



## Protection of Human Rights and Internal security – Issues and Challenges

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**Abstract:** Existence of the state and state machineries is to offer protection to the people and protect their Human Rights. After the World War II recognition of Human Rights have achieved important position all over the world. Especially in India after the land mark judgment of the Supreme Court of India in Maneka Gandhi's case debates about protection and preservation of human rights issues became more vibrant. In India developments which took place in areas related to preservation and protection of Human Rights are not very satisfactory. Frequent terrorist attacks, disturbed J & K, problems related to Naxalisms shows that protection and preservation of human rights have got less attention and importance too. Existence of the state and state machineries is to offer protection to the people and protect their Human Rights. In this article discussions are made with respect to effect of terrorism, Naxalism and communal riots on human rights. The human cost of terrorism has been felt virtually in every corner of the world. Object of this article is to highlight the point that there is enormous human loss and gross violation of human rights due to poor security management system.

**Key Words:** Protection, Human Rights, Internal security.

### Article History

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### Introduction-

As per International and Regional Human Rights law, states have both, a right and duty to protect individual under their jurisdiction from acts like terrorism and naxalism. It is an essential duty of any state to protect individual in their jurisdiction against interference in the enjoyment of human rights. This duty is acknowledged as part of 'states' obligation to ensure respect for the right to life and security. State must take all appropriate and required steps to

Many pre-modern societies believed that ruler had an obligation to govern wisely and for everyone's benefit.

The first person who developed the comprehensive theory of Human Rights was British Philosopher John Locke. According to Locke "People form societies and societies establish government, in order to assure enjoyment of natural rights. Locke defined government as a social contract between rulers and ruled. Citizens, he believed, are obliged to give allegiance only to a government that protects their human rights. Those Rights may even have precedence over the claims and interests of the government. Government can only be legitimate when it systematically honors and protects the human rights." <sup>1</sup>

After the World War II, worldwide any regime, government that denied human rights to their citizens have lacked long term stability. "A significant cause of the collapse of the Soviet Union was the growing unwillingness of citizens because of denial of internationally recognized human rights." In South America and Central America repressive military government's failed throughout the 1980's. <sup>2</sup>

It is interesting to know that all International Human Rights movements were began after World War II which led to formation of the United Nations Organization. The 20<sup>th</sup> Century had experienced unprecedented human losses, destruction and annihilation. United Nation was formed with an object to promote peace & harmony and respect for human rights on an International Level.

It is clearly mentioned in preamble of United Nation of Organization that "To reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women; and in universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to Race, sex, language and religion." The proclamation of Universal declaration of Human Rights is not mere proclamation but it represents collective will of all nations to respect human rights. <sup>3</sup>

#### **Meaning and History of Human Rights-**

The term human right is very important. It exist for common people. Human rights are generally understood as those rights which are inherent in human beings without which they cannot live as human beings. They get these rights by virtue of their birth. These rights are

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<sup>1</sup> Pravin P Parekh, (ed) "Human rights Year Book 2012-2013" Universal Law Publishing, Delhi-2012

<sup>2</sup> Ashok Walekar, "State Terrorism and Human Rights", ABD Publishers, New Delhi, First Edition-2013

<sup>3</sup> Hon'ble Justice Shivraj Patil, "Human Rights, Terrorism and Internal Security", 1, BLR, 26, 2012

or third parties. Moreover, it has created new challenges for rights groups who must evaluate how best to interact with states that fail to ensure public safety.

#### **Impact of Terrorism and Naxalism on Human Rights-**

Acts like terrorism and naxalism aims at destruction of human rights, Democracy and Rule of Law. It has direct impact on the enjoyment of a number of human rights, particularly –

1. Right to life.
2. Right to liberty and physical integrity
3. Prohibition against torture
4. Right to Security
5. Right to Privacy

Acts like terrorism directly affects basic human rights values and intent to destabilize government, these acts undermine civil society, disturb peace and security, affects social and economical development of the country. Especially terrorism, an international problem causes following problems related to human rights-

- It threatens the dignity and security of human beings across the world, it put the lives of innocent people in danger, and it affects the freedom of people and aims at destruction of human lives.
- It has adverse effect on Democracy and rule of law. It creates obstacle in maintaining peace and security in the state.
- Terrorism has linkages with other crimes like drug trafficking, money laundering, trafficking of arms and ammunitions which are meant for destruction of human rights.
- Terrorism destabilizes the economic and social development of any Nation.
- It threatens the territorial integrity and security of the state and also international peace.

