



## **Human Rights Violations: A Global and Indian Perspective**

---

**Dr Pradeep Kumar Kashyap**

**Principal, Sankalp Institute of Law, Ghaziabad**

---

### **Abstract**

Human rights embody the moral and legal framework that upholds human dignity, equality, and freedom. Despite their universal recognition since the adoption of the *Universal Declaration of Human Rights (UDHR)* in 1948, violations persist in every region of the world. From conflicts in Ukraine and Gaza to repression in Myanmar and surveillance abuses in modern democracies, the gap between normative commitment and actual protection remains alarming.

This research paper examines human-rights violations through a global and Indian lens. It employs doctrinal and comparative legal methods to evaluate the historical foundations, institutional responses, and socio-political determinants of rights abuses. In the Indian context, the analysis focuses on marginalized groups, gender discrimination, custodial violence, digital privacy, and environmental justice.

Findings reveal that while international and constitutional mechanisms such as the United Nations Human Rights Council (UNHRC) and India's National Human Rights Commission (NHRC) provide a strong normative base, enforcement is hindered by political constraints, under-reporting, and inadequate awareness. The study concludes that sustainable human-rights protection requires a blend of legal reform, civic education, and institutional integrity, supported by global solidarity and ethical governance.

### **Keywords**

Human Rights · UNHRC · NHRC · India · Fundamental Rights · Equality · Justice · International Law · Digital Privacy · Gender Justice · Human Dignity

### **Introduction**

Human rights are the cornerstone of modern civilization, symbolizing the collective conscience of humanity. They emerged from centuries of struggle against tyranny, colonization, and discrimination. The Magna Carta (1215), the American Bill of Rights (1791), the French Declaration of the Rights of Man (1789), and the Indian freedom movement each contributed to the global realization that dignity and liberty are inherent to all persons.

After the devastation of World War II, the establishment of the *United Nations (UN)* marked a paradigm shift. The adoption of the *UDHR (1948)* created a moral charter for global justice. Subsequent instruments the *International Covenant on Civil and Political Rights (ICCPR, 1966)* and the *International Covenant*

on Economic, Social and Cultural Rights (ICESCR, 1966) codified these ideals into binding law. Together, they form the **International Bill of Rights**.

Despite these developments, human-rights violations persist across multiple domains: armed conflicts, gender oppression, racial discrimination, and digital exploitation. Amnesty International (2024) documents escalating abuses in war-torn regions and even within established democracies where surveillance technologies threaten privacy.

In India, the Constitution enshrines an elaborate system of **Fundamental Rights** (Part III) and **Directive Principles of State Policy** (Part IV), forming a comprehensive charter of liberty and justice. The Supreme Court has interpreted these rights expansively in cases like *Kesavananda Bharati v. State of Kerala* (1973), *Maneka Gandhi v. Union of India* (1978), and *K.S. Puttaswamy v. Union of India* (2017).

Yet violations persist ranging from custodial deaths and discrimination to violations of privacy and freedom of expression. Thus, human rights in India must be studied not only as constitutional ideals but also as living realities shaped by politics, economics, and social structures.

This research seeks to explore:

1. The theoretical foundations and evolution of human rights.
2. The global and Indian institutional frameworks for protection.
3. Patterns, causes, and implications of human-rights violations.
4. Possible reforms and strategies for effective enforcement.

## Material and Methods

### Research Design

This study uses **doctrinal, descriptive, and analytical** methods. It relies primarily on constitutional provisions, statutes, treaties, and judicial decisions, complemented by secondary sources such as academic commentary, UN reports, and human-rights indices.

### Primary Sources

- *Universal Declaration of Human Rights* (1948).
- *ICCPR* (1966) and *ICESCR* (1966).
- *Convention on the Elimination of Discrimination against Women* (1979).
- *Convention against Torture* (1984).
- *The Constitution of India*, 1950.
- Landmark Supreme Court Judgments:
  - *Kesavananda Bharati v. State of Kerala* (1973).

- *Maneka Gandhi v. Union of India* (1978).
- *D.K. Basu v. State of West Bengal* (1997).
- *K.S. Puttaswamy v. Union of India* (2017).
- *Navtej Singh Johar v. Union of India* (2018).

