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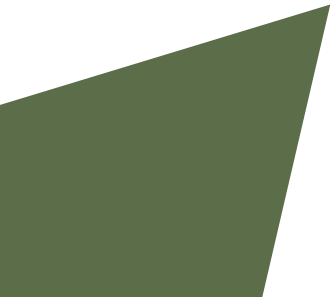
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An analysis on advancement of human rights in present Indian Scenario

Megha S

INTRODUCTION

Human Rights in simple sense refers to the certain basic or fundamental rights which are universal for humanity and is entitled to each person of our society irrespective of caste, creed, colour, race, origin, sex, religion etc. The Principle Objective of human rights for protection of human life and liberty, to preserve the dignity of people, promoting healthy development, maintaining equality etc. The concept of human right is not a new phenomenon, 'Human Rights' is a twentieth century term but its notion is as old as humanity.

The respect for dignity of an individual and striving for peace and harmony in society, has been an abiding factor in Indian culture. The Indian culture has been the product of assimilation of diverse cultures and religions that came into contact in the enormous Indian sub-continent over time. There are ways of protecting human rights. A pluralistic and accountable parliament, an executive who is ultimately subject to the authority of elected representatives and an independent, impartial judiciary are necessary but not sufficient institutional prerequisites

CHALLENGES AND OPPORTUNITIES W.R.T THE HUMAN RIGHTS & ADVANCEMENT OF HUMAN RIGHTS

SEXUAL ORIENTATION AND GENDER IDENTITY: -

In August, the Supreme Court, in its ruling that privacy is a fundamental right, gave hope to lesbian, gay, bisexual, and transgender (LGBT) people in India by stating that section 377 of India's penal code, which effectively criminalizes same-sex relationships between consenting adults, had a chilling effect on "the unhindered fulfilment of one's sexual orientation, as an element of privacy and dignity."

IMPUNITY FOR SECURITY FORCES

There were repeated allegations of violations by government forces in Jammu and Kashmir during security operations. In May, the army gave a commendation to an officer who used a bystander unlawfully as a "human shield" to evacuate security personnel and election staff from a mob in Jammu and Kashmir's Budgam district.

TREATMENT OF SUBJUGATED CASTES AND OTHER VULNERABLE PERSONS

Mob violence by extremist Hindu groups affiliated with the ruling BJP against minority communities, especially Muslims, continued throughout the year amid rumours that they traded or killed cows for beef. As of November, there had been 18 such attacks, and eight people killed during the year. In July, even after Prime Minister Narendra Modi finally condemned such violence, an affiliate organization of the BJP, the Rashtriya Swayamsevak Sangh (RSS), announced plans to recruit 5,000 “religious soldiers” to “control cow smuggling and love jihad.” So-called love jihad, according to Hindu groups, is a conspiracy among Muslim men to marry Hindu women and convert them to Islam.

RESTRICTIONS ON THE RIGHT TO FREEDOM AND EXPRESSION

Authorities continued to use laws on sedition, defamation, and counterterrorism to crack down on dissent. In June, police in Madhya Pradesh state arrested 15 Muslims on sedition charges for allegedly celebrating Pakistan’s victory over India in a cricket match, despite Supreme Court directions that sedition allegations must involve actual violence or incitement to violence. After a public outcry, the police dropped the sedition case but charged them with disturbing communal harmony. Also, in June, the Karnataka state assembly punished two editors for articles that allegedly defamed two of its members.

WOMEN’S RIGHTS

Numerous cases of rape across the country once again exposed the failures of the criminal justice system. Nearly six years after the government amended laws and put in place new guidelines and policies aimed at justice for survivors of rape and sexual violence, girls and women continue to face barriers to reporting such crimes. Victim-blaming is rampant, and lack of witness and victim protection laws make girls and women from marginalized communities even more vulnerable to harassment and threats.

CHILDREN’S RIGHT

The murder of a 7-year-old boy in a private school in Haryana state in September highlighted that child sexual abuse is disturbingly common in homes, schools, and residential care facilities. In a deadly outcome resulting from state corruption and neglect, over 60 children

died in a public hospital in Uttar Pradesh state in August when a private supplier cut off the oxygen supply after government officials failed to pay long-pending dues.

Children's education was frequently disrupted in areas facing conflict and violent protests. Clashes between protesters and security forces in Jammu and Kashmir state that began in July 2016, continued to simmer throughout 2017, leading to frequent closing of schools and colleges. In May 2017, a student was killed by paramilitary forces inside a government school in Anantnag district during a violent protest.

PROTECTION AND PROMOTION OF HUMAN RIGHTS

Protection and Promotion of Human rights have become priority for governments' across the World. At international level, bundle of Conventions, Declarations and Treatises have been formulated to provide adequate guidance to member states' to enact laws in their respective Countries to protect and promote human rights. Having inspired from international mandate on issues of human rights and their increasing violations worldwide vis-à-vis in India, the Government of India has also passed a specific law known as The Protection of Human Rights Act, 1993. This law prescribes for the establishment of National Human Rights Commission and State Human Rights Commissions for each State to further the goal of protection of human rights. The NHRC has been assigned multiple tasks under the Act to defend human rights

NHRC AS DEFENDERS AND PROTECTORS OF HUMAN RIGHTS

Since its establishment the NHRC is dealing with multiple forms of human rights violations. It not only performed several activities to protect and promote human rights in India but at several occasions issued directions to governments and their instrumentalities to respect human rights of vulnerable section of the society. The human rights of women, children, and prisoners, accused and under trials have been given special recognition. Under the following sub-heads the initiatives taken by NHRC in area of protection and promotion of human rights has been discussed.

