



Human Rights In India - An Overview

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Abstract

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights 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.

Keywords Indian Subcontinent, Buddhist Nonviolence, Ancient Hindu Law, Civil Liberties, Constituent Assembly, United Nations' General Assembly, Corpus Juris

Introduction

It's been more than a millennium since the Indus Valley Civilization, when the vast Indian subcontinent came into touch with a wide range of cultures and beliefs. In the words of Jawaharlal Nehru, there is "an unbroken continuity between the most modern and the most ancient phases of Hindu thought extending over three thousand years." Human rights have long been a source of concern for cultures across the world." People in previous eras were familiar with ideas like human rights and other basic freedoms." For centuries, human rights have been championed in a variety of cultures, including the Babylonian Laws, Assyrian Laws, and "Dharma" in India, as well as Confucius and Lao-tse's philosophy in China. The Indian idea sees the person, the community, and the world as an one entity that is interconnected. Each and every one of us is a child of God, and we are all part of a worldwide family. According to Mahatma Gandhi, "I don't wish to consider the whole universe while making decisions. My patriotism extends to the well-being of humanity as a whole. As a result, I consider my contribution to India to entail the service of mankind as a whole."

Origin and Development of Human Rights in India

Buddhist nonviolence, according to Nagendra Singh, "is a humanitarian doctrine par excellence, dating back to the third century B.c." ~ Similar concepts might be found in Jainism as well. According to the Gita, "he who has no ill will to any being, who is friendly and compassionate, who is free from egoism and self sense and who is even-minded in pain and pleasure and patient" is beloved to God. Divine attributes include nonviolence, truthfulness and compassion for all living things; the virtues of gentleness and humility; the virtues of modesty and steadfastness; and the virtues of no covetousness and aversion

to fault-finding. 5 Evidence of human rights in Hindu, Islamic, and European Christian cultures is unquestionable from the history of ancient Bharat. Ashoka, Mohammed, and Aktar are inextricably linked to human rights history. 6

Ancient Hindu Law of Human Rights

A fascinating system that governs the obligations of Kings, judges, subjects, and judicial and legal processes has been uncovered by scholars who have studied the ancient Hindu "Dharmasastras" "Arthasastras" and other legal treatises for extended periods of time. Dharmna is the underlying notion, and its primary duty is to maintain social order. As monarchs and people, men and women, are bound by "Dharma," the message is "Dharma" as the ultimate value. Human rights are only meaningful when they can be enforced by an independent court. The Dharmasastras are categorical and explicit in this area. ' Judiciary independence is one of the most notable aspects of Hindu law. Legal proceedings were kept apart from governmental authority even during the reign of Hindu kings. As a rule, it stood on its own two feet. When it comes to the separation of the judiciary from the executive, the Hindu legal system was the first to grasp the need of doing so and to put it into practice. In the Vinaya-pitaka, a case of Ananthapindika v. Jeta illustrates this idea well. According to the report, a law court heard arguments from a Prince and a private individual, and the court ruled against the Prince.

According to the Prince, he had no choice but to abide with the ruling. The Hindu view of law as obligatory on the sovereign substantially influenced the development of the idea of separation of powers between the judiciary and the administrative branch. Law was considered supreme in Hindu thought. The "Dharma." was the name given to it. Before, laws weren't seen as the product of national legislatures as they are now. A few rules were viewed as so sacred that they were considered to be beyond the power of man. Natural laws, for example, could not be overturned by any parliament, no matter how powerful. When it comes to Indian politics, the "Divine Right" of the Kings, which is recognised in western political theory, was completely absent. However, if we take all of these factors into account, the ancient Indian State's goal was not to create a better social order, but to behave in accordance with established moral standards." Duty is a sign of dignity, not a tyrant, and should be dismissed with affronted delight. In the Dharmasastras, a marvellous plan or co-ordination of behaviour tailored to various circumstances, position, and situations of life ensures the achievement of this enormous viewpoint. Human rights are included in the large sphere of dharma. According to Nagendra Singh, the individual in ancient India had both rights and responsibilities as a citizen of the state.

These duties (Dharma) - obligations to one's self, to one's family, to one's neighbours, to one's community, and to the world at large - have generally been used to represent these rights and responsibilities. 55 Human rights jurisprudence was based on Dharma, the goal of ancient Indian legal philosophy, which was the formation of a society devoid of disputes, exploitations, and sufferings. One such "Dharma" legislation was used as a model for the establishment of a global legal system. Many passages in the Vedas provide

evidence that human rights were recognised in ancient India. In the Vedic scriptures, freedom of the body (Tan), a place to live (Skridhi), and life are proclaimed (Jibase). A treaty was signed between the Bahmani and Vijayanayar kings in 1367 B.C. that stipulated that prisoner of war would be treated humanely, as well as the lives of the enemy's unarmed people would be spared. India has long held human rights in high regard because of its belief in the philosophy of "Vashudhaiva-kutumbakam, 1.e. the wellbeing of everyone. According to Justice Rama Jois, the following summarises up this legacy: A king's sole role was to execute the law, according to Ra,interpretation. adharma's Dharmasasiras refused to provide the King any legislative authority or even acknowledge that he had any.