## Secondary Sources

- Annual Reports of UNHRC and NHRC (2023–24).
- *Amnesty International World Report 2024*.
- Texts by D.D. Basu, V.N. Shukla, H.M. Seervai, and Jack Donnelly.
- Journals: *Human Rights Quarterly*, *Indian Journal of Constitutional Law*, *Economic & Political Weekly*.

## Research Objectives

1. To identify causes and patterns of human-rights violations globally and in India.
2. To evaluate the effectiveness of institutional mechanisms.
3. To suggest legal and policy reforms.

## Analytical Approach

A **comparative and interdisciplinary** lens is used, integrating legal analysis with sociological and ethical insights. Statistical data from UNDP, NHRC, and NCRB help contextualize trends.

## Result

### 1. Global Trends in Human-Rights Violations

Contemporary conflicts illustrate persistent failures of international norms.

- **Ukraine Conflict (2022–present):** UN reports (2024) confirm systematic targeting of civilians, unlawful detentions, and forced deportations violations of the *Geneva Conventions (1949)*.
- **Myanmar Military Coup (2021):** Thousands detained and extrajudicial killings documented by UN Special Rapporteurs.
- **Gaza and West Bank:** Escalating civilian casualties highlight gaps in humanitarian enforcement despite ICC investigations.

- **Iran and Afghanistan:** Suppression of women's rights through legal and physical violence contradicts CEDAW obligations.
- **China's Digital Surveillance:** Mass monitoring in Xinjiang raises concerns under ICCPR Articles 17 and 19.

According to the **UN Human Development Report (2024)**, nearly **1 in 6 people worldwide** live under severe rights restrictions reflecting regression in global democratic norms.

## 2. Human Rights Violations in India

India's democratic Constitution provides robust guarantees, yet implementation gaps persist.

### a) Custodial Violence and Police Brutality

Despite *D.K. Basu guidelines*, custodial deaths average **150 per year** (NCRB 2023). Lack of accountability and delayed trials remain obstacles.

### b) Gender and Sexual Minority Rights

*Vishaka v. State of Rajasthan* (1997) established workplace safeguards; *Navtej Johar* (2018) decriminalized homosexuality. However, sexual violence and social stigma continue, highlighting enforcement deficits.

### c) Rights of Marginalized Communities

Dalits, Adivasis, and migrants face exclusion in land, education, and employment. The *Scheduled Castes and Tribes (Prevention of Atrocities) Act 1989* offers protection, but conviction rates remain below 35%.

### d) Digital Privacy and Freedom of Expression

The *Puttaswamy* (2017) judgment affirmed privacy as fundamental, yet surveillance concerns persist under the *Information Technology Rules (2021)*. The *Shreya Singhal* (2015) decision struck down Section 66A IT Act, reaffirming free speech.

### e) Environmental and Developmental Rights

Projects displacing indigenous populations without consent contravene Article 21's environmental dimension (*M.C. Mehta cases*). Climate change now threatens the right to life and health.

## 3. Institutional Responses

**National Human Rights Commission (NHRC)** investigates complaints and recommends compensation. Between 2019–2023, it registered over 300,000 cases, with a 75% disposal rate. However, lack of binding powers weakens its impact.

**Judiciary:** Expansive interpretation of rights through *Public Interest Litigation (PIL)* has democratized access to justice (*Bandhua Mukti Morcha*, 1984).

**Civil Society and Media:** NGOs like PUCL and Amnesty India expose violations, though shrinking civic space and regulatory pressures pose challenges.

## Discussion

### 1. Theoretical Context and Evolution

Human rights are founded upon the principles of natural law, asserting that certain entitlements arise from humanity itself. Thinkers such as Locke, Rousseau, and Kant emphasized liberty, equality, and moral autonomy as inherent to the human condition. After World War II, positivist scepticism gave way to international legal recognition through the *UN Charter (1945)* and *UDHR (1948)*, signalling the convergence of morality and law.

The concept has since evolved from **first-generation rights** (civil and political) to **second-generation** (socio-economic) and **third-generation** or collective rights (development, environment, peace). This multidimensional evolution demands holistic state responsibility protecting freedom while ensuring welfare.

