



## HUMAN RIGHTS OF VULNERABLE PEOPLE OF INDIA: DESPERATE NEED FOR IMPARTIAL AGENCY

**Dr. R. M. Dave**

Head, Department of Human Rights and International Humanitarian Laws  
Saurashtra University, Rajkot, Gujarat

### ABSTRACT

Human Rights of the Vulnerable group of people who are categorized as mentally ill, disabled, aged and left by their words, the downtrodden people. Though in India there is no dearth for laws in the protection of these people, however, it was painstaking to record that the implementing agencies, the treatment of such cases are not as per law and always the problems are being approached in a different way. Child rape, parading of women naked are all a routine happening in India. So, there is a need for change of attitude of the implementing agencies in protecting the Human Rights of these marginalized people of our society.

### KEYWORDS :

#### Introduction

The term 'Human Rights' was introduced through the Declaration of Independence in 1776 of United States followed by inclusion in the U.S. Constitution the 'Bill of Rights'. The French Revolution resulted in the 'Declaration of Rights of Man and Citizens' in the year 1789. The year 1929 marked with formation of Institute of international Law with 'Declaration of Human Rights and Duties'. The Inter-American Conference held in 1945 passed a resolution to establish an International Forum of 'furtherance of human rights of mankind'.<sup>1</sup>

The year 1948 is very auspicious for the United Nations which Proclaimed 'Universal Declaration of Human Rights' on 10<sup>th</sup> December under the General Assembly resolution 217 A. The declaration ensued International Cooperation in solving international problems such as economic, social, cultural or humanitarian character as well as in promoting and encouraging respect for Human Rights and Fundamental Freedoms without distinction as to race, sex, language or religion.<sup>2</sup>

#### Constituent Assembly

India was just sitting on the its making of constitution through 'Constituent Assembly' which started in 13<sup>th</sup> December 1946 and completed by 22<sup>nd</sup> January 1947. India has not only incorporated an elaborate Bill of Rights in her constitution but efforts have been made to translate these rights as enforceable through various legislations.<sup>3</sup>

More than 70 years have elapsed since the Universal Declaration of Human Rights was adopted by the United Nations and the Indian constitution was enacted. In all these years a democratic country like India has enacted various acts to enforce the rights of the vulnerable groups of people. In spite of many provisions in the Constitution, human rights of these people are violated in most cases and only a few are reported, tried and law was enforced. Still worst is the conditions of girl child in India. It is pathetic conditions in India where rape of girl child even three years old are very common and there is report that one year girl child was raped by 33 year old neighbor.<sup>4</sup>

#### Human Rights Violation

Human rights are though a comparative matter of enforcement, however, in India it is being violated most frequently against children, women, downtrodden and disabled people. The data published by NCRB (2016) Crime against Children are reported to be increasingly alarming as it was 89,423 during 2014 and 94,172 in 2015 and went up to 1,06,958. If we see the percent variation of crime against children it was 5.3% for 2014-15 and it shoot up to 13.6% for 2015-16.<sup>5</sup>

The kidnapping and abduction alone was 54,723 cases from our country of which Uttar Pradesh (9,657) Maharashtra (7,956) and Madhya Pradesh (6,016) stood as the maximum perpetrators. Under

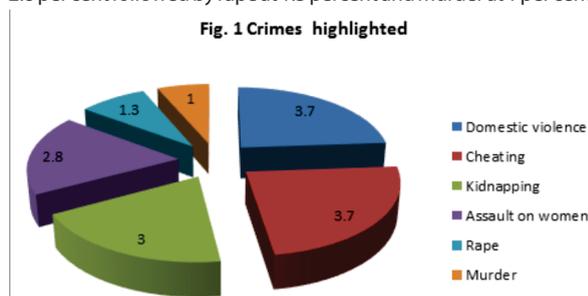
the sexual offense involving children it was 36,022 cases of which Uttar Pradesh with 4,954, Maharashtra with 4,815 and Madhya Pradesh with 4,717. Uttar Pradesh (10,426 cases) reported the highest number of cases of atrocities against Scheduled Castes (SCs) accounting for 25.6% followed by Bihar with 14.0% (5,701 cases) and Rajasthan with 12.6% (5,134 cases) during 2016.<sup>6</sup> In Kerala, between April 2011 to March 2012, 157 cases of Child Sexual Abuse were reported (Surekha, 2013)<sup>7</sup>. The research on the issue of CSA has not received much importance in India because of lack of reporting/disclosure (Behere, 2013)<sup>8</sup>. Although considerable attention has been brought about sexual abuse among females, there is yet lot more to be done on CSA in India (Breaking the silence, 2013)<sup>9</sup>.

Criminal assault on women with intent to outrage her modesty of Scheduled Castes (SCs) was 3172 cases (7.7%) followed by Rape of 2541 cases (6.2%) during 2016. In Madhya Pradesh the highest number of cases of atrocities against Scheduled Tribes (STs) (1,823 cases) accounting for 27.8% followed by Rajasthan with 1,195 cases (18.2%) and Odisha with 681 cases (10.4%) during 2016. Crime against Senior Citizens were of 18,714 cases in 2014, 20,532 cases in 2015 and 21,410 cases in 2016.

#### Atrocities on Downtrodden

Under the Prevention of Atrocities against SC/STs though the total cases registered were 11060 and the charge sheeted for 77%. Still worse is that the trail cases were 50,357 numbers and the conviction rate was only 15.4 per cent which shows nature of over all approaches in dealing the protection of the downtrodden people.<sup>10</sup>

The figure 1 reveals the crimes of Domestic violence and Cheating each at 3.7 per cent, kidnapping at 3 per cent, Assault on women at 2.8 per cent followed by rape at 1.3 percent and murder at 1 per cent.



The issue of CSA is still a taboo in India. In India, majority of the people wish to be silent on this issue. This silence is due to the fear of indignity, denial from the community (Krug *et al.*, 2002<sup>11</sup>; Collin-Vézina *et al.*, 2013)<sup>12</sup>, Social stigma (Haile *et al.*, 2013<sup>13</sup>; Verelst *et al.*, 2014<sup>14</sup>; Folan *et al.*, 2014<sup>15</sup>), not being able to trust government bodies (Miller *et al.*, 2007<sup>16</sup>; Breaking the silence, 2013)<sup>17</sup> and mostly the gap in communication of parents and children about this issue (India, 2007)<sup>18</sup>. The healthcare professionals do not have the

abilities and are not well trained to manage cases of CSA. There is virtually no monitoring of various juvenile residential institutes and there is no punishment imposed for violation of laws on many counts. Such of these Institutions try to hide these matter for fear of losing their name if such information exposed. Hence, cases which are cropped up are not reported and are mostly settled within the institution.

A number of factors confounded the identification of victim of Child Sexual Abuse. Some of them do not reveal characteristic signs and symptoms for fear of social isolation. Many instances of CSA affected victims usually clean themselves after attack resulting non-availability of evidence of rape (Breaking the silence, 2013). Even if the case is brought to the judicial process, the victims and their families have to face legal proceedings that usually continue for several years (Behere and Mulmule, 2013<sup>19</sup>; Breaking the silence, 2013)<sup>20</sup>. The initiatives of laws and in India is a challenge and there is lack of funding for programs for child safety (Breaking the silence, 2013; UNICEF-India, 2010)<sup>22</sup>.

### Conclusion:

So, we have to recall what Dr.B.R.Ambedkar said "I feel, however good a Constitution may be, it is sure to turn out bad because those who are called to work it happen to be a bad lot. However bad a Constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot". So, we need to have good implementing agency with out any partiality as per the law. Is it possible in our country?.

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