To understand Indian kingship, it is necessary to understand how it differs from Western ideas of kingship. The Dharmasastras, however, recognised and constituted a kingship whose rules were those of the Dharmasastras. No new laws or amendments of Dharnasastras were allowed to be made by the King. As if that weren't bad enough, Dharmasastras also spelled down the rules for the King's own behaviour (Satyadharnia). Lawgivers of the time, as well as the two EPICS, Arthasastra (Kautilya), and Sukranitisara, all played significant roles in the development of Hindu legal literature. Our focus isn't on the legal history of 56 India, which was highly advanced in those days, but on the constellation of rights and obligations that constitute human rights. In the Arthasastra, Kautilya says that "in the happiness of the subjects lies the happiness of the King, and what is beneficial t3 the subjects is his own benefit." 14

King Kautilya, on the other hand, was an opponent of the absolutist philosophy of monarchy and saw him as a subject of the law. To put it another way, Shantiparva says that if a monarch does not follow the Dharma's path, he would suffer Author of the classic political book, Kautilya Manu's "Manu," rights were not only validated and expanded by Arthasastra, but also included a framework of economic rights. Additionally, he ruled that the King should take care of those who are orphans, the stricken, the ill, and the vulnerable. the defenceless, expecting women and their children he will provide sustenance for According to P.V. Cane, "there were no acts of Parliament guaranteeing services to the people in ancient Indian thought." the best Kings' practise created an atmosphere in which it was thought that it was imperative for King representing the State to encourage learning and to give employment to those who were unemployed.""" the public opinion The emergence of Suddhism and Jainism in the post-Vedic era was clearly a response to the decline of morality and the privileges of the privileged elite. In the post-Vedic period, people were more humane and liberal in their outlook on life in general. He preserved and secured the most valuable hunian rights after Eiuddha, including the right to equality, fraternity and liberty. ilappiness. With Ashoka's help, India was able to create a welfare state and guarantee the rights of its citizens. 57

It was Ashoka, the defender of civil freedoms, who made it possible for even the forest dwellers in his dominion to enjoy the same rights and privileges as everyone else in

society. Under Ashoka's benevolent dispensation forbade torture and brutal treatment of captives.

Muslim Civil Liberties in the Modern Era

When the Rajput authority was overthrown, Muslim governance was established in India. Muizz-ud-Din established the first Muslim Empire in India. New circumstances were created when the Muslim rulers or Sultans of India adopted a policy of racial segregation against the Hindus. As a result, the influence of Muslim dominance in India was counter-productive to peace, fairness, and equal opportunity. M.K. Nawaz is impartial enough to acknowledge that "Islamic law," at least in its iraditional interpretation, values certain human beings more than others. As a consequence, the principle of equality was not given much attention since there was one rule for Muslims and another for Hindus (the Kafirs or the unbelievers). Muslims like Mahmud Ghaznavi and others attacked the traditional Hindu way of life and religion head-on. As a consequence of Akbar's programme of "Universal Reconciliation and Tolerarlce," a new era in Mughal history of India in the sphere of human rights started. Travelers from Europe who visited Ashoka's kingdom really admired his dedication to human rights and fairness. His son Jehangir also followed in his father's footsteps by pursuing justice. Although the Marathas and Sikhs opposed and battled against Aurangzeb's fanaticism, the trend established by Akbar was reversed by Aurangzeb.

Human Rights

When the British ruled India, the contemporary form of human rights law was born. It was under the British administration of India that the Indians resisted foreign authority by demanding basic freedoms and the civil and political rights of their people. They were discriminated against and humiliated by the Britishers." Civil liberties and basic freedoms were fought for in the face of British repression and the liberation struggle. Human rights and democracy were viewed with suspicion under British administration, and socialism was shunned. When it comes to the history of Indian culture, the British colonial era is regarded as the "Dark Ages" in the country. "Dotages of brahminical superstition," according to Lord Macaulay, characterise the old Indian legal and political system, and its inner workings are decried as "an enormous apparatus of cruel absurdities" in his condemnation. " Indians were criticised by Lord Wellesley and Lord Cornwallis as being vulgar, uneducated, nasty, and foolish, while Lord Wellesley defined it as an axiom that every Hindustani is corrupt. Deprived Indians of their political, social, and economic rights by the English East India Company Lndians' precious human rights and interests were trampled on for the purpose of England's and the English rulers' sake. This perception was created in their minds. Gandhi organised the people of India under his leadership and led them in a nonviolent campaign for independence and basic rights for the people of the country. "freedom was the birth right of Indians for which they will have to fight." said Lokmanya Tilak. In part, this was due to residents in District 59's vocal resistance.

India that the purpose of the Charter Act of 1813 was to protect the rights and well-being of the country's indigenous people. As a result, the Government of India Act, 1833, was enacted so that Indians could participate in the political process. On November 1, 1858, Queen Victoria issued a proclamation that included certain elements of state policy that were akin to basic rights. For basic rights to be demanded in concrete terms, the nationalist movement had to begin in 1885 with the formation of the Indian National Congress. Home Rule Movement, part of the Indian National Congress's constitution-making process in 1895, ensured basic human rights like freedom of expression, inviolability of one's own home and right to property for all Indian citizens. It was the first step toward a nation with a constitution that ensured equality before the law for all citizens. 20 In response to calls for basic rights, the Government of India Act, 1915, ensured equality of opportunity in public service. Between 1917 and 1919, the National Congress passed a series of resolutions reiterating the demand for civil rights and equal status with English-speaking people.