The 'Right to life' basic right which is protected under all International and Regional Laws such as 'International Covenant on Civil and Political Rights' is treated as "the Supreme Right" because without its effective guarantee, all the other human rights would be meaningless. Even in case of emergency, states are not permitted to derogate from this right. However acts like terrorism and naxalism directly attacks on 'Right to life'

#### **Internal Security- Challenges and Issues with respect to Human Rights-**

Providing Protection to the people residing in state is essential to maintain internal security within the state. However if in any state people are living under constant fear and if their

terror appear to co-operate more effectively than the democracies nations that they target." He expects Democratic nations to come together and with determination and co-operation to fight against the terrorism. We are in need of global strategy against the terrorism. Unitedly we should take action against the nations who are giving financial and infrastructural support to these terrorist activities. <sup>6</sup>

We cannot remain silent spectator when the security of the nation is on threshold. Basically we will have to analyze the reasons behind the question why as a Nation we are incapable to handle these challenges? We should not ignore the fact that its not only terrorism but killing of innocent people is going on in other forms also like naxalism, North-East problem, Communalism, regionalism across the country.

Out of many reasons, one reason for incapacity to control the terrorism is its International Nature and international linkages. The act of terrorism is not originated in one state and not confined to a particular place or group. There are various groups, organizations are being trained in various parts of the World. Some are states sponsored terrorism.

Secondly, there are major lacunas and deficiencies in our infrastructure provided to the security personnel who are fighting with these problems. We can very well site an example of 26/11 terrorist attack on Mumbai. Pradhan Committee which was appointed to find out reasons behind attack, in its report clearly mentioned that terrorist were carrying much advanced weapons than Mumbai Police. Bullet proof jacket of some senior officials who lost their lives in an attack was also a floating issue for many days. With such infrastructure and equipments how can one face a problem of terrorism.

Naxalism is another form of terrorism created by our own people resulting into killing of human beings. Nowadays it has become dangerously active and slowly spreading its legs and becoming wider promoting mass destruction and disturbing normal life. Hence naxalism is another challenge before the state to deal.

Threats like terrorism, naxalism are created by some groups with some political intent. Object of these groups is to achieve their goals through some violent movements with the ordinary people of the state. To control and prevent these movements generally use of police and Forces is common practice. But sometimes excessive use of police and forces also becomes the

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<sup>6</sup> Address by Prime minister Dr. Manmohan Singh at the 59<sup>th</sup> Session of the U.N. General Assembly on 23<sup>rd</sup> Sep 2004

enacting stringent laws was unavoidable. Therefore many Laws like TADA, POTA were enacted to prevent these attacks.

However our experience is that these laws were opposed by all human rights activists in our country including National Human Rights Commission. Moreover these problems could not be solved by enacting laws that do away with the legal safeguards which are designed to prevent innocent persons from being prosecuted and punished.

These counter terrorism laws confers extra-ordinary powers to the law enforcement agencies, being under the perception that terrorism is unique crime and poses threat not only to an individual but to the security of the state and the Democracy. Such powers have included preventive detention, Broad investigative powers, and special rules of criminal procedure. All these powers to the authorities have given rise to another concern regarding its adverse effects on human rights of the common people. Many cases came before which includes gross violation of human rights of the ordinary people by authorities while investigating the case and carrying out operations.

More precisely, the phenomena of terrorism in the state remained bound up with the phenomena of violence against individual, elites and individuals. Effective counter terrorism measures and the protection of human rights are complementary and mutually reinforcing objectives which must be persuaded together as part of states duty to protect individuals within their jurisdiction. Since terrorism is impregnated with violence and abuse of human rights

#### **Conclusion-**

Existence of the state and state machineries is to offer protection to the people and protect their Human Rights. In this article discussions are made with respect to effect of terrorism, Naxalism and communal riots on human rights. The human cost of terrorism has been felt virtually in every corner of the world. Object of this article is to highlight the point that there is enormous human loss and gross violation of human rights due to poor security management system.