HUMAN RIGHTS OF TRAFFICKED WOMEN AND CHILDREN

India thousands of women and children are victims of human trafficking. They are trafficked for several sexual and non-sexual based purposes such as prostitution, commercial sexual exploitation, pornography, drug peddling, fraudulent marriages, and illegal transplantation of

body parts, illegal adoptions and child and bonded labour, etc. The NHRC in such cases took suo-moto actions and directed governments to rehabilitate them to prevent possibility of their relapsing into business of prostitution and commercial exploitation. The Commission stressed on rescue of women and children engaged in sexual and non sexual based activities. The NHRC pleaded for the abolition of the practice of bonded and child labour and issued several directions to governments to rehabilitate and resettle rescued children found working in tanneries and industries in various parts of the country.

HUMAN RIGHTS OF SCHEDULED CASTE AND SCHEDULED TRIBES

Schedule castes and schedule tribes are the worst victims of socio-economic exploitation. Take for example, schedule tribes residing in forest areas are often displaced due to developmental projects which amounts violation of their various rights such as right to livelihood, right to live human dignity, right to life and personal liberty, right to education, right to family, right to property, cultural and customary rights and right to carry on any occupation and trade. But large infrastructure projects have resulted into their displacement. The NHRC in various cases of manmade, natural and conflicts . The commission ensured that schedule tribes should be rehabilitated in compact block so that they can enjoy their special induced displacements gave appropriate directions to governments' and project authorities to rehabilitate and resettle their customs, traditions and usages.

HUMAN RIGHTS VIOLATION BY OTHER STATE AGENCIES

It is not only the custodial institutions which are found to be involved in violations of human rights of vulnerable but different other state agencies are also involved in human rights violations. In such cases, the NHRC also condemned actions of public officials. For example, in allegations of death, rape and torture of tribals by joint task force set up by the government of Tamil Nadu and Karnataka to apprehend Veerappan and associates had been dealt with seriously.

PROTECTION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Besides above mentioned specific violation of human rights by State agencies and custodial institutions, the NHRC also took bold stand to protect human rights of disabled and HIV/AIDS victims. The Commission paid great heed towards the protection of human rights of fetus, right to health and rights of women in case of sex tourism. The women victims of acid attack are

entitled for several human rights. The Commission showed concern towards the plight of the victims of acid attacks and issued directions to the governments to do the needful for the welfare of the victims. The NHRC emphasized on the need to rehabilitation of marginalized and destitute women in vrindavan.

OTHER INITIATIVES TAKEN BY COMMISSION TO PROTECT AND PROTECT HUMAN RIGHTS

Since its inception in 1993, the NHRC has undertaken several activities in area of protection and promotion of human rights. The Commission is continuously organizing workshops, seminars, campaigns, nukar natak to make people aware about human rights especially in slums and rural areas. Besides, it is conducting research studies and carrying out projects. It has completed several research projects and some of the projects and research is still going on.

AAROGYA SETU APP AND PRIVACY RIGHTS

One trending issue now is “PRIVACY RIGHTS AND DATA PROTECTION”. Right to privacy is a fundamental right of every citizen of India. It was after the landmark case **K.S PUTTUSWAMY v. UOI**, the aspect of right to privacy got recognition. Right to privacy refers to a person's right to be let alone. The right of a person to keep his personal matters personal. One example case on violation of right to privacy is:

X v. Hospital Z

According to this case public disclosure of medical condition of a patient is a violation of right to privacy of that person. Doctors are bound to maintain confidentiality about the medical issue of the patient. The reason why right to privacy is trending now is due to the aarogya setu, which is an application by the central government of India for the purpose of COVID-19 contact tracing. The app uses a phone's Bluetooth and the location data to know if the user have been near a person who has confirmed COVID-19 by scanning a database of known COVID-19 patients. This data is also shared with the Government. This application collects information such as the user's gender, travel history, location, if he is a smoker and other similar details. Because the app stores location data and it seeks constant access to the Bluetooth of the user's phone, makes it invasive from a privacy and security point of view. Though it is said that app is safe and the information received will not be used for any other purpose by the government, everybody knows how safe can the server data be. The government had made it mandatory for the government and private employees to download the app. FFI

appealed to Narendra Modi to not make the downloading of the app mandatory. The critics also argues putting forward the judgement of PUTTUSWAMY. It is also said that the app may come pre installed in new phones. This even cut down the discretion of a person to download the application or not. We cannot trust that the application will only be used for contact tracing purpose .As the information is shared with the government it can later happen that the information is shared with others either by the consent of the government or without. Hacking is a very easy process for a techie. An app that collects the personal information of a person is not 100% safe. This is the reason why there are a lot of critics about the aarogya setu app. This app is the reason why the issue of “ PRIVACY RIGHTS AND DATA PRIVACY” is now trending.