Motilal Nehru Committee

The Indian National Congress in 1925 adopted a 'Declaration Of Rights' in order to finalise the Common Wealth of India 6 11 draught in 1925. Any future constitutional framework should include a "Declaration of Fundamental Rights," a demand made by the Congress in the Madras Session in the year 1927. The National Congress tasked Motilal Nehru with assembling a panel to look into the foundational principles of democracy. Ten of the ninety-six rights stated in the Motilal Nehru Committee Report, 1928, were included into the Constitution of the Republic of India, which was adopted in 1950. Among the Motilal Nehru Committee's key points were: a) The right to one's own person, home, and possessions; b) the right to freedom of thought, conscience, and religion; c) the right to freedom of speech and the right to peacefully gather and establish organisations without the use of force; d) Free primary and secondary education e) Equality and rights for everyone There should be no ex-post facto laws that penalise people for their past actions. There should be no discrimination based on religion, caste, or creed in public employment. There should be no unequal access to and use of public roads, wells, and other public resources. freedom of association for the preservation and execution of the labour and financial aspects The right to keep and bear arms (article k) 1) The equal treatment of men and women in the law. Nonetheless, the British government's Simon Commission, which was created in 1927, rejected the Nehru Committee's proposals. In 1930, the Congress Working Committee issued a rousing cry for 'Purna Swaraj,' which translates to "freedom." In 1931, the Congress in Karachi approved a thorough platform of basic rights. To the dismay of Indian politicians, the Government of India Act of 1935 was approved without a bill of rights. In 1945, the "Sapru Committee" emphasised the necessity for a codified system of basic rights, and the Constituent Assembly made a strong case for human rights to be included in the Constitution.

Human Rights and the Constituent Assembly

On December 9, 1946, the Constituent Assembly of India convened for the first time to draft the Indian Constitution. Human rights were given top priority in India's constitution. A statement of basic rights was required because of four issues, according to Guha. *' During British reign in India, there was a lack of civil liberties. Conditions in society, especially for women and untouchables, are deplorable. Third, the presence of distinct religious, linguistic, and ethnic groupings promoted and anticipated by the Britishers was evident. 4. Landlords' abuse of the tenants. The Universal Declaration of Human Rights, approved by the United Nations General Assembly, contains the content of the rights recognised and proclaimed by the Indian Constituent Assembly. The Universal Declaration of Human Rights was declared and accepted by the General Assembly on December 10, 1948, during the drafting of India's Constitution. From an Indian perspective, the Preamble pledges and several Constitutional clauses of the National Charter of 1950 synthesise, as it were, not as an integrated fabric, human rights

The Constitution of the United States and Human Rights There are 395 Articles and 8 Schedules in the Constitution of the Republic of India, which came into effect on January 26, 1950. India is declared a sovereign, socialist, secular, and democratic republic in the preamble of the country's constitution. "Democracy" means that the people have a say in how their government operates. It conveys the idea that everyone is on an equal footing, "irrespective of the race, religion, language, sex and culture." There are a number of preamble clauses in the Constitution that promise to uphold all citizens' rights and dignity while ensuring that the nation's unity is not threatened by any person or group's beliefs or practices.

The Constitution of the United States and Human Rights

The Republic of India's Constitution, which went into effect on January 26, 1950, has 395 articles and 8 schedules, making it one of the most comprehensive pieces of legislation ever enacted. "The Republic of Independent, Socialist, Secular and Democratic India" is proclaimed in the Constitution's Preamble. "Democracy" means that the people have a say in how their government operates. They all seem to be treated equally, regardless of their ethnicity, religion, language, gender, or cultural background. Justice, social, economic, and political, liberty of speech, religion, faith and worship, equality of position and opportunity and brotherhood are enshrined in the Constitution's Preamble, guaranteeing dignity to all people.

India and the United Nations' General Assembly

The Universal Declaration of Human Rights (UDHR) included India as one of its signatories. Part III of the Indian Constitution has many sections that are comparable to the Universal Declaration of Human Rights in terms of the rights granted to people. In the following graph, it is quite evident.

While not a legally binding document, the Universal Declaration of Human Rights does reflect how India saw human rights at the time of the Constitution's adoption, as the Supreme Court noted in *Keshavananda Bhirati v. State Of Kerala*. In the case of *Jolly George Varghese v. Bank of India*, the issue was whether or not the people of India should have access to a right included in the Covenant on Civil and Political Rights but not recognised by the Indian government. It was repeated by Justice Krishna Lyer that while the affirmative commitment of States Parties ignited domestic legislative action, it did not immediately make the Covenant an enforceable element of India's "corpus juris" (law of force). As a result, the Supreme Court has said that the Universal Declaration of Human Rights cannot establish a binding set of laws and that even international treaties may only serve as a source of inspiration for judicial institutions and legislators. The Declaration of Independence has had a significant impact on the interpretation of the Constitution in the United States. For example, the Supreme Court noted that the Declaration has been accepted by the General Assembly of the United Nations, which has universal respect for its moral code of conduct. The concepts and application of the Universal Declaration of Human Rights may have to be read into domestic law, if necessary. The Declaration has been cited in many Supreme Court and State High Court rulings. On March 27, 1979, India ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. However, India did not ratify the Optional Protocol to the International Covenant on Civil and Political Rights, 1989. India's Human Rights System: Its Constitution and Institutions

Human Rights and Constitutional Rights

Constitution section III states that the judicially enforced basic rights, which include all significant civil and political and certain minority rights, are protected (Articles 12 to 35). This list includes the right to equality, the right to be free, the right not to be exploited, religious liberty, cultural diversity, and the right to legal recourse under the Constitution. Ordinary rights may be revoked, however fundamental rights cannot. Only they may limit or remove them from the public's access to them. Any legislation that infringes on any of the basic rights is unlawful and unenforceable. For example, Justice Beg said in *ADM Jabalpur v. Shukla* that "the object of making certain general aspects of rights fundamental is to guarantee them against illegal invasion of these rights by executive, legislative, or judicial organ of the State." Chief Justice Subba Rao correctly said, "Fundamental rights are the modern term for what have been traditionally known as natural rights." Supreme Court Chief Justice Patanjali Shastri described fundamental rights as "those great and basic rights" that are recognised and secured as the natural rights inherent in the position of a citizen of a free society in *State of West Bengal v. Subodh Gopal Bose* 30.