### 2. Causes of Human-Rights Violations

Human-rights violations rarely stem from isolated acts; they result from structural inequalities and political distortions:

- **Authoritarianism:** Concentration of power weakens institutional checks, leading to censorship, detention, and extrajudicial killings.
- **Economic Inequality:** Poverty and unemployment undermine socio-economic rights, making marginalized groups vulnerable.
- **Armed Conflicts and Terrorism:** Civil wars in Africa, the Middle East, and parts of Asia produce massive civilian displacement and humanitarian crises.
- **Technological Exploitation:** Surveillance capitalism and data misuse threaten privacy and autonomy.
- **Cultural Patriarchy:** Gender discrimination remains entrenched despite legal reforms.

In India, many violations emerge from bureaucratic apathy, political interference, and delayed justice.

### 3. Human-Rights Institutions and Their Effectiveness

Globally, several mechanisms exist to enforce accountability:

- **United Nations Human Rights Council (UNHRC):** Reviews member-state compliance through Universal Periodic Reviews (UPR) and appoints Special Rapporteurs.

- **International Criminal Court (ICC):** Prosecutes genocide, war crimes, and crimes against humanity.
- **Regional Systems:** European Court of Human Rights (ECHR), Inter-American Commission, and African Charter mechanisms.

In India:

- **National Human Rights Commission (NHRC)**—established 1993—investigates abuses and advises government.
- **State Human Rights Commissions (SHRCs)** extend outreach at local levels.
- **Judiciary** ensures enforcement through judicial review.

However, institutional independence is often compromised by political control, inadequate budgets, and lack of enforcement powers.

#### 4. Judicial Activism and Expanding Horizons of Rights

Indian constitutional jurisprudence demonstrates remarkable judicial creativity.

- *Maneka Gandhi v. Union of India (1978)* broadened the concept of personal liberty under Article 21.
- *Olga Tellis v. Bombay Municipal Corporation (1985)* linked right to livelihood with right to life.
- *Vishaka v. State of Rajasthan (1997)* created workplace-harassment guidelines.
- *Navtej Singh Johar v. Union of India (2018)* affirmed sexual autonomy and dignity.
- *K.S. Puttaswamy v. Union of India (2017)* recognized privacy as a fundamental right.

Through *Public Interest Litigation (PIL)*, the Supreme Court converted constitutional morality into social reality—empowering the poor and marginalized.

#### 5. Globalization, Technology, and Emerging Challenges

While globalization has connected economies, it has also globalized exploitation. Supply-chain labour abuses, digital surveillance, and cyber-harassment reveal new forms of inequality.

- **Surveillance & Data Privacy:** Governments justify digital monitoring under national-security concerns, yet mass surveillance infringes liberty.
- **Artificial Intelligence (AI):** Algorithmic bias may perpetuate discrimination, calling for AI-ethics frameworks.
- **Climate Change:** Environmental degradation directly violates the right to health and livelihood.

- **Migration & Refugees:** Conflicts in Ukraine, Myanmar, and Sudan have displaced millions; international asylum regimes remain strained.

The digital age thus necessitates new interpretations of rights consistent with dignity and transparency.

## 6. Human-Rights Violations and Marginalized Groups in India

India's socio-economic diversity generates unique human-rights concerns:

- **Scheduled Castes and Tribes:** Despite constitutional safeguards (Articles 15, 17, 46), caste-based violence persists.
- **Women:** Crimes such as trafficking and domestic violence expose patriarchal structures. The *Nirbhaya* case (2012) triggered reforms yet challenges endure.
- **Children:** Right to education (Article 21-A) and protection from labour demand strict enforcement.
- **LGBTQ+ Community:** *Navtej Johar* dismantled legal discrimination; social inclusion remains incomplete.
- **Religious Minorities:** Incidents of intolerance threaten secular harmony envisioned by the Preamble.
- **Differently Abled Persons:** Implementation of the *Rights of Persons with Disabilities Act (2016)* is uneven.

Each of these areas calls for stronger institutional and societal accountability.

