
PROTECTION OF VULNERABLE GROUPS AND THE HUMAN RIGHTS ISSUES IN INDIA

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ABSTRACT

Human rights are the inalienable rights and no one can take it away from an individual. Any human irrespective of nationality, place of birth, sex, language, religion have human rights and such rights needs to be protected. Human rights consist of various rights including right to life, right to equality before law, right to freedom of religion etc. These rights are recognised and protected by various International Covenants and national laws at international and national level. But, even after providing protection there are certain sections of the society whose rights are infringed and neglected. These sections of the society include the underprivileged children, Schedule Caste, Schedule Tribes, women, people with disabilities, LGBTQ etc. They are regarded as weak and vulnerable and many a times their rights are not acknowledged or protected.

There are many instances where their rights are disregarded and even their voices remain unheard. In the times of crisis, wars or any unrest in a country or a state these section of society experiences discrimination and violence. The protection of human rights is for all but the issues relating to it still persist. This paper highlights the importance of human rights and issues relating to it in India. It will also highlight the plight of vulnerable section of society even when there are numerous provisions that are available to protect the same.

Keywords: Human Rights, Vulnerable, Disadvantaged groups, Schedule Tribe, Schedule Tribes and Conventions.

Introduction

Human Rights are the inherent rights that an individual have by virtue of birth as a human. Human rights are important and all individual enjoy it freely and openly and such rights must be acknowledged and protected. According to Britannica, “human rights are the rights that belong to an individual or group of individuals simply for being human, or as a consequence of inherent human vulnerability, or because they are requisite to the possibility of a just society”.¹ According to United Nations, Human rights are right inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion or any other status”.² An individual is free from slavery, torture, freedom of opinion and expression, to work freely without any discrimination.³

Human Rights are inherent rights and various laws at the international level provides that the Government needs to provide protection and also to see that such rights are not infringed.⁴ Human rights are defined under broad range of rights including civil, economic, political, social and cultural rights. There is an international body to see that such rights are protected. United Nations have played an important role in encouraging the member countries as well as other countries to protect the rights of human.

History and importance of human rights

The history of human rights can be traced back to the year 539 BC. It was when the troops of Cyrus the Great conquered Babylon and freed the slaves, he declared that every individual had the right to choose his won religion and in this was a racial equality was established.⁵ Apart from this there were other principles that were recorded on the Cyrus Cylinder, and it is regarded to have served as an inspiration while making the first four Articles of the universal Declaration of Human Rights. In 1215 the Charter of Magna Carta was promulgated and it is regarded as a cornerstone in the history of Human Rights as it introduced the concept of “Rule of Law”. The principles that are laid down under the Magna Carta is represented by the

¹ *Human Rights*, Britannica, (Apr. 12, 2025, 10:00 AM). <https://www.britannica.com/topic/human-rights>.

² *Peace, Dignity and Equality on a Healthy Planet*, United Nations, (Apr. 13, 2025, 10:00 AM)., <https://www.un.org/en/global-issues/human-rights>.

³ *Id.* at 2.

⁴ *Human Rights*, World Health Organization(Apr. 14, 2025, 11:00 AM)., <https://www.who.int/news-room/fact-sheets/detail/human-rights-and-health>.

⁵ *Human Rights Evolution: A Brief History*, CoESPU, (Apr. 15, 2025, 10:00 PM). <https://www.coespu.org/articles/human-rights-evolution-brief-history>.

English Bill of Rights. The Bill laid down the constitutional and civil rights and the monarchy power was given lesser powers.

Later in 1789 the Declaration of the Rights of Man and of the Citizen was adopted which represents one of the basic characters of human rights and liberties. According to the Declaration every human were free and had equal rights. No one could be discriminated and had right to fair trial. Various freedoms like the freedom to religion, speech was protected so to maintain pace and order in the society. The adoption of the first three **Geneva Conventions and the Hague Conventions expressing the deep concern of the public opinion to promote a respect of a basic level of Human dignity of individuals even in wartime and posing the foundations of modern International Humanitarian Law.** ⁶