There is no discrimination against any citizen based on their religion, race, caste, gender, or place of birth in the Indian Constitution, which prohibits the State from doing so. Article 15 of the Indian Constitution also prohibits the State from restricting access to public places, which includes access to wells and tanks. Article 16 guarantees equal access to public work opportunities for all people. Article 17 outlaws 'untouchability' and makes it

a crime to practise it. There are provisions in the Constitution (the Scheduled Castes and Scheduled Tribes) that allow the state to make specific arrangements for the progress of socially and educationally disadvantaged groups. All non-military or non-academic titles are abolished under Article 18. Every Indian citizen has the right to freedom of expression, peaceful assembly, the right to organise unions, freedom of movement throughout Indian territory, the right to dwell, and the right to engage in any vocation, trade, or business, all of which are protected by Article 19. A person's rights under Article 20 are safeguarded against ex post facto legislation, the concept of autre fois convict, and the right not to be incriminated in his or her own defence. Article 21 of the Indian Constitution states: "No person shall be deprived of his life or personal liberty except according to procedure established by law." The Eighty Sixth Constitutional Amendment Act of 2002 Inserted Article 21A to the Constitution. According to Article 21A, the "the State shall provide free and compulsory education t3 all children of the age of six to fourteen years in such manner as the State may, by law, determine." According to Article 22, a person who has been arrested and taken into custody by the authorities of the state has certain rights. Within 24 hours following arrest, a person has the right to be arraigned before a magistrate (except where one is arrested under a preventive detention law). Article 23 of the Convention on the Rights of the Child prohibits the use of child labour and the employment of anybody under the age of 14 in any factory, mine, or other dangerous occupation. All people are entitled to freedom of conscience and the right to profess, practise, and spread religion, subject to public order and morals (Article 25). Religious institutions and religious affairs may be established and maintained by any religious group or sect (Article 26). Religious taxes cannot be imposed on anybody (Article 27). Religious teaching is prohibited in all state-funded educational institutions (Article 28). Additionally, all citizens, including minorities, have the right to develop and maintain educational institutions of their choosing via the use of state funding (Article 29) and the right to promote their own language, script, or culture (Article 30). A person's constitutional remedy rights include, among other things, the ability to apply to India's Supreme Court for the enforcement of the aforementioned freedoms (Article 32). When it comes to Constitutional matters, the Supreme Court has a broad range of authorities.

For example, under Article 32(2), the government has the authority to make orders or writs to enforce fundamental rights. The High Courts of each state (i.e. province) have the same authority as the federal courts (Article 226). The courts have the ability to examine the constitutionality of all legislation since laws that conflict with or deprive citizens of their constitutional rights are invalid (Article 13). In addition, under Article 141, the Supreme Court's interpretation of the law is obligatory on all courts in India. There are two types of basic rights protected by the Indian Constitution: those that are expressly mentioned in the constitution and those that are not (rights not specifically enumerated).

Fundamentally Defined Obligations

Even under India's constitution, many civil and political rights guaranteed in the Covenant on Civil and Political Rights are recognised as "fundamental rights." "Specified" basic rights may be used since they are specifically specified in the Constitution. The International Covenant on Civil and Political Rights (ICCPR) and the Indian Constitution are shown in the following table.

Only citizens are entitled to fundamental rights.

One of the first options open to citizens is: Prohibiting discrimination against people based on their religious affiliations, racial and ethnic origins as well as their place of birth is covered under Article 15. Second, Article 16 of the Constitution, which guarantees equal opportunity for all people in the selection of public officials, Three paragraphs of Article 19 deal with the safeguarding of human rights. To join groups or unions; to gather peacefully and without weapons; and, finally, to dwell and settle in any part of the territory of India, and to have the right to do so f) The 19th article of the Constitution (1) As of the 20-06-1979 effective date, the Constitution 42" Amendment Act 1978 repealed the following provisions: f) the right to own and acquire property; g) to engage in any profession or business: j Article 29: Minorities' rights and interests are protected. The other essential rights, referred to as 'Person' rights, fall within the second group of rights. 'Calcutta' Superintendent Presidency Jail was found to be in violation of Article 19 in Hans Muller of Nuremburg v. Those who are citizens of the nation are entitled to the "basic freedoms" outlined in Article 19. The usage of the term "citizen" in the preceding Article is consistent with the use of the term in the Constitution's section on citizenship.

In the case of Anwar v. State of Jammu and Kashmir, the Supreme Court ruled that non-citizens cannot claim Article 19's basic rights.

There are two articles in section IV of the constitution that exclusively apply to citizens: Article 39(a) and Article 44 of the Directive Principles of State Policy.

Other Fundamental Rights (Unenumerated Fundamental Rights)

Part III of the (constitution does not include several of the rights specified in the Covenant. All of India's basic rights are listed in the country's constitution. "treaties which are part of international law do not form part of the Law of the land, unless explicitly made so by the legislative authority." the court said in *Birma v. State of ajasthan*. It was also found that treaties in India lack legal effect and as a result obligations emanating from them cannot be enforced by municipal courts unless they are supported by legislation in *Shiv Kumar Sharma and others v. Union of India*³⁼. Natural and common law rights were not recognised by the Constitution in the case of *A. D. M. Jabalpur and S. S. huida*, the Supreme Court of India ruled by a four-to-one majority. The Supreme Court's outlook has changed significantly since 1978. International conventions and standards must be taken into account while drafting domestic legislation, according to the courts, who have accepted the rule of construction.

