

## **9. Significance of Human Rights for All, Including Non-Citizens: An Indian Perspective**

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### **Abstract:**

*Human rights are fundamental to preserving human dignity and freedom and must be universally applicable to all, including non-citizens. This article examines the evolution, importance, and challenges of human rights globally and in India, focusing on their application to non-citizens. It provides a detailed discussion on landmark judgments, issues of misuse, and the necessity of inclusive protection mechanisms. By addressing both historical growth and contemporary concerns, it underscores the relevance of human rights in building equitable societies.*

### **9.1 Introduction:**

Human rights, enshrined in the Universal Declaration of Human Rights (UDHR) (1948), signify the inherent dignity and equality of every individual. These rights, being universal, transcend national boundaries, guaranteeing protection to both citizens and non-citizens. In India, Articles 14, 20, and 21 of the Constitution embody the essence of these principles, extending safeguards to all individuals within the country.

Non-citizens, including refugees, migrants, and stateless individuals, often encounter systemic biases, economic marginalization, and legal exclusions, making human rights protections indispensable for promoting justice and equality.

### **9.2 Historical Growth and Evolution of Human Rights:**

#### **9.2.1 Global Evolution:**

Human rights find their roots in ancient texts like the Cyrus Cylinder (539 BCE) and evolved through milestones such as the Magna Carta (1215) and the French Declaration of the Rights of Man and the Citizen (1789). The atrocities of World War II led to the formulation of the UDHR in 1948, which laid the foundation for subsequent international treaties like:

International Covenant on Civil and Political Rights (ICCPR), 1966

International Covenant on Economic, Social, and Cultural Rights (ICESCR), 1966

### **9.2.2 Evolution in India:**

**India's human rights framework derives from its Constitution and international commitments:**

Constitutional Provisions: Fundamental rights under Articles 14 (equality before the law), 20 (protection against conviction of offenses), and 21 (right to life and liberty) ensure inclusivity.

Protection of Human Rights Act, 1993: This act institutionalized the National Human Rights Commission (NHRC) to safeguard and promote human rights.

### **9.3 Landmark Judgments:**

#### **9.3.1 Vishaka v. State of Rajasthan (1997):**

This case set guidelines for workplace harassment, upholding the universal application of human rights irrespective of nationality or citizenship.

#### **9.3.2 National Human Rights Commission v. State of Arunachal Pradesh (1996):**

The Supreme Court protected the rights of Chakma refugees, emphasizing that non-citizens are entitled to human dignity and life under Article 21.

#### **9.3.3 Chairman, Railway Board v. Chandrima Das (2000):**

In this case, compensation was awarded to a Bangladeshi woman who was gang-raped in India, establishing that human dignity is not confined to citizens alone.

### **9.4 Significance of Human Rights for Non-Citizens:**

#### **9.4.1 Equality Before Law:**

Under Article 14 of the Indian Constitution, the principle of non-discrimination applies universally, granting equal protection to non-citizens.

#### **9.4.2 Refugee Protections:**

Although India is not a signatory to the 1951 Refugee Convention, it upholds the principle of non-refoulement (prohibiting the return of refugees to places of persecution) through judicial and administrative measures.

### **9.4.3 Labor and Social Rights:**

Non-citizens, particularly migrant workers, contribute significantly to India's economy but face exploitation and denial of labor rights. Recognizing their human rights can enhance social cohesion and economic growth.

## **9.5 Issues and Challenges:**

### **9.5.1 Systemic Discrimination:**

Non-citizens often face limited access to healthcare, education, and legal aid, exacerbating vulnerabilities.

### **9.5.2 Statelessness:**

India is home to stateless communities, such as the Rohingyas and Chakmas, who are denied basic rights like voting and property ownership.

### **9.5.3 Misuse of Laws:**

Preventive detention and deportation measures are often misused to target migrants and refugees.

#### **Case Study: Rohingya Refugees in India**

The proposed deportation of Rohingya refugees in 2017 raised concerns about violations of international human rights law and non-refoulement.

## **9.6 Landmark International and Indian References:**

### **International:**

- UNHCR v. Belgium and Greece (2011): Emphasized non-refoulement.
- ICCPR (1966): Advocated civil liberties for all.

### **India:**

State of West Bengal v. Anwar Ali Sarkar (1952): Established the essence of equality under Article 14.

## **9.7 Recommendations:**

### **1. Legislation for Refugees and Stateless Persons:**

Enact comprehensive legal frameworks to address the needs of non-citizens.

## **2. Strengthening Enforcement Mechanisms:**

Empower NHRC and State Human Rights Commissions to handle cases involving non-citizens effectively.

## **3. International Collaboration:**

Partner with global organizations like the UNHCR to safeguard the rights of refugees and migrants.

## **4. Public Awareness Campaigns:**

Educate stakeholders on human rights obligations, promoting empathy and inclusivity.

## **9.8 Conclusion:**

Human rights are universal and indispensable for fostering equality and justice. India's judiciary has been instrumental in interpreting constitutional provisions to include non-citizens, but challenges persist. Strengthening legal protections and fostering international collaboration are essential for ensuring that the rights of all individuals, irrespective of nationality, are upheld.

## **9.9 References:**

1. Basu, D.D., *Shorter Constitution of India*, 16th Edition, 2021.
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