Later the concern regarding the protection of certain minority group was raised after the First World War by the League of Nations. It was then the International Labour Organization (hereafter referred to as ILO) was established to look over the treaties relating to protection of workers. Their right to proper wage, health and safety was recognised. The concept of human rights was strengthened after world war II as it made the whole world think about the importance of Human Rights.⁷ All the governments came together to establish the United Nations and the main aim of establishing it was to bring about international peace and to avoid wars or conflicts. The main objective was to make human rights important and that it should not be violated, denied or infringed. Every human was to have freedom, food, shelter and nationality. To achieve these in 1945 the United Nations framed a UN Charter which laid down the provisions to protect human rights and to save the coming generations from the atrocities of the wars.⁸ The member parties pledged *“to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”*⁹

⁶ *Universal Declaration of Human Rights*, United Nations, (Apr. 12, 2025, 10:00 AM). <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

⁷ *History of the ILO*, International Labour Organization, (Apr. 12, 2025, 10:00 AM). <https://www.ilo.org/about-ilo/history-ilo>

⁸ *Charter of the United Nations*, United Nations, (Apr. 12, 2025, 10:00 AM). <https://www.un.org/en/about-us/un-charter/full-text>

⁹ *The International Bill of Human Rights*, Office of the United Nations High Commissioner for Human Rights, (Apr. 12, 2025, 10:00 AM). <https://www.ohchr.org/sites/default/files/Documents/Publications/Compilation1.1en.pdf>.

More commitment was given to protect and promote human rights in the world, to achieve this a Commission on Human Rights was immediately established and charged with the task of drafting a document which highlighted the meaning and importance of fundamentals rights and the freedoms as proclaimed in the UN Charter. In 1948 drafted the Universal Declaration of Human Rights (hereafter referred to as UDHR) containing 30 articles.¹⁰

The **Universal Declaration of Human Rights** was introduced to the global community as the first widely recognized and internationally endorsed human rights charter. Its first article declares that “*all individuals are born free and equal in dignity and rights, possessing reason and conscience, and should treat one another with a sense of brotherhood*”.¹¹

While the UDHR does not carry legal force, it marked a pivotal shift by establishing that a government's treatment of its citizens is no longer just an internal affair—it is a matter of international interest. The Declaration also recognizes that the enjoyment of rights and freedoms can be limited, but only under specific conditions: such limitations must be legally defined and aimed solely at respecting the rights of others and upholding moral values, public order, and the general well-being within a democratic society.¹²

The **Universal Declaration of Human Rights (UDHR)** has had a profound impact on the development of international human rights law. Together with the **International Covenants on Civil and Political Rights** and on **Economic, Social and Cultural Rights**, it forms what is commonly referred to as the **International Bill of Rights**. This foundational framework outlines the responsibilities of governments to either take specific actions or avoid certain practices in order to safeguard the rights and freedoms of individuals and groups.¹³

The principles of the UDHR have been widely adopted, with most UN member states incorporating them into their national constitutions. Over time, these principles have gained the status of **customary international law**, serving as a universal benchmark for all nations and peoples.¹⁴ Since the establishment of the United Nations, the protection of human rights

¹⁰ILO, *supra* note 7.

¹¹ *The International Bill of Human Rights*, Office of the United Nations High Commissioner for Human Rights, (Apr. 11, 2025, 09:00 AM).

<https://www.ohchr.org/sites/default/files/Documents/Publications/Compilation1.1en.pdf>.

¹² *What Are Human Rights?*, Council of Europe, (Apr. 12, 2025, 10:00 AM).

<https://www.coe.int/en/web/compass/what-are-human-rights->

¹³ *Id.* at 12.

¹⁴ ILO, *supra* note 7

has continued to progress. The UN has enacted over 20 major treaties, addressing various human rights issues. These include agreements aimed at preventing serious violations such as **torture** and **genocide**, as well as protecting the rights of particularly vulnerable groups. Prominent examples include:

- The **1951 Convention Relating to the Status of Refugees**
- The **1979 Convention on the Elimination of All Forms of Discrimination against Women**
- The **1989 Convention on the Rights of the Child**¹⁵