The Covenant on Civil and Political Rights outlines the rights listed below. Despite the fact that the Constitution does not mention them expressly, they are accessible to Indian citizens through court rulings. 1. The right to go abroad (Article 21) Convention on Civil and Political Rights Article 12(2) guarantees the freedom to travel abroad. According to the Supreme Court's ruling in *Sathwant Singh Sawhney v. D. Ramanathan*, Assistant Passport Officer, New Delhi, the freedom to travel outside of one's own country falls within Article 21's definition of personal liberty. Articles 21 and 19 (1) (d) guarantee the right to privacy. Article 17 paragraph (1) of the Covenant on Civil and Political Rights stipulates this right. Under Article 21's protection of personal liberty, the Supreme Court ruled that "domiciliary visits" violated the right to privacy of citizens, and that such visits were unconstitutional. The anti-solitary confinement movement Human dignity is guaranteed under Article 4 of the United Nations Charter. Right to free legal assistance in criminal cases Fast-trial rights number six. 7. The right to be free from handcuffs Eighth Amendment right against postponement Right to be free of fear of violence in a prison ten. The right to avoid public executions 11, Access to health care or the aid of a doctor 12. The right to a safe place to stay Right to a pollution free environment is the 13th. Right to know 14. Freedom of the press 16. The right to recompense Prison prisoners have rights, too. And last, no one should be imprisoned just because they can't fulfil a contractual responsibility. The Supreme Court ruled in *Jolly George Varghese v. Bank of Cochin*⁴⁰ that it is a violation of Article 21 to imprison someone because of their poverty and subsequent inability to satisfy their contractual obligations.

Education of Children is a Fundamental Human Right. The right to education for children

By the Eighty Sixth Constitution Amendment Act of 2002, a new human right (Article 21 A) was added to the Constitution. The '3' Amendment Bill 1997 was presented in Rajya Sabha in order to add a new article 21 A to the Constitution, guaranteeing every child the right to free and compulsory education. On the other hand, on November 27, 2001, the bill was withdrawn. A unanimous majority in the Lok Sabha and Rajya Sabha approved the 93rd Amendment Bill 2001, which was formally amended as the 86th Constitutional amendment. Article 21(A) states that the State must offer free and compulsory education to all children aged six to fourteen in a manner determined by law by the State. 75 For many years, the Supreme Court ruled that every person of this nation had the right to education until he or she reached the age of fourteen, even before the Constitutional process for making education a basic right began.

Human Rights and the State's Policy Directives (Judicially non-enforceable rights)

Part IV of the Constitution's non-enforceable rights are mostly of an economic and social nature. It is obvious, however, from Article 37 that the judicial non-enforceability of these laws does not lessen the State's obligation to apply them in drafting laws, as they are vital to the government of the county. Many of these notions have already been incorporated into Article 21 (the right to life and personal liberty) through the Supreme Court's inventive jurisprudence." As stated in Article 38, "the citizens, men and women equally"

have the right "to an adequate means of livelihood" (Article 39(a)), "the citizens, men and women equally" have the right to the distribution of ownership and control of community resources in order to serve the common good" (Article 3S(b)), and "the citizens, men and women equally" have the right to the prevention of concentration of wealth and production means Article 45 of the Constitution mandates that the government work to ensure that all children under the age of six have access to high-quality early childhood care and education, while Article 46 of the Constitution mandates that the government protect vulnerable groups from exploitation and injustice, while Article 45 of the Constitution mandates that the government work to raise living standards, enhance nutrition and public health, and prohibit the use of intoxicating substances (Article 51).

The Eleven Fundamental Duties of Every Indian Citizen are outlined in Part IV(A) of the Constitution (Article 51-A). the obligations to respect the Constitution and its institutions, live by its noble ideals of independence, protect India's sovereignty and integrity, defend it, promote religious harmony and denounce practises demeaning to women, preserve the cultural heritage, protect the natural environment, have compassion for living creatures and develop a scientific temper are among them.... A new clause (k) in Article 51(A) of the Eighty Sixth Constitutional Amendment 2002 was added to Article 51(A) mandating "a parent or guardian to provide opportunities for education to his child or as the case may be, ward between the ages of 6 and 14 years." In order to interpret and apply Article II, IV, and IV(a), it seems that the judiciary is highly reliant. Because of the many "reasonable restrictions" provisions in Article 21 of Part III, as well as the seldom utilised Part IV-A, the court has had significant leeway to review administrative and legislative actions. To put it another way, the State has been prodded into action by Article 21 by the guiding principles' direct impact on "life and personal liberty."

Human and Political Rights

An 18-year-old Indian citizen has the right to vote in India, making it the world's biggest representative democracy with universal adult suffrage. The Lok Sabha and the State/Provincial) Legislative Assemblies are elected directly by the people every five years under the terms of the Constitution. The upper chamber of Parliament, known as the Rajya Sabha, is elected by the members of the State Legislatures. The President is chosen by the elected members of Parliament and the state legislatures. The Vice-President is elected by both Houses of Parliament at the same time. The Constitution (Part XV) and specific legislation like the Representation of the People Act, 1951, control the right to vote, the right to run for office, and the holding of elections. The 78 members of the Election Commission (Article 324), which was established by the Constitution, performed rather well in the last elections, both provincial and parliamentary, and set an agenda for clean elections and the removal of the criminal-politician nexus.

