in this universe."

Keywords: Human rights, Independent judiciary etc.

Introduction

A democratic society is one where the government and the citizens come together to create an open society where there is maximum and effective public participation. Citizens must take an active interest in the formulation of policies and their implementation and exercise their democratic rights as important stakeholders in the governance process. People can effectively participate and contribute only when they are empowered with knowledge of their rights. The congress government led by Pandit Jawaharlal Nehru guaranteed the citizens of independent India certain fundamental rights through the Constitution of India. The concept of human rights has existed under several names in European thought for many centuries, at least since the time of King John of England. It was the violation of the ancient laws and customs by the King that to sign the Magna Carta, the first Charter of human rights leading to separation of Church from the state, the rights to all free from citizens to own and inherit property and be free from excessive taxes, the right of widows who owned property to choose not to remarry and established principaofue process and equality before the law, provisions for bidding bribery and official misconduct. Magna Carta (1215) states "To no man will we sell, or deny, or delay, right or justice". The human rights are

divine and natural and they are not the creations or grants of and humanity nor any legal parchment and as rightly pointed out by Prof. Upendra Baxi Human Rights philosophy is not the 'gift or the West for the rest' of the world and those who are inclined to preserve the cultural treasure that human rights are 'western gift' must learn from Walter Benjamin's poignant articulation - "There is no document of human civilization which is not free of barbarism, barbarism also taints the manner in which it was transmitted from one owner to another. Prof. Baxi further cautions us to discover the truth that 'to the tasks of realization of human rights, all peoples, and all nations, arrive as equal strangers: and that from the standpoint of the rightless and suffering people everywhere all societies remain underdeveloped/ under developing. Our criminal justice system, though traditional, adversarial in nature is also designed to delve deep into the 'Human Rights Perspective' of individuals accused, prisoner and victim of crime. To our misfortune, public could notice certain irritating weak spots in the justice system and its administration. For example:

Delay justice & human rights

The sanity of public wisdom construed delayed justice as denial of justice. For some reason or other, this malady has been continuing in our independent country not out

of poverty of knowledge but owing to redundancy of Knowledge. First and foremost there is acute inadequacy of courts and infrastructural facilities and sufficient number of judges. One of the eminent members of the bar made a blistering comment that 'to tackle the issue of arrears, "to appoint less number of judges and more competent judges". The report of the Arrears Committee appointed by the Government of India (1989-1990) made a very pertinent observation."The failure on the part of the Executive to produce adequate number of competent judges from time to time has substantially contributed to the mounting arrears." Computerization of court system LokAdalat disposals, effective use of recent amendments to C.P.C and co-operation of lawyers and court staff may go a long way in curbing the menace of delays injustice system. Further the presiding officers in courts should be adequately trained. To ensure competence there should be a proper selection, freedom of action training, motivation and experience. In the Supreme Court and the high courts, judgments should ordinarily be delivered not later than ninety days from the conclusion of the case. Justice may be delivered not only by the Courts organization but also by the Legislature in enacting laws in conformity with the spirit and significance of the Constitutional philosophy, particularly the perambulatory message paired with the Directive Principal of state policy, and the Executive through earnest implementation of the laws Of course, judiciary is ordained with the primordial obligation to render and serve justice to the makers of our constitution i.e. Indians who include the 'the poor little Indians' too. Justice is not the monopoly and exclusive jurisdiction of the Court system alone. But in the course of discharge of functions by the state units, judiciary which is also an ingredient of the state is juxtaposed, but not superimposed to act as an incisive instrument of "Check and Balance"

Important movement

The political landscape of India in the last 20years presents "a million mutinies". In every region and state small and large people's movements have emerged to fight back the appropriation of their own governments and larges national and international corporations. Important illustrative public movements that have been consolidated into effective 'Social Movements' projected through 'Human Rights Plan are referred to here

A) In the North-East and Northern Region

Struggle against Pahladia dam in Assam and the privatization of water resources.

- People movement in Doyang and Tongani, Assam against forcible eviction from forests.
- Struggle against the Tipiamukh Multipurpose Hydro Project in Manipur. Northern Region.
- Anti Coca-Cola struggle in Mehdiganj, near Varanasi in Uttar Pradesh.

- Struggle against privatization of water, Delhi- Farmers protest against Reliance SEZ in Jhajjar, Haryana.- Farmers Struggle against land acquisition for Trident SEZ in Barnala Punjab

(B) In the Eastern Region

- Struggles in Kashipur, Gopalpur, Kalinganagar (Orissa) against displacement.- Struggles in Singur and Nandigram (West Bengal)against SEZs and displacement.- Adivasi struggles in Jadugoda against uranium mining and displacement.- People's movement against the construction of Koel-Karo Hydro- Power Project (80 kms from Ranchiuder) the Koel-Karo Jan Sanghathan thathas stalled the implementation of the project for over three decades.