Together, these treaties strengthen the global human rights framework and affirm the international community's commitment to dignity, equality, and justice for all. The so-called **Fourth Generation of Human Rights**, emerging in response to the rapid advancement of technology, represents the most recent area of discussion in the human rights field. The integration of physical, biological, and digital innovations raises fundamental concerns about the definition of humanity and how to ensure the protection of human dignity. The increasing digitalization and data-driven nature of human activity create new paths for progress but also introduce fresh risks for rights violations.¹⁶

It is good to know that there is a growing understanding that the idea of **human dignity**, although rooted in the original principles of the UDHR, is continuously evolving to meet the demands of changing times. Addressing these developments requires a coordinated and forward-thinking global response. While discussions around Fourth Generation Rights are still ongoing, I believe there is potential for a **Fifth Generation** and perhaps more to come as humanity continues to confront new realities and expand the scope of human rights protections.¹⁷

¹⁵*The Core International Human Rights Treaties*, Office of the United Nations High Commissioner for Human Rights, (Apr. 15, 2025, 09:00 AM).

<https://www.ohchr.org/sites/default/files/documents/publications/coretreatiesen.pdf>

¹⁶ *Understanding the Evolution and Generations of Human Rights*, Superkalam, (Apr. 11, 2025, 09:00 AM).

<https://superkalam.com/upsc-mains/topics/evolution-three-generations-human-rights>

¹⁷ *Id.* at 16.

The Human Rights protection of the Vulnerable Groups

Human rights are for all and it is the aim of the human rights instruments to protect the same. Vulnerable groups are those who are vulnerable and weak and have been victims of violations. There are various human rights instruments that sets out for the protection of the rights of the vulnerable groups including the women, child, elderly, person with disabilities, Schedule Tribes and Schedule castes, the immigrants, refugees, the LGBTQ community etc. The vulnerable groups are not limited to the ones listed above. There are additional committees established to guarantees to these persons with special protective measures.¹⁸ In India there are various provisions that provides for protection of marginalised groups and individuals like Article 23¹⁹ clarifies that the trade of people for work and forced labour are prohibited, Article 24²⁰ provides for restrictions on employing minors in jibs that risks their heath and safety. Apart from this there are other Articles like 37,38, 39, and 39A which provides for various safeguards and protections. Under Article 46 it is provided that there should be development for disadvantaged groups' educational and economic interests of the Schedule Caste and Schedule Tribes.²¹ In India apart from the constitutional provisions there are other legislations that were incorporated for the protection of the rights of the vulnerable sections. Like the Rehabilitation Council of India Act, 1993, the Social Defence Act, The dowry Prohibition Act, 2005, The protection of Human Rights Act, 1993 etc.²² Apart from the above mentioned legislation there are various policies that are framed for the protection of the rights of the vulnerable groups.

Issues Faced by the Vulnerable Communities in India

Human rights are important and essential for all but there are still people who are discriminated and disregarded. Vulnerable sections of the society are that disadvantaged sections whose rights are violated and infringed in numerous occasions. Vulnerable or the marginalized groups encounter a range of difficulties, including restricted access to vital services like education,

¹⁸ *The Human Rights Protection of Vulnerable Groups*, Icelandic Human Rights Centre, (Apr. 14, 2025, 10:00 PM). <https://www.humanrights.is/en/human-rights-education-project/human-rights-concepts-ideas-and-fora/the-human-rights-protection-of-vulnerable-groups>

¹⁹ *INDIA CONST. art. 23*

²⁰ *INDIA CONST. art. 24*

²¹ *Laws for the Development and Betterment of Vulnerable Sections*, Unacademy, (Apr. 13, 2025, 10:00 AM). <https://unacademy.com/content/upsc/study-material/general-awareness/laws-for-the-development-and-betterment-of-vulnerable-sections-in-detail/>