## 7. Role of Media and Civil Society

The media acts as a watchdog, exposing violations and shaping public discourse. Investigative journalism has uncovered custodial deaths, environmental hazards, and corruption. Civil-society organizations such as People's Union for Civil Liberties (PUCL) and Amnesty India play crucial roles in advocacy, litigation, and awareness.

However, shrinking civic space—through regulatory constraints, defamation suits, and online harassment—undermines democratic oversight. Free media and active NGOs are indispensable for human-rights protection.

## 8. Education and Human-Rights Literacy

A sustainable human-rights culture depends on education. UNESCO's *World Programme for Human Rights Education* emphasizes integrating rights-based values in curricula. In India, NCERT textbooks and university syllabi now include modules on gender sensitivity,

environment, and digital ethics. Empowering youth through knowledge nurtures empathy, tolerance, and social responsibility essential antidotes to prejudice and violence.

## 9. Statistical Overview (2018–2024)

- **UNHCR (2024):** 110 million forcibly displaced worldwide the highest on record.
- **Amnesty International (2024):** 64 countries recorded restrictions on free expression.
- **NHRC India (2023):** Over 90,000 complaints received; 70 percent related to police excesses and rights of women and children.
- **Global Gender Gap Report (2024):** India ranks 127 of 146, highlighting persistent inequality.

These figures underline both progress and enduring deficits in rights protection.

## 10. Toward a Culture of Accountability

Accountability requires transparent governance, independent judiciary, and citizen vigilance.

- **Legal Reforms:** Ratify the *Convention against Torture*; strengthen witness-protection laws.
- **Institutional Strengthening:** Grant NHRC binding powers and adequate funds.
- **Technological Governance:** Establish national data-protection standards and cyber-ethics councils.
- **International Cooperation:** Support UN peacekeeping and adopt transnational justice mechanisms.

## Conclusion

Human-rights protection represents the highest test of civilization. Despite robust legal frameworks, violations persist because of systemic inequities and weak implementation. Globally, armed conflicts, populism, and technological misuse erode humanitarian values. In India, constitutional ideals of liberty and equality remain challenged by social hierarchies, administrative inertia, and economic disparity.

To realize the constitutional promise, India must:

1. Reinforce the independence of rights institutions and judiciary.
2. Ensure accountability of state authorities through transparent investigations.
3. Promote human-rights education at all levels.
4. Integrate privacy and digital ethics into governance models.
5. Strengthen collaboration with international organizations to address cross-border issues.

Ultimately, human rights cannot rely solely on law; they thrive on moral conviction. As Dr. B.R. Ambedkar envisioned, constitutional morality must guide political and social behaviour. Only when law, governance, and conscience align will humanity fulfil the universal pledge of dignity and justice for all.

## References

- Amnesty International. (2024). *World Report 2024: The State of the World's Human Rights*. Amnesty Publications.
- Basu, D. D. (2023). *Introduction to the Constitution of India* (27th ed.). LexisNexis.
- Donnelly, J. (2013). *Universal Human Rights in Theory and Practice* (3rd ed.). Cornell University Press.
- Government of India. (1950). *The Constitution of India*. Ministry of Law and Justice.
- NHRC India. (2023). *Annual Report 2023*. National Human Rights Commission.
- Seervai, H. M. (2013). *Constitutional Law of India* (Vols. I–III). Universal Law Publishing.
- Shaw, M. N. (2017). *International Law* (8th ed.). Cambridge University Press.
- Supreme Court of India. (1973). *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.
- Supreme Court of India. (1978). *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.
- Supreme Court of India. (1997). *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610.
- Supreme Court of India. (2017). *K.S. Puttaswamy v. Union of India*, AIR 2017 SC 4161.
- Supreme Court of India. (2018). *Navtej Singh Johar v. Union of India*, AIR 2018 SC 4321.
- United Nations Development Programme (UNDP). (2024). *Human Development Report 2024*. UNDP Press.
- United Nations Human Rights Council (UNHRC). (2024). *Annual Review of Global Human Rights Trends*.
- Warren, S., & Brandeis, L. (1890). *The Right to Privacy*. *Harvard Law Review*, 4(5), 193–220.