People's Rights and Institutional Structure

Twenty-eight states and seven union territories (administered from the centre) make up India. Division of legislative powers between Parliament and the State Legislatures is provided for in the Constitution. 97 items fall under Parliament's jurisdiction, 66 fall under state legislatures', and 47 fall under both bodies' concurrent jurisdiction, with Parliament's authority taking precedence in the event of duplication of legislative efforts (Article 246 and the seventh Schedule of the Constitution). Items 9. Union List and item 3 of the Concurrent List provide Parliament the right to adopt laws on preventive detention, offences against laws in the Union List (Item 93), and any topic not included in one of the three lists (Item 95). (Item 97 and Article 248). The State List includes things such as public safety (Item 1), jails and reformatories (Item 3), assistance to the handicapped and jobless (Item 9), and industries other than those designated by Parliament to be managed by the Union (Item 24) Police are a State subject (Item 2), but deployment of the military forces of the Union or any other force under Union administration is in the Union List (Item 3). (Item 2-A). Among the items included in the Concurrence List are criminal law and procedure (Items 1 and 2), preventive detention for reasons related to state security, the maintenance of public order, or essential supplies and services (Item 3), transfer of prisoner(s) (Item 4) and actionable wrongs, civil procedure (Item 13). Article 253 also gives parliament the authority to enact legislation to carry out the provisions of any treaty, regardless of how those powers have been distributed above. 79 The Union's executive authority is vested in the Prime Minister and his "Cabinet," who answer to Parliament.

The Chief Minister and his Cabinet, who are accountable to the State Legislative Assembly, are in charge of the executive branch of a state. Governors are appointed by the President of the United States on the suggestion of the Prime Minister. The Union administration and non-military security forces, as well as the State administrations and police forces, are overseen by a single civil service for the whole country. Senior Union and State posts are interchangeable. The Supreme Court presides over the legal system. The state judiciary is ruled by a High Court, which has more authority than the Supreme Court in certain aspects, despite the fact that the Supreme Court's decisions bind the High Court. The judiciary, which is tasked with upholding the Constitution's principles, including human rights, and adjudicating on all inter-individual and inter-institutional conflicts, is fiercely independent of the legislative and the executive under the Constitution's structure. National Commissions for Minorities, for Scheduled Castes and Scheduled Tribes, and for Women have been established by the Central Government in order to oversee the implementation of the Constitutional goals aimed at improving the lives of India's lower castes and tribes. A law passed in 1993, the Protection of Human Rights Act, established the National Human Rights Commission (N.H.R.C). The Governmental Human Rights Commission (NHRC) has established itself as a significant player in India's system of national organisations tasked with enforcing human rights. Since 1979, the Press Council of India has been primarily responsible for keeping tabs on press freedom.

Judiciary and Human Rights

The court has emerged as the most important of the three branches of government in India as a champion of human rights. The Constitution's human rights provisions are the primary means through which it accomplishes this task. In the case of *Ajay Hasia v. Khalid ujb*, the Supreme Court of India held that it had a specific obligation "to enlarge the range and meaning of the? fundamental rights and to advance the human rights jurisprudence." As has previously been stated, the Constitution of India gives the Supreme Court of India and the State High Courts broad powers to uphold basic rights, and these powers have been liberally construed. The court has made two key contributions to human rights jurisprudence: (a) the substantive enlargement of the idea of human rights under Article 21 of the Constitution, and (b) the procedural innovation of Public Interest Litigation.

Protecting life and liberty, Article 21 states, "No person shall be deprived of his life or personal liberty except according to the procedure established by law." Constitutional Amendment 21 has been expanded in two ways: A new meaning was given to the phrase "the procedure established by law" one that the framers of the Constitution had not intended. It was in the very first year of the Constitution that the Supreme Court decided that "procedure established by law" simply meant that a procedure had to be created by legislation adopted by a legislature. Article 21's "Due Process" section was purposefully omitted in favour of this statement. It took the Supreme Court many decades later to reject its prior interpretation in the *Maneka Gandhi v. Union of India* case and conclude that the method intended under Article 21 is a right, just, and fair procedure, rather than an oppressive or arbitrary one. The reasonable and fair process must now meet the standard of article 14 - "in effect it hi^ become a Due Process." Indeed, the court's zeal to uphold human rights was stoked in large part by its involvement in the National Emergency (1975-1977). All legislative rights violations since then have been scrutinised in light of the new interpretation established in the *Maneka Gandhi's* case. The right to legal assistance for the poor and the right to a speedy trial are two examples of procedural due process developments that have resulted from this approach. the right to life and personal liberty' is interpreted by the courts in this regard "all the conditions necessary for a life of dignity and freedom Using this strategy, it is possible to exert significant pressure on the criminal justice and law enforcement systems. The guiding principles of state policy that are necessary for a "life with dignity." are also included into Article 21. This means that a person's right to their own body organs and a restriction on torture and other cruel or humiliating treatment by the police have been read as part of the term "Life" *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi*, the Supreme Court ruled that "life" could not be limited to mere animal existence or bodily survival. In other words, the right to life entails the right to a dignified existence, which includes the fundamental essentials of life, such as appropriate nourishment and clothes. 82 "a shocking state of affairs and portray a complete lack of concern for human values " were often expressed in the Article 21 proceedings before the High Courts and the Supreme Court. *Bihar v. Home Secretary, Hussainara Khatoon v. The Supreme Court* has ruled that even while "the right to life and liberty" (Article 21) does not directly include "the right to a speedy trial," it is inherent in that provision. *Bhagwati, Justice*, concluded "Article 21

prohibits the deprivation of a person's liberty if the method used is not 'reasonable,' 'fair,' or 'just.' Because Article 21 guarantees the basic right to life and liberty, it is clear that Article 21's Article 21 guarantees the right to a timely trial, meaning a fairly expedient trial. Furthermore, the Supreme Court ruled that 'incarceration of criminals for a time longer than what they would have been condemned to under Article 21 of the Constitution is unlawful'. In the Deoraj Khatri v. State of Bihar case^{4*}, allegations of police brutality were presented about the blinding of 80 suspects during an inquiry by the police (Bhagalpur Blinding case). Supreme Court Justice Ruth Bader Ginsburg called it "barbaric" and "a crime against mankind." Custodial violence against women was addressed in Sheela Barse v. The State of Maharashtra⁴⁹, in which the Court set down rules to prevent the torture and ill treatment of women in police custody and prisons. An additional monetary recompense for denials of life and liberty at the State's hands was inserted into Article 21 by the Supreme Court. The Rudal Shah v. Bihar State case brought this to light. ⁵⁰ One of the caveats expressed by b) has been overturned by the development of the right to compensation.