²² *The Protection of Human Rights Act*, Drishti IAS, (Apr. 21, 2025, 12:00 PM). <https://www.drishtiiias.com/loksabha-rajyasabha-discussions/75-years-laws-that-shaped-india-the-protection-of-human-rights-act-1993>

healthcare, and economic opportunities. These challenges are often intensified by societal stigma, discrimination, and bias linked to their identity or social status. Such barriers frequently prevent them from having a voice in decisions that affect their lives, leading to inadequate representation in policies and institutions. Furthermore, they are often subject to unequal legal treatment and face obstacles when seeking justice and protection. For instances women still face the issues of gender inequality, gender gap pay issues, children suffer from abuse, they are mis treated and many a times they are denied the basic rights. There are many incidents of abuse on the elderly, they are isolated and left behind, they face issues relating to their pensions. Apart from this there are persons with disabilities who are discriminated and they are not provided with infrastructural assistance, they are exposed to abuse and they do get equal job opportunities. There are LGBTQ communities who face social stigma and their legal rights are not protected, they even face challenges in getting housing facilities. There are many other sections who are still facing numerous challenges and issues relating to protection of their rights.

Defending the rights of these groups is crucial for fostering fairness, dignity, and equal opportunity. Ensuring their inclusion helps build societies where everyone has the chance to participate fully and reach their potential. In India, women generally hold a lower social position than men, and those who belong to certain castes or ethnic communities often face additional layers of discrimination. This dual burden significantly limits their access to essential services, including healthcare. Many women, particularly from disadvantaged backgrounds, are unable to receive proper prenatal care. Furthermore, the rate of institutional childbirth is much lower among women from poorer economic sections compared to those from wealthier families, highlighting stark inequalities in maternal healthcare access. Women are often subjected to various forms of violence, which have serious consequences for their physical and mental health. From early childhood through adolescence, girls may face violence in the form of female infanticide, neglect of their nutritional needs, limited access to education, and inadequate health care. As they grow older, women are further exposed to gender-based violence, including unwanted pregnancies, domestic abuse, sexual harassment in the workplace, and sexual violence, such as marital rape and even honour killings. The impact of such violence on a woman's health is not uniform—it varies based on her socioeconomic status, caste, and racial or ethnic background. Then there are children who suffer lots of violence. Such violence affect the child's growth, mental health and also physical well beings. There are two factors that contribute in child vulnerability that is individual factors and environmental

factors.²³ These two factors impact a child's cognitive, emotional and physical abilities. Apart from women, children there are schedule caste and schedule tribes who are that section of society who have always faced discrimination and are economically dependent. Scheduled Castes have remained economically dependent, while those with political and cultural power generally belong to the upper classes. This imbalance has significantly affected the lifestyle and access to essential resources—such as food, education, and healthcare—of marginalized communities. A large proportion of the poor, especially Dalits, continue to rely on others for their livelihood. The term *Dalit* does not simply denote a caste category; rather, it represents a group that experiences systemic oppression, social exclusion, vulnerability, and persistent poverty.²⁴

Scheduled Tribes, like the Scheduled Castes (SC), face deep-rooted structural discrimination in Indian society. They often lack ownership of land and are excluded from access to vital natural resources such as land, forests, and water. Many members of these communities work as agricultural laborers, part-time or seasonal workers, and industrial laborers. This systemic marginalization has resulted in widespread poverty, low educational attainment, poor health outcomes, and limited access to healthcare services. As a result, they remain among the most economically disadvantaged and health-vulnerable populations in the country. Elder abuse refers to a single or repeated act—or the failure to take appropriate action—within a relationship where trust is expected, resulting in harm or distress to an older person. It is a serious violation of human rights and can take many forms, including physical, sexual, psychological, and emotional abuse, as well as financial exploitation, neglect, abandonment, and the loss of dignity and respect.²⁵

The other sections of vulnerable groups consists of LGBT individuals. They have often faced threats and violence due to the nature of their being. They are discriminated and many a times suffer violence. ²⁶ According to a 2013 report by the International Lesbian, Gay, Bisexual, Transgender, and Intersex Association (ILGA), nearly 80 countries had laws that criminalized individuals based on their sexual orientation or gender identity. LGBT individuals often face

²³ Issues Related to Vulnerable Groups, (Apr. 13, 2025, 10:00 PM). <https://unacademy.com/content/upsc/study-material/polity/issues-related-to-vulnerable-groups/>

²⁴ *Id.* at 23.

²⁵ World Health Organization, *Abuse of Older People*, (Apr. 15, 2025, 01:00 PM). <https://www.who.int/news-room/fact-sheets/detail/abuse-of-older-people>.

