



Human Rights Report on India 2021: US

For Prelims: Human Rights Report on India 2021, Universal Declaration of Human Rights, Fundamental Rights, DPSP, National Human Rights Commission.

For Mains: Human Rights and Human Rights Related Provisions In India, Current Scenario of Human Rights in India.

Why in News?

Recently, the US State Department released a strong and critical report on [human rights in India in 2021](#).

- The report is **submitted each year to the US Congress** which is **retrospective and contains a country-wise discussion** of the state of internationally recognised individual, civil, political and worker rights, as set forth in the [Universal Declaration of Human Rights](#) and other international agreements.
- In December 2021, data related to human rights violations in states was provided by the Ministry of Home Affairs in [Rajya sabha](#).

What are the Key Highlights of the Report?

- **Arbitrary Arrest and Detention:**
 - Indian law **“prohibits arbitrary arrest and detention** but both occurred during the year”, with police using “special security laws to postpone [judicial reviews](#) of arrests”.
 - Pretrial detention was **arbitrary and lengthy**, sometimes exceeding the duration of the sentence given to those convicted.
- **Violations of Privacy:**
 - Citing media reports on journalists being targeted for surveillance through the [Pegasus malware](#), the report **flagged violations of privacy by government authorities**, “including the use of technology to arbitrarily or unlawfully surveil or interfere with the privacy of individuals”.
- **Curbs on Free Expression and Media:**
 - The report **highlighted instances in which the government or actors** considered close to the government **allegedly pressured or harassed media outlets** critical of the government, including through online trolling.
 - It detailed the government’s order of February, 2021 directing Twitter to block accounts of journalists covering protests against the three (later repealed) [farm laws](#).
- **On Freedom of Association:**
 - The report **highlighted the cases of Amnesty International India**, whose assets were frozen by the [Enforcement Directorate](#), and the suspension of the [Foreign Contribution \(Regulation\) Act \(FCRA\)](#) license of [Commonwealth Human Rights Initiative \(CHRI\)](#) for alleged violations.

What are Human Rights?

- **About:**
 - These are **rights inherent to all human beings**, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.
 - These include the **right to life and liberty, freedom from slavery and torture**, freedom of opinion and expression, the right to work and education, and many more.
 - **Nelson Mandela had stated** 'To deny people their human rights is to challenge their very humanity'.
- **Human Rights Related Provisions in India:**
 - **Enunciated in the Constitution:**
 - **Fundamental Rights: Articles 12 to 35** of the Constitution. These include the Right to Equality, Right to Freedom, Right Against Exploitation, Right to Freedom of Religion, Cultural & Educational Rights, Saving of Certain Laws and Right to Constitutional Remedies.
 - **Directive Principles of State Policy:** Article 36 to 51 of the Constitution. These include 'right to social security, right to work, to free choice of employment, and protection against unemployment, right to equal pay for equal work, right to existence worthy of human dignity, right to free & compulsory education, equal justice & free legal aid and the principles of policy to be followed by the State.
 - **Statutory Provisions:**
 - **Protection of Human Rights Act (PHRA), 1993** (as amended in 2019) provided for the constitution of a **National Human Rights Commission** at the Union level, which steers State Human Rights Commission in States and Human Rights Courts for better protection of Human Rights and for matters connected therewith or incidental thereto.
 - **Section 2(1)(d) of the PHRA defines Human Rights** as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.
 - India took an active part in drafting of the **Universal Declaration of Human Rights (UDHR)**.
 - These **30 rights and freedoms include civil and political rights**, like the right to life, liberty, free speech and privacy and economic, social and cultural rights, like the right to social security, health and education, etc.

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Q. Other than the Fundamental Rights, which of the following parts of the Constitution of India reflect/ reflects the principles and provisions of the Universal Declaration of Human Rights (1948)? (2020)

1. Preamble
2. Directive Principles of State Policy
3. Fundamental Duties

Select the correct answer using the code given below:

- (a) 1 and 2 only
- (b) 2 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans: (d)

- The Universal Declaration of Human Rights (UDHR), adopted and proclaimed by the United Nations General Assembly (UNGA) in 1948, establishes the equality and dignity of every human being and stipulates that every Government has a core duty to enable all people to enjoy all their inalienable rights and freedoms.

- **Preamble:** The objectives of Preamble such as **Justice (social, economic, and political), Equality and Liberty also reflect the principles of UDHR.**
- **Directive Principles of State Policy (DPSP):** Provided under Articles 36 to 51, DPSPs are the principles that aim at providing social and economic justice and set the path towards the welfare state. These DPSP act as obligation on state and are in consonance with human rights. Some of the DPSP that are in sync with human rights are as follows:
 - Article 38: Promoting the welfare state.
 - Article 39: Minimizing inequalities.
 - Article 39A: Free legal aid.
 - Article 41: Supporting vulnerable sections of society like unemployed, sick, disabled and old age persons.
 - Article 43: Securing living wage.
- **Fundamental Duties (Article 51A):** These are basically civic and moral obligations of all citizens of India. As of now, there are 11 fundamental duties in India, which are written in Part IV A of the Constitution. Article 51A (k) talks about providing opportunities for education to the child between the age of 6 and 14 years by the parents or guardian. This aspect somehow relates to ensuring dignity.

[Source: TH](#)

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