

Human Rights Movement in India : The Constitutional Ideals to Grassroots Activism

Pradip Karmakar *

Received: 15 March 2026 / Revised: 30 March 2026 / Accepted: 30 March 2026
Published: 31 March 2026 Journal homepage: <https://anubodhan.org>

Abstract

The complete development of personality is necessary for the overall happiness and well-being of the individual. A supportive social environment is necessary for the self-realization or development of personality of the individual. If such a favorable social environment can be created, the opportunity for the enjoyment of individual rights will be created. The main objective of the United Nations is to establish peace and security in the international arena. In order to implement this objective, the recognition of human rights is absolutely necessary for the people of the world. Because peace cannot be established without the recognition of rights. Therefore, the recognition of human rights is absolutely essential for the sake of world peace and security. In order to create an atmosphere of peace throughout the world, the wishes and initiatives of the peace-loving people of the world are necessary. And it is possible only on the basis of the overall recognition of the fundamental rights and universal freedoms of mankind. The discussion about human rights began a long time ago. In the past, the recognition and protection of human rights was considered a matter of state authority. In the past, states often concluded treaties for their citizens and acknowledged their responsibilities in this regard.

Key Words: Human Rights, Constitution, Movement, Protection, Discrimination, Democracy.

*Ph.D Research Scholar in Political Science, Department of Economics & Politics, Vidya Bhavana, Visva Bharati, Santiniketan, West Bengal, India & State Aided College Teacher – I, Department of Political Science, Sailajananda Falguni Smriti Mahavidyalaya, Khayrasole, Birbhum, W.B., E-mail: pradipkarmakar311@gmail.com
Orcid Id: <https://orcid.org/0009-0008-2197-7781>

Introduction

The history of human civilization is full of incidents of disrespect for human life and dignity. Even today, the situation has not changed much. However, the idea that a common law is necessary for all is well established today. Of course, even many centuries ago, there was a thought about the need for a common law to be applied to all citizens. From this comes the idea of natural law. This is the idea of certain laws that are desirable to be prevalent in society. The principle of equal rights is recognized in natural law. All this has been allowed in many societies for a long time. Despite all this, discrimination has not been removed from human society. Discrimination still exists in the social system. Some flawed ideologies are said to be responsible for the continuation of inequality in human society. All these theories and ideals seek to rationalize disbelief, ignorance and inequality. On the basis of such ideologies, slavery has been supported throughout the history of human civilization. Discrimination is still justified today on the basis of race, religion, caste, lineage, gender, class, community etc. This is a matter of great misfortune. There are various cultural and religious traditions around the world. The concept of human rights has emerged and developed within all these thoughts. In fact, efforts to show respect for human dignity have always been present in the history of human civilization

Objectives of the Study

The main objectives of this paper is ;

1. To understand the concept and importance of Human rights.
2. To study the development of Human rights movement in India.
3. To examine the major issues and violations of Human rights in India.
4. To analyze the role of laws and institutions in protecting human rights.

Research Methodology

The above study is based on purely theoretical framework and some empirical findings. This article based on the secondary data collection method; like - books, journals, periodicals, newspaper, e – data & information etc.

Background of Human Rights

In ancient times, in all societies and ways of life, certain ideas about rights and principles have developed and it has been believed that these rights and principles will be respected. Some of the rights and principles in question are considered universal in nature. Throughout the history of human society, numerous struggles have been organized to achieve the recognition of these rights and principles. Struggles have been waged against social, political,

economic and cultural oppression and against injustice, tyranny and inequality. All these struggles are an integral part of the history of human civilization. Some rights have gradually developed through all these struggles in history. It is believed that every human being, as a member of the human race, has the right to enjoy all these rights. The origin of the concept of human rights lies in the Renaissance and the subsequent era of enlightenment of civilization. The Renaissance in Europe emphasized the dignity and importance of the human being instead of religious mystical beings. From this phase of the history of society and civilization, the human Emphasis began to be placed on. Science, philosophy, and society and culture everywhere began to give priority to people. At this time, humanism gained prominence. Through humanism, the virtues of people were praised, the value and dignity of people were emphasized, deep faith and trust in the infinite creative power of people were placed, and the inalienable rights and freedoms of people were declared. Two declarations are particularly important in this context. These two declarations are the American Declaration of Independence and the French Declaration on the Rights of Man and the Citizen. The main objectives of all these movements were the end of authoritarian rule, the establishment of democratic politics, and the protection of human rights and freedoms. The socialist movement began in the nineteenth century. Through this movement, new elements were added to the development of the concept of human rights. In the socialist movement, emphasis was placed on the end of class rule and the establishment of social and economic equality.