²⁶ U.S. Dep't of State, *The Vulnerability of LGBT Individuals to Human Trafficking*, (Apr. 15, 2025, 10:00 PM). <https://2009-2017.state.gov/documents/organization/233940.pdf>.

heightened risks of violence and discrimination, particularly in employment, healthcare, and education. In many cases, families have rejected or expelled LGBT members, leading to further social isolation. The combined impact of homophobia and systemic discrimination leaves LGBT persons especially vulnerable to human traffickers, who exploit their desperation to escape abuse and marginalization.²⁷ Not only human trafficking these groups also are forcibly displaced worldwide.. Out of the 84 million people forcibly displaced around the world, LGBT individuals face heightened vulnerability and marginalization. Many are forced to flee due to persecution and socio-economic exclusion, only to find themselves in host countries that either lack robust human rights protections or openly discriminate against people based on their sexual orientation and gender identity. This compounds their challenges and increases their risk of exploitation, violence, and continued marginalization.²⁸

Conclusion and Recommendations

Human rights are inalienable and important hence, it is recognised and protected. But, we can see that there are still many groups whose human rights are violated. Even after many declaration, conventions and legislations the rights are infringed. It is important to note that even at this moment somewhere a person's right is being violated. It is very important to safeguard the basic rights of an individual. There are various recommendations that can be incorporated to safeguard the rights of the vulnerable group of the society. Firstly, there should be prevention of child morality and a holistic development of a child should be strived.²⁹ The child should get a stable, safe and supportive environment as it would help in overall development of a child. Since, women and girls face many atrocities they are victims and many a times considered weaker sections of the society.³⁰ Hence, their health should be given top priority, they should have health services and education facilities. In many place child marriage is still carried out, hence stricter steps requires to be taken to end the same. The person with

²⁷ *Id.* at 26.

²⁸ Office of the U.N. High Comm'r for Human Rights, *Forcibly Displaced LGBT Persons Face Major Challenges in Search of Safe Haven*, (Apr. 18, 2025, 11:00 AM). <https://www.ohchr.org/en/statements-and-speeches/2022/05/forcibly-displaced-lgbt-persons-face-major-challenges-search-safe>

²⁹ G.A. Declaration, *Declaration on the Protection of Women and Children in Emergency and Armed Conflict*, (Apr. 30, 2025, 10:00 PM). <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-protection-women-and-children-emergency-and-armed#:~:text=Women%20and%20children%20belonging%20to%20the%20civilian%20population%20and%20finding,food%2C%20medical%20aid%20or%20other.>

³⁰ Int'l Org. for Migration, *Protection of Human Rights and Fundamental Freedoms of Migrants and the Specific Needs of Migrants in Vulnerable Situations*, (Apr. 30, 2025, 11:00 AM). https://www.iom.int/sites/g/files/tmzbd1486/files/our_work/ODG/GCM/IOM-Thematic-Paper-Protection-of-Human-Rights-and-Vulnerable-Migrants.pdf.

disabilities face discrimination and hence their rights like right to health, right to education, right to work should be protected. The Convention on the Rights of Persons with Disabilities challenges the traditional practices of psychiatry. Hence, more should be thought about so that the Person with disabilities do not feel alien or left out. For elderly people better care centres needs to be made and their pensions policy needs to be little amended. For the people of LGBTQ+ society needs to be aware of them and treat them equally, there are many countries who haven't recognised their rights hence, awareness programs needs to be conducted and their rights needs to be backed with certain legal rights.

Apart from them there are migrants, refugees and asylum seekers who are constantly on move and searching for a better place to live in. The migrants, refugees include all be it high skilled workers or low skilled workers hence, it is the duty of the States to see that their right to health is guaranteed. It is not only the duty of the States but also the duty of the non-State actors to respect, protect their right to health.³¹

Hence, we can say that Human rights are essential for all and every individuals human rights needs to be respected and protected.

³¹ Office of the U.N. High Comm'r for Human Rights, (May 12, 2025, 10:00 AM). *Non-Discrimination: Groups in Vulnerable Situations*, <https://www.ohchr.org/en/special-procedures/sr-health/non-discrimination-groups-vulnerable-situations>.