

## HUMAN RIGHTS IN CHANGING SCENARIO OF INDIA: AN OVERVIEW

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### **Abstract**

*The constitution of India implemented many acts through parliament of India in 21<sup>st</sup> century and witness to a growing recognition of the place and relevance of human rights. In this article few acts are discussed. They are Whistle Blowers Protection Act, 2011 (provides a mechanism to investigate alleged corruption and misuse of power by public servants), The Protection of Children from Sexual Offences Act, 2012 (gender neutral with respect to pornography, the act criminalizes even watching or collection of pornographic content involving children), National Food Security Act, 2013 (aims to provide subsidized food grains to approximately two thirds of India's 1.2 billion people), Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (regulate street vendors in public areas and protect their rights) and Undisclosed foreign Income and Assets (Imposition of tax) Bill, 2015 (aims to curb black money, and penalty on such income). As far as the concept of human rights are concerned the challenges are to make the people aware of judicial systems, prepare them for political participation, create opportunity for equality, and etc,*

**Keywords:** *Human rights, constitution of India, protection act, disclose, violation, complainant*

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### **Introduction**

The constitution of India provides many fundamental rights. The situation of human rights in India is a complex one, as a result of the country's large size and tremendous diversity, its status as a developing country and a sovereign, secular, democratic republic, and its history as a former colonial territory. Although human rights problem do exist in India, the country is generally not regarded as a human rights concern, unlike other countries in south Asia. Based on these considerations, the report freedom in the world 2006 by freedom house gave India a political right of rating of 2, and a civil liberties rating of 3, earning it the designation of free (Tiwari, R.K, 2011).

In India, the 21<sup>st</sup> century has been witness to a growing recognition of the place and relevance of human rights. Population policies have been contested terrain, with

the experience of the emergency acting as a constant backdrop. 'Women's rights are human rights' has demanded a reconstruction of the understanding of human rights as being directed against action and inaction of the state and agents of the state. The recognition of inequality, and of violation of the basic rights of the affected people, has resulted in growing interaction between local communities and activists from beyond the affected region, and the articulation of the rights and the injuries has been moulded in the process of this interaction. The constitution of India implemented many acts through parliament of India in 21<sup>st</sup> century. Among them few important acts are followed;

### **Whistle Blowers Protection Act, 2011**

It is an act in the parliament of India which provides a mechanism to investigate alleged corruption and misuse of power by public servants and also protect anyone who exposes alleged wrong doing in government bodies, projects and offices. The wrong doing might take the form of fraud, corruption or mismanagement. The act will also ensure punishment for false or frivolous complaints. In legal terminology a whistle blower is a person who raises his voice against any illegal act done by another person or the one who reports an act of corruption. This act enables any person who may be a whistle blower to report an act of corruption or to report against those who misuse their power or discretion or to report an act against criminal offence done by a public servant. The word public servant here shall include Ministers, Members of Parliament, the Lower Judiciary, Regulatory authority, and Central and State Government employees (Section-30). The act was approved by the Cabinet of India as part of a drive to eliminate corruption in the country's bureaucracy and passed by the Lok Sabha on 27 December 2011. The Bill was passed by Rajya Sabha on 21 February 2014 and received the President's assent on 9 May 2014.

The act seeks to protect whistle blowers, i.e., Persons making a public interest disclosure related to an act of corruption, misuse of power or criminal offense by a public servant. Any public servant or any other person including a non-governmental organization may make such a disclosure to the Central or State Vigilance Commission. Every complaint has to include the identity of the complainant.

The Vigilance Commission shall not disclose the identity of the complainant except to the Head of the Department if he deems it necessary. The act penalizes any person who has disclosed the identity of the complainant. The act prescribes for knowingly making false complaints. The whistle blowers have been given protection in India by certain rules and regulations both in public and private sector but still they are not able to reveal what they can because of fear in mind. However there have been amendments which restrict whistle blowers to reveal acts such as disclosures of any public interest matters if it benefits the country and also prohibits the disclosure of acts mentioned under official secrets act.

## **The Protection of Children from Sexual Offences Act, 2012**

This act provides for a variety of offenses under which an accused can be punished. It defines a child as a person under age of 18 years. It encompasses the biological age of the child and silent on the mental age considerations. It recognizes forms of penetration and criminalizes acts of immodesty against children too. The act is gender neutral with respect to pornography, the act criminalizes even watching or collection of pornographic content involving children. The act makes abetment of child sexual abuse an offense.

The Parliament of India passed the 'Protection of Children against sexual offences Bill, 2011 regarding child sexual abuse on May 22, 2012 into act. The rules formulated by the government in accordance with the Law have also been notified on the November 2012 and the Law has become ready for implementation. 53% of children in India face some form of child sexual abuse. The act stipulates that a case of child sexual abuse must be disposed of within one year from the date the offence is reported. The act also provides for mandatory reporting of sexual offences. This casts a legal duty upon a person who has knowledge that a child has been sexually abused to report the offence; if he fails to do so he may be punished with six months imprisonment and / or a fine.