(C) In the Southern and Western Region

- Struggle against Coca-Cola in Plachimanda, Kerala - holding Coca-Cola accountable for water shortages, and pollution in the area the community forced the Coca Cola bottling plant to shut down in March 2004. Spear-headed by Coca Cola VirudhaSamara Samiti.- Muthanga Forest Land Struggle, Waynad, Kerala-Led Farmers' rally against Reliance SEZ in Navi Mumbai (Frontline) 11 by Adivasi Gothra Sabha(AGS) and its leader C K Janu for Tribal land rights.- Farmers protest against land acquisitions for Bangalore-Mysore Highway, Karnataka.- People's struggles against mining of Krishna Riverby the Reliance Group, Western and Central India.- Dalit struggle for Gairan (grazing) land in Marathawada region, Maharashtra, under thejameen Adhikar Andolan.- Farmers protest against SEZ in Raigad, against landacquisition by Reliance in Greater Mumbai.- Farmers (26) Gaon Bachao Sangharsh Samiti protest SEZ in Raigad, against land acquisition by Indiabulls.- Fishermen's struggle against the proposed gigantic port at Umbergaon.- Anti-Coca-Cola agitation in Kaladera, Rajasthan by jan Sangharsh Samiti-Narmada Bacho Andolan for over 20 years has opposed big dams, displacement of people and brought issue of rehabilitation, justice and ills of mega projects into the main stream.- Against Privatization of Shivnath river in Chhatt isgarh, National Alliance of People's Movements the all India Youth Federation, the Nadi Ghati Sangharsha Samiti and the Chhattisgarh MuktiMorcha have been uniting people living along the river to oppose the privatization 23.6 km length of Shivnath River has been sold to the radius water company.On may 15, 2010 the police fired rubber bullets and tear gas shells and lathi charged hundreds of villagers staging a dharna on the road at Balitutha in Jagatsinghpur district of Orissa to clear all hurdles against land acquisition and allotment of mines to Posco at the earliest as committed by the government To help the administration acquire land for the steel project - Posco - police mercilessly beat up the villagers injuring more than 100 including any women from Dhinkia and nearby village, (The Hindu, May 16, 2008).

(D) Evolution of the NGO movement

In India for protection of Human Rights is relatively new for India However as stated earlier their substantive roles have been performed in the past by local organizations registered under the societies registration Act 1860. A NGO can be broadly defined as an organizations that is not part of the local, state, or federal government. The auspicious increase in the number of human rights NGO in India after the Emergency of 1975 was result of the human rights abuses perpetrated by the Government and its agent during this time. This included the emergence and mobilization of groups and institutions new social movements led by these NGO. These movements have succeeded in creating an impact among a cross section of people in India.

(E) The National Human Rights Commission

In India was established under the protection of human rights Act 1993. Defining the human rights as the rights of life liberty equality and dignity of the individual guaranteed by the constitution. The NHRC of India was the first such commission to be constituted in the south Asian region its constitution was essentially a consequence of mounting international pressure and criticism of the government apathy towards human rights issues. The NHRC may inquire into and investigate complaints of human rights violations their abetment or negligence in the prevention of such violations by a public servant .Such inquiry may be undertaken through its own initiative(suo motu).or based on a petition presented by a victim or any person on his/her behalf. The suo motu powers are particularly relevant in situations that involve persons belonging to marginalized sections of the society. Who donot have the financial or social resources to lodge individual complaints. A NHRC may intervene with the court permission in proceedings involving human rights violations. The NHRC can undertake inspections and make recommendations on living conditions in jails and others institutions. It may also monitor existing legal and constitutional mechanisms for protecting human rights and measure for their effective implementation and suggest mechanisms that ought to be instituted to better protect human rights.

Any individuals who has suffered human rights violations can approach the NHRC to lodge complaint which may be done in any language.

Conclusion

Human rights are those rights which belong to an individual as a consequence of being human. They are based on elementary human needs .These rights are associated with traditional concept of natural law. Human rights are worldwide rights it cannot bind by any particular country. A democratic society is one where the govt. and the citizens come together to create a open society where there is maximum and effective public participation. Prof. Upendra Baxi human rights philosophy is not the gift or the west for the rest of the world and those who are included to preserve the cultural treasure that human rights are western gift. This research paper include some important topics like delay justice and human rights movements ---struggle against privatization of water, people movement against the construction of koel karo hydro power project, farmer protest against land acquisition for Bangalore and Mysore highway, *Narmada bachao andolan* and so on. In the end we can be said that any individual suffered human rights violations can approach with the help of different movements to NHRC for complaint.

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