As part of India's commitment to the Human Rights Covenants, India acknowledged that the Indian law did not recognise such a right in the case of a right deprivation. The Supreme Court of India ruled in Paramanand Katra v. Union of India that the right to life and liberty guaranteed by Article 21 extends to the right of employees to health and medical care as a result of asbestos-related health issues. A child's right to free primary and secondary education, as well as the right to get immediate medical attention in the event of damage, has been recognised as part of the right to life.

Using a notion derived from the United States, the Indian court has developed Public Interest Litigation, an enlargement of class action under the common law. He must establish his legal standing to the court in order to pursue his claim, and this is generally done by showing that the defendant¹ respondent violated a legal right or duty that caused him some harm or damage for which the law provides a remedy. However, public interest litigation is predicated on the idea that: We cannot write off the weaker victims of injustices; the court's door should open if they come to us for help... The Supreme Court's most famous public interest campaigner, Justice Krishna Iyer, wonders how a bonded labourer labouring in a stone quarry could have known about moving the court.

"All people concerned about government lawlessness," he says, "neglect of administration, environmental pollution, health and safety of products and consumer protection" and "social exploitation" are helped by public interest litigation in the realm of public law, in particular by lawyers and public interest lobbies working to "reform decision-making processes in government and outside, affecting the public at large." Lawyers and social organisations that are devoted to serving the most marginalised members of society will find new difficulties and possibilities under the umbrella of public interest law. As part of the movement for social justice via professions for the people, this sensitive growth is taking place. Thus, judges with vision have new worlds to behold and homes of justice for the people to create. ⁵² It's no secret to Justice Krishna

lyer that public interest lawsuits may be exploited. As a result, I've been instructed that the court should be satisfied on the basis of circumstantial evidence that the information presented merits further investigation. It is important to look at the informant's qualifications, as well as the exact nature of the claim, the intensity or severity of the complaint, and any other relevant facts. In addition, it should employ its broad range of investigation abilities as suitable for the scenario 53 Since the Supreme Court began promoting the public interest litigation, there has been a continuous discussion in the United States between proponents and opponents of the legislation. According to the Supreme Court of India in the case Sunil Batra v. Union of India⁵⁴, a prisoner's letter protesting about the treatment of another prisoner was taken into consideration. Solitary confinement in jails, conditions of undertrial prisoners, sexual exploitation of blind girls in schools, detention of mentally ill people, minimum wages for all workers, illegal baby sales, forced labour, environmental protection, abuse of freshmen in colleges, better roads, land entitlements, and conditions of children in children's homes were all addressed in the letter, which prompted the Court to take up a wide range of issues. These and many other issues came before the court as it opened its doors wide and shed procedure formalism, including torture of young prisoners, Police brutality like blinding of suspects during investigation, custodial violence against women prisoners, deaths in police custody, handcuffing of accused persons facing trials, and fetters on prisoners.

The court developed additional tools to help it cope with public interest lawsuits as the legal process grew deformed, such as special inquiries, fact-finding commissions, scheme remedies, and post-decisional monitoring, among others. The Supreme Court 55 took the lead in establishing a nationwide Legal Aid Program.

In 1982, the Supreme Court said that it will look into a number of key problems relating to the litigation process in the public interest. If these issues can be clarified, it would be easier to prevent abuses of public interest litigation law and practise. "too late to burke PIL, but always welcome to reaffirm, and ref~ne, eliminate the entropy and abuse of the process." Justice Krishna lyer wrote in a dissenting opinion. 56 It's possible that the Court's main concern is the sheer volume of cases pending resolution. "We the People of India" seek social justice for no other reason than this, Justice yer reminds us. ~' 86 Justice Sujata Manohar warns that the court should not take on more than it can handle in the context of Article 21 of the Constitution. Article 2' establishes a right that may be enforced in court. Consequently, it should be a legal right that may be safeguarded by a court order. As stated in Article 21, rights that cannot be enforced in this way may develop the practise of dismissing judicial decisions as unimportant or unimportant at all. It's possible that no human right can be enforced by the courts. ~~ An example of judicial activism's boundaries is shown here.