## **National Food Security Act, 2013 (NFSA)**

National food security is an act of the Parliament of India which aims to provide subsidized food grains to approximately two thirds of India's 1.2 billion people. It was signed into law on 12 September 2013, retroactive to 5 July 2013. This act converts into legal entitlements for existing food security programmes of the Government of India. It includes the Midday Meal Scheme (MMS), Integrated Child Development Services Scheme (ICDS) and the Public Distribution System (PDS). Further the NFSA 2013 recognizes maternity entitlements. The Midday Meal Scheme and the Integrated Child Development Services Scheme are Universal in nature whereas the public distribution system will reach about two-thirds of the population (75% in rural areas and 50% in Urban Areas). Under the provisions of the bill, beneficiaries of the public distribution system are entitled to 5 kilograms per person per month of cereals.

Pregnant women, lactating mothers and certain categories of children are eligible for daily free cereals. The bill was introduced into India's parliament on 22 December 2011, promulgated as a presidential ordinance on 5 July 2013 and enacted into law on 12 September 2013. Odisha Government implemented food security bill in 14 districts from 17 November 2015. Assam Government implemented act on 24 December 2015. Food Security means availability of sufficient food grains to meet the domestic demand as well as access at the individual level to adequate quantities of food at affordable prices. The proposed legislation marks a paradigm shift in addressing the problem of food security from the current welfare approach to a right based

approach. In a country where almost 40% of children are under nourished the important of the scheme increases significantly.

### **Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014**

The Parliament of India enacted to regulate street vendors in public areas and protect their rights. It was introduced in the Lok Sabha on 6 September 2012 by the Union Minister of Housing and Urban Poverty and passed by the Rajya Sabha on 19 February 2014. The act came into force from 1 May 2014. According to the Ministry of Housing and Urban Poverty Alleviation there are 10 million street vendors in India with Mumbai accounting for 2,50,000, Delhi has 4,50,000, Kolkata more than 1,50,000 and Ahmadabad 1,00,000.

Most of the Vendors are immigrants or lay-off workers work for an average 10 to 12 hours a day and remain impoverished. In India, street vending makes up 14% of total urban informal employment. Inappropriate license ceiling in most cities like Mumbai which has a ceiling 14,000 licenses, means more vendors hawk their goods illegally, which also makes them prone to the bribery and extortion culture under local police and municipal authority besides harassment, heavy fines and sudden evictions. Over the years the street vendors have organized themselves into trade unions and associations, and numerous NGOs have started working for them. The national Association of street vendors of India (NASVI) based in Delhi is a federation of 715 street vendor organizations, trade unions and non-governmental organizations (NGOs).

Some notifications are registered under this act, few of them are followed a) all street vendors will be accommodated in a designated vending zone. In case, all the vendors cannot be accommodated in the same vending zone, allocation of space will be made by drawing of lots, b) all street vendors above 14 years of age will be granted a certificate of vending, c) the certificate may be cancelled if the vendor breaches the conditions of the certificate. d) there will be a town committee in each zone or ward of the local authority, e) a vendor who vends without a certificate of vending or a vendor who contravenes the conditions laid down in the certificate may be penalized with a fine which may extend up to two thousand rupees.

### **Undisclosed foreign Income and Assets (Imposition of tax) Bill, 2015**

It is an act of the parliament of India and aims to curb black money, or undisclosed foreign income and assets (imposes tax) and penalty on such income. The act has been passed by both the houses of the Parliament and received the assent of the President of India on 26 May 2015. It came into effect from 1 July 2015. An act to make provisions to deal with the problem of the Black Money that is undisclosed foreign income and assets, the procedure for dealing with such income and assets and to provide for imposition of tax on any undisclosed foreign income and asset held outside India and for matters connected therewith or incidental there to.

Black money act has 88 sections and 7 chapters and It applies to all persons who are 'Resident and Ordinarily Resident' in India. 'Undisclosed asset located outside India' means an asset (Including financial interest in any entity) located outside India, held by assesses in his name or where he is a 'beneficial owner', he has no explanation about the source of investment in such asset; the explanation given by him is in the opinion of the assessing officer unsatisfactory. Undisclosed foreign income or assets shall be taxed at the flat rate of 30%. No exemption or deduction or set off of any carried forward losses which may be admissible under the existing Income Tax act 1961, shall be allowed. The penalty for non-disclosure of income or an asset located outside India will be equal to three times the amount of tax payable thereon i.e., 90% of the undisclosed income. This is in addition of tax payable at 30%.

The bill proposes enhanced punishment for various types of violations. The punishment for willful attempt to evade tax in relation to a foreign income or an asset located outside India will be rigorous imprisonment from 3 years to 10 years. The bill also provides a onetime compliance opportunity for a limited period to persons who have any undisclosed foreign assets which have hitherto not been disclosed for the purposes of income tax. Such persons may file a declaration before the specified tax authority within a specified period, followed by payment of tax at the rate of 30% and an equal amount by way of penalty. Such persons will not be prosecuted under the stringent provisions of the new act. It is merely an opportunity for persons to come clean and become complaint before the stringent provision of the new act came into force.

### Summary

Now a day the awareness of human rights brings about a certain awakening and other generates courage of depressed to stand up for their own rights. As far as the concept of human rights are concerned the challenges are to make the people aware of judicial systems, prepare them for political participation, create opportunity for equality, prepare them for self-governance to guarantee rights to traditional natural resources provide them land rights etc., In today's globalizing world, the concerns of indigenous people can no longer be ignored or suppressed. They have become better organized and capable of demanding equality in sharing benefits from development projects and they are searching for ways to overcome obstacles to the eradication of their poverty and underdevelopment.

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