The modern concept of human rights and its universal nature and recognition are based on the rich legacy of the past. It is necessary to consider the issue of human rights in the context of the history of the twentieth century in particular. For almost half of the last century, colonial rule and exploitation continued over a large area of the world. During this time, oppressive governments, fascist governments and barbaric aggressive governments were established in many countries. On the other hand, national liberation movements began to be organized in the colonies, along with various democratic movements and social progressive movements in different countries. In such an environment, a supportive infrastructure was created for the popularization of human rights worldwide. Towards the very end of the Second World War, initiatives were intensified to express the concept of human rights in a coherent and appropriate manner. The most significant feature of the new conceptual expression of human rights is its universality. Since then, the ideals and principles of human rights have been reflected in the declarations of various countries organized against all fascist and warmongering activities.

A social environment is essential for living as a human being. It is only in such an environment that the development of human personality is possible. Creating this environment or condition is called granting rights. Thinkers from

time immemorial have emphasized the need to establish human rights. On December 10, 1948, the 'Universal Declaration of Human Rights' was adopted by the General Assembly of the United Nations. The preamble to this declaration states that recognition of the inherent, equal and inalienable rights of all members of the human family is the foundation of freedom, justice and world peace. When human rights are denied and violated, various inhumane acts are eventually committed. As a result, the conscience of human society is wounded. For this reason, it has been said that the highest intention of the common people is to build a special world. Here, people will have freedom of expression and belief and freedom from fear and want. The protection of human rights through law will be recognized. As a result, people will not have to move forward on the path of rebellion as a last resort against injustice and oppression.

Concept of human rights

According to the commentary of the International Charter, human rights mean the rights relating to life, liberty, equality and dignity of the individual granted by the constitution or embodied in the International Covenants. Ashok Kumar Sarkar says, - Human rights are rights to which every human being is entitled as an integral part of humanity. In the words of Andrew Heywood - Human rights are rights to which people are entitled by virtue of being human; they are a modern and secular version of natural rights, which were believed to be God-given. All human beings are born with equal rights and dignity. This is a special kind of moral right. In view of the demands of humanity, this right is present in all people. This right cannot be taken away. The clear and written form of all these rights has become known as modern human rights. All these rights have now been recognized as legally recognized rights. These rights have received legal approval through the process of lawmaking at the national and international levels. Therefore, human rights are now legal rights. The consent of the governed is the basis of this right. The consent of those for whom these rights are granted is the basis of human rights. Modern human rights generally refer to the value of dignity and equality of all members of the human race. The value of dignity, equality and many other principles are present in almost all cultures and civilizations and in religious and philosophical traditions. Nowadays, social and political activists frequently use the term 'human rights'. Human rights are the rights of individuals. These rights are natural and inherent in our nature. Without these rights, we cannot live as human beings.

Characteristics of Human Rights

Andrew Heywood specifically identified three characteristics of human rights. These are (1) universal, (2) fundamental, and (3) absolute.

1. Human rights are universal and are enjoyed by all people everywhere, regardless of race, creed, ethnic origin, or social background. 2. Human rights

are fundamental and inalienable rights. Humans cannot be deprived of their human rights under any circumstances. 3. Human rights are fundamental in nature for a free and decent human life. They cannot be made conditional. In the context of reviewing the significance of human rights, Heywood has highlighted some other characteristics of human rights. (1) Human rights have a largely religious significance in some parts of the world. (2) Human rights form the basis of freedom, equality and justice. (3) All human lives are worthy of respect. (4) The political expression of moral values has been achieved through human rights. Its manifestation is observed in all major religious beliefs of the world. (5) Human rights transcend traditional ideological divisions. (6) Human rights are considered one of the cornerstones of international law. (7) Human rights are sometimes considered to be superior to state sovereignty. Human rights are used to support humanitarian and even military interventions. In this case, the events in Iraq and Serbia in the 1990s have been mentioned as examples.

Constitutional View Point

Chapter III of the Indian Constitution mentions six fundamental rights. Chapter IV of the Constitution mentions directive principles in the governance of the state. Some directive principles have the potential to get the status of fundamental rights in the future. The constitutions of most countries mention fundamental rights enforceable in the courts for the citizens. All those fundamental rights are human rights. But human rights have not been declared as fundamental rights. In 1993, the Protection of Human Rights Act (Protection of Human Rights Act, 1993) was enacted in India. Accordingly, human rights refer to the rights to life, liberty, equality and dignity of the individual. These rights are recognized in the Constitution or included in international charters and are enforceable by the courts in India. The fundamental rights in Chapter III of the Indian Constitution include the right to equality, the right to freedom, the right to religious freedom, the right to freedom from exploitation, the right to education and culture, etc. Fundamental rights are enforceable in the courts, the directive principles are the basic principles in the formulation of laws. Chapters III and IV of the Constitution include many and various civil and democratic rights. Supreme Court Justice P. N. Bhagwati has expanded the scope of Article 21 of the Constitution. "We think that the right to life includes the rights to live with dignity and all that goes along with it; namely, the necessities such as adequate nutrition, clothing and shelter. The concept of expanding the scope of human rights and protecting rights has been codified in writing over time.