When it comes to public interest litigation, the Supreme Court of India issued guidelines to be followed in all cases of arrest and detention by the State interrogation agencies until legal provisions are made on that behalf as preventive measures, taking into account the peculiar nature of public interest litigation. The following are the rules: In order for the

arrestee to be properly identified and interrogated, the arresting officers must wear clear, visible, and legible identity and name tags. It is necessary to keep a log of the personal information of agents who are involved in the questioning of the arrested suspect. At the moment of arrest, a note must be prepared by a police officer and certified by a witness. This might be a member of the arrested person's family or a well-respected member of the local community. The arrestee's signature and the time and date of the arrest must be included on the document. As soon as possible, a person who has been arrested or detained and is being held in a police station or interrogation centre or other lockups is entitled to have one friend or relative or other person known to him or having an interest in his welfare be informed of his arrest and detention. Unless the attesting witness of the memo of arrest is himself such: I friend or relative of the arrestee. 3. Police must notify a friend or family living outside of the district or town where the arrest took happened within 8-12 hours of the arrest by sending a telegram to the Legal Aid Organization in the District and the Police Station in the region concerned. Once an individual is arrested or detained, he or she should be notified of his or her right to have someone told of his or her arrest or imprisonment. It is required that an entry be made in the detention facility's journal on the arrest of the individual, including the name of the person's next friend who has been told of the arrest and the names and contact information for the police officers who are in charge of the arrestee's custody. There should be a thorough examination of the arrestee at the moment of his arrest, as well as a record of all of his major and minor injuries, if any, on his body. All parties involved in an arrest must sign the "Inspection of memo," and a copy of it must be made available to both parties. The arrestee shall be examined by a doctor from a panel of recognised physicians selected by the Director of Health Services of the State or Union Territory where he is being held every 48 hours throughout his detention in custody. He should put up a panel like this for each of the counties and districts, too. The Magistrate should get copies of all papers, including the note of arrest referred to above, for his records. However, the defendant's counsel may not be present for the whole duration of the interview. If an arrest has been made, the officer making the arrest should be able to report it to a police control room within 12 hours of the arrest being made, where it shall be posted prominently on a notice board for all district and state headquarters to see. Articles 21 and 22 of the Indian Constitution need strict adherence, according to the Supreme Court. This applies equally to other government agencies such as the Directorate of Revenue Intelligence, the Directorate of Enforcement, the Coast Guard, the Central Reserve Police Force, the Border Security Force, the Central Industrial Security Force (C.I.S.F), the State Armed Police, and Intelligence Agencies like the Intelligence Bureau, RAW, the Central Bureau of Investigation (CBI), and C.I.D. The supreme court has protected the human rights of persecuted people in a slew of judgments, of which these are only a few examples.

Media and Human Rights

The Information Media is a crucial tool for citizens to exercise their right to free speech and access to information in contemporary democracies. The democratic right to know, or the right to freedom of information, is essential to ensuring the full enjoyment of all

other human rights. For centuries, the press served as the primary means of disseminating news to the general public. It is now referred to as the "media," which includes print media, radio, television, and the web. In a huge democracy like India, where over 1500 distinct kinds of newspapers are published, the "Fourth Estate" plays an important role. 89 For the first time, the free press was silenced during the National Emergency. When it came to "unbiased" reporting on India, many people looked to the BBC. When there is an emergency, it is understandable that the Press or the media becomes a buzzword. According to the Supreme Court in a case involving contempt of court against editors of two newspapers, a true and responsible journalist has an obligation to provide the people with accurate and impartial news and views after a dispassionate evaluation of facts and information received by him and to be published as a news article. The court ruled that the editor of a newspaper or magazine has a larger duty for preventing the publishing of false information. If a newspaper publishes anything that is unethical, maliciously untrue, or unlawful, a court should penalise it. It is essential for a democratic society to have a free and healthy press, but that freedom of the press is subject to reasonable constraint, the Supreme Court said. When it comes to issues of governance, science and technology, foreign affairs and so on, India's media has played a significant role since the 1970's. However, as the aforementioned Supreme Court ruling shows, it has recently come under fire.

According to the chairman of India's Press council, a fall in journalistic credibility has occurred. As a result, many veteran journalists believe that the media is losing its social context and turning into a purely commercial product, complete with a manager hovering over the editor. 62 In spite of the fact that the media is 90 "a vital leverage to keep the rulers in check," it has failed "to educate people to assert their claim to the right to information," says another prominent journalist. Even the press has been under attack from terrorists, militant groups and even some elected officials.

The Chairman of the Press Council decried the rise of commercialism and corruption, and he emphasised the need of putting an end to these trends immediately.

64 While a judicial action is taking place, the media has a propensity to start "trials by the media," or even "sentences by the media." It's hard to overstate how important the media has been in spotlighting human rights issues over the last two decades, despite the foregoing drawbacks, when one considers their cumulative influence. The Official Secrets Act of 1923, a colonial legislation governing official secrecy, is still a hindrance to the free flow of information.

Immori31 Traffic in Women and Girls Act of 1956 Suppression of Civil Rights Act, 1955 Act of 1961, Maternity Benefits Act of 1961 banning the practise of wearing dowry The Equal Pay Act of 1976 Abolition of bonded labour Act, 1976 The 1938 Child Labor Act (Amended in 1985) Children's Employment and Welfare Act, 1986 Indecent Representation of Women (Prohibition) Act, 1986 9 1 The Juvenile Justice Act A.S. 987, the Sati (Prevention) Act Anti-Atrocities Act of 1989, 12th Section of Scheduled Castes and Scheduled Tribes Among them are the National Commission for Women Act of 1990,

which was signed into law in 1990, and the National Commission for Minorities Act, which was signed into law in 1992. The Mental Health Act of 1993, Section 17 1995 Act for the Equality and Protection of the Rights and Full Participation of Persons with Disabilities

Conclusion

The Indian Constitution has a wealth of human rights law. There has never been a more comprehensive human rights charter drawn up by a state elsewhere in the world. Indian Constitution's Part III is said to be the 'Magna Carta' of the country. In India, the judiciary plays a critical role in upholding and enforcing human rights. For the first time, the Indian Courts have opened its doors to all of the country's most marginalised and disenfranchised citizens, including the impoverished, the uneducated, the illiterate, the oppressed, the have-nots, and the disabled.

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