Protection of Human Rights in India

India, one of the first signatories to the Universal Declaration of Human Rights (UDHR). Apart from this, the Constitution of India has given various fundamental rights to the people of a wider scope. Despite this, the initiatives to

protect and promote human rights in India are a relatively modern phenomenon. The concept of human rights and the human rights movement originated in the Western society. The basic philosophy of the American independence movement and the French Revolution that took place in the Western world in the 18th century particularly influenced a section of Indian intellectuals. The social reform movements and political movements of various groups in India and the Indian National Congress prepared a field for discussion on human rights. People from different fields and classes have expressed their demands for human rights in contemporary India. Notable among them are social reformers and liberal political leaders. They have raised the issue of the right of Indians to equality as citizens to the British government. Moreover, they have also laid emphasis on protecting the economic interests of the landlord class. Social reformers have taken an active role in reforming old social customs and traditional systems to protect the dignity and interests of women and the lower classes of society. Liberal thinkers have emphasized the freedom of expression and opinion of individuals and the freedom to form associations and societies. Liberals have also emphasized the recognition of equal rights for all citizens in the eyes of the law. The Constitution of India contains a brief but clear statement of the human rights recognized and protected. The Preamble speaks of the establishment of justice in the social, economic and political spheres; freedom of thought, expression, belief, religion and worship; equality in dignity and rights; and the development of a spirit of brotherhood among all to ensure the dignity of the individual and national unity and solidarity. The Constitution includes a detailed list of human rights as fundamental rights in Chapter III and directive principles in Chapter IV. Six types of fundamental rights are included in Chapter III of the Constitution. These are one, the right to equality (Articles 14-18); two, the right to freedom (Articles 19-22); three, the right against exploitation (Articles 23 and 24); four, the right to religious freedom (Articles 25-28); five, the right to culture and education (Articles 29 and 30) and six, the right to constitutional remedies (Articles 32-35).

There are various mechanisms and systems in India for the protection of human rights. Some of the features of these mechanisms and systems are noteworthy.

- 1). India is the largest democratic country in the world. Naturally, India's special commitment to human rights and freedoms cannot be denied. Human rights and fundamental freedoms are a major theme of the Indian constitution and political system. Moreover, India's social system is pluralistic. There is a wide diversity in socio-economic, religious, linguistic, cultural and lifestyle fields in India. Due to such a situation-environment, the need for extra vigilance and activism in protecting human rights and freedoms for all is undeniable. The existence of essential institutions and processes for protecting rights is

considered an important feature of Indian politics. In a pluralistic society like India, the issue of protecting rights is of special importance.

2). The political system of India is democratic. The democratic constitution of India has adopted a general democratic and parliamentary system of government. Moreover, the rules for the enjoyment of political rights are included in the constitution. In view of all this, it is proved that India is committed to ensuring the democratic system and the enjoyment of the rights and freedoms of the people.

3). A major feature or essential part of the Indian political system is the right of the people of India to the overall development without any discrimination. India has not kept its commitment to recognize, protect, support and safeguard the rights and freedoms of the people of the country undisclosed.

4). The Constitution of independent India has taken some helpful measures to ensure the enjoyment of public rights.

Hindrances to the Protection of Human Rights

The protection of human rights in India has not been easy or smooth. Various obstacles are observed in the way of protection of human rights. This issue needs to be discussed in detail.

1). The process of imposing restrictions on democratic rights has started immediately after the introduction of the Constitution of independent India. The Constitution has been amended repeatedly with the aim of imposing rules and restrictions on democratic rights. The first Constitutional Amendment in India was passed in 1951. The process of imposing restrictions on democratic rights started from this first Constitutional Amendment Act. In this context, the Fourth, Sixteenth, Seventeenth, Twenty-fourth, Forty-second, Forty-fourth and Sixty-ninth Constitutional Amendment Acts are noteworthy. In this context, the provisions related to the state of emergency included in the Indian Constitution are particularly noteworthy. During the period of the declaration of a state of emergency, democratic rights can be restricted through Articles 358 and 359 of the Constitution. Moreover, there is a danger of democratic rights being restricted if a national emergency and state-level emergency are declared through Articles 352 and 356 of the Constitution. There are various social obstacles to the protection of human rights in India. All these obstacles are more unfortunate. The nature of the Indian social system has some limitations. All these limitations create serious obstacles to the protection of human rights and human freedoms. The Indian social system is hierarchically organized on the and caste. The ethnic groups in India can be divided into two parts: upper caste and lower caste. The upper caste impose various disadvantages on the lower caste ; they exploit and oppress the lower caste. The lower caste sometimes become resentful and rebel. The upper caste population does not

hesitate to carry out retaliatory torture. Incidents of oppression of Harijans still occur in different parts of India.

2) People's war groups, revolutionary groups, terrorism, conflicts, etc. are also particularly noteworthy as obstacles to the protection of human rights. Various terrorists and militant groups are active in different parts of India. All these groups are using force in a militant manner on the common people. Terrorism is spreading due to their violent activities. Militant groups follow terrorist activities as a means to achieve their objectives. Due to the violent activities of all these militants and terrorist groups, the human rights of the people are blatantly violated.

3). The increase in the number of government repressive tools is also contrary to human rights. In this regard, human rights Activists and human rights organizations occasionally protest. The government has various paramilitary forces. The number of these forces is increasing. Examples of such forces include the Central Reserve Police Force (CRPF), Border Security Force (BSF), Central Industrial Security Force (CISF), etc. These paramilitary forces are stationed in various states under the supervision of the central government. These forces are often used in an undesirable manner.

4). Oppressive legislation is also considered one of the fundamental reasons for human rights violations in India. Human rights activists and critics of the existing system believe that there is a natural tendency to enact oppressive legislation in India. For whatever reason, the government authorities enact laws that curtail the democratic rights of the people, even the fundamental rights like the right to life and liberty. Such laws enacted in India are many and varied and the number of such laws is not small. Examples of this are the 'Preventive Detention Act' (PDA-Preventive Detention Act, 1950); 'Internal Security Protection Act' (MISA-Maintenance of Internal Security Act, 1971); 'Defence of India Act' (DIA-Defence of India Act, 1962); 'National Security Protection Act' (NSA-National Security Act, 1980); 'Essential Services Maintenance Act' (ESMA-Essential Services Maintenance Act, 1981); 'Conservation of Foreign Exchange and Prevention of Smuggling Activities Act' (COFEPOSA-Conservation of Foreign Exchange and Prevention of Smuggling Activities, 1971); 'Prevention of Terrorism Act' (POTA-Prevention of Terrorism Act, 2002) etc.

Human Rights Movements

The issue of human rights protection is currently being raised with particular vigor in India. In this regard, the growing role of voluntary organizations in creating initiatives and enthusiasm is particularly noteworthy. In modern times, spontaneous human rights organizations have been developed. Due to the activities of all these voluntary organizations, various movements related to

democratic rights have emerged in this country. All these democratic movements related to human rights have created a new significant environment in the history of modern India. Human rights movements in independent India are generally divided into two phases: the pre-emergency phase and the post-emergency phase. There is no consistent and well-organized survey or account of the human rights movements organized before the emergency. The 'Civil Liberties Committee' was formed in West Bengal in 1948 to protest against state oppression on communists. There is a detailed discussion on this in Nilanjan Dutta's book titled *From Subject to Citizen*. The civil rights movement began significantly in the late sixties of the twentieth century. During this time, the Naxalbari movement rose to prominence. The government started brutal repression against the Naxals to suppress their activities. During this time, movements were organized for the democratic rights of the oppressed sections of society. The demand for justice and equality was raised for all these oppressed sections of society. The human rights movement in India began in the mid-1970s. On 25 June 1975, Prime Minister Indira Gandhi declared a state of emergency for internal reasons. This emergency continued until 19 September 1977. During this period, an undemocratic environment was created, including unwanted controls on the press, political movements, civil rights, etc., constitutional dictatorship, autocracy, etc. There was a strong reaction across the country against the abuse of government power. During this state of emergency, the people of the country, especially opposition leaders, were arrested and detained on a large scale; government control was established over the publication of newspapers; laws such as the Maintenance of Internal Security Act (MISA), the Foreign Exchange Control Act and the Conservation of Foreign Exchange and Prevention of Smuggling Activities (COFEPOSA) were used indiscriminately to prevent smuggling and hoarding. This has resulted in an unintended attack on human rights and democratic freedoms. As a result of this reaction, various protest movements have been organized. Human rights activists and voluntary organizations related to human rights have become active in this regard and have taken initiatives. Voluntary organizations related to the protection of human rights have become actively involved in bringing to the public attention the cases of abuse of government power and in punishing the perpetrators. All these groups and organizations have been formed or organized in different places in India. It is necessary to identify all these organizations related to the protection of human rights.

(1) Peoples Union for Civil Liberties (PUCL) - This organization has branches in different parts of India. (2) Peoples Union for Democratic Rights (PUDR) - This organization is based in Delhi. The formal or general branches or the network of organizational activities of all these organizations are spread across different states. The names of the branch organizations are also the same. However, the branch organizations are autonomous. (3) The name of the human

rights organization based in Kolkata is A. P. D. R. (APDR); the name of the organization based in Punjab is A. F. D. R. (AFDR); the name of the organization based in Mumbai is C. P. D. R. (CPDR); the organization based in Hyderabad is A. P. C. L. C. (APCLC) etc. Some more organizations need to be named in this context. These are: Lok Adhikar Sangh in Gujarat; Naga People's Movement for Human Rights in Nagaland; Citizens for Democracy in Delhi, Mumbai and other places. All these organizations are not membership-based. They have office bearers like president, secretary, convener etc. These organizations do not always have fixed objectives, functions or constitution. In many cases, the executive committees of these organizations are collectively active. Sometimes committees and sub-committees are formed in view of special needs. These committees sometimes play the role of mediator between the government and the political groups directly involved in the struggle. It is necessary to inform about some organized movements related to the protection of human rights. These movements are: Chipko Movement, Narmada Bachao Movement, Voluntary Centers for the Prevention of Drug Abuse; Drug Abuse Prevention Organizations; Sathin Movement etc. Apart from this, the names of various youth forums and fronts are particularly noteworthy in this context. All these organizations, fronts, groups or movements prepare various reports on human rights violations. Human rights violations are committed by the police force, military and paramilitary forces, other government agencies and the dominant castes and classes. Human rights movement organizations form a fact-finding team of six to seven of their activists. This team conducts on-site investigations at the scene of the incident, talks to the victims of human rights violations and records their testimonies. This team talks to the police authorities, various groups in the society and the mass media on the relevant issues. The success of all these organizations and movements in organizing and leading individuals interested and motivated in the protection of human rights is undeniable. However, the human rights movement in India is not yet fully organized and strengthened. Therefore, successful movements are not observed against all incidents of human rights violations in all areas. Because India of human rights violations. All these Western powers want to impose their ideas about human rights on the socio-political situation of developing countries like India in the third world to establish their neo-colonial dominance. The neighboring country Pakistan also raises allegations of human rights violations in Jammu and Kashmir against India. In reality, Pakistan is vocal about the human rights violations of the Muslim community in the Kashmir Valley. Pakistan has never said anything about the human rights violations of the people of Jammu and Kashmir. In reality, the issue of human rights protection in India is not as neglected or depressing as it used to be. Various human rights activists and voluntary organizations are actively joining all these human rights movements.

Conclusion

It is important to mention that the Indian judiciary is independent and exceptionally strong. The courts of India have the power of judicial review. By exercising the power of judicial review, the courts can and do ensure the protection of the fundamental rights of the people from the interference of the judiciary. The courts can and do play a positive role in the protection of human rights through public interest litigation. In addition to these, judicial activism in recent times has given new hope in the protection of human rights. Moreover, the establishment of the National Human Rights Commission (NHRC) is considered as another positive step in this regard. The positive role of this commission in inspiring organized movements for the protection of human rights and freedoms of the people of India cannot be denied.

References

1. Baxi, U. (2002). The future of human rights (pp. 54 - 62). Oxford University Press.
2. Bakshi, P. M. (2023). The Constitution of India (pp. 11 - 15). Universal Law Publishing.
3. Heywood, A. (2014). Global politics (pp. 24- 32). Palgrave Macmillan.
4. Heywood, A. (2019). Politics (5th ed., p. 27). Red Globe Press.
5. Hingorani, R. C. (1985). Human rights in India (p. 28). Oxford & IBH Publishing.
6. Kashyap, S. C. (2011). Our Constitution (p. 37). National Book Trust.
7. Mahapatra, A. (2022). Varater sashon byabostha & rajniti (pp. 396 - 401). BB Kundu Grandsons Publishing.
8. Nirmal, C. J. (Ed.). (2000). Human rights in India: Historical, social and political perspectives (pp. 75-78). Oxford University Press.
9. Shah, G. (1990). Social movements in India : A review of the literature (p. 37). Sage Publications.