



A Panorama of the Role of Literature in Preservation of Human Rights

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Abstract: *The talk of human rights can never be completed without the mention of female rights and their psyche. In the later decades of the same century has witnessed the rise of feminism with strong protest against the atrocities inflicted upon the female folk in the contemporary society. Feminism has grown from Kamala Markandaya, Anita Desai, R.P. Jhabvala and Nayantara Sahgal to pave way for Shobha De, Shashi Deshpande, Nina Sibal, Anees Jung, Raji Narsimhan, Bharati Mukharjee and others. These newer female voices have highlighted the interior landscape of the emancipated woman's sensibility and her psychological pragmatism. Modern woman has now acquired substance and an unconventional character and has paved way for a new dimension of the Indian novel in English. The novelists of today have begun to delineate the psychology of the characters and the complex environs which has greatly affected them.*

Key words: *psychological, pragmatism, Feminism,*

"I hold that literature must have a social purpose. It must place before the reader something from the society's point of view. Art is not necessarily for art's sake. Purposeless art and literature which is much in vogue does not appear to me as a sound Judgment".- Bhabani Bhattacharya

'Human Rights' are those rights which belong to an individual as a consequence of being a human being. 'Civil liberties' are 'the rights guaranteed to citizens or residents of a country or territory as a matter of fundamental law'. It is birth right inherent in all the individuals irrespective of their caste, creed, religion, sex and nationality. Human Rights, essential for all round development of the personality of the individual in society and therefore, ought to be protected and be made available to all individuals. In serious sense of speaking 'Human Right' means the right of life, liberty, equality and the dignity of an individual irrespective of caste, creed and sex.

Stanford Encyclopedia of Philosophy and Human Rights defines human rights as:

Human rights are moral principles or norms, which describe certain standards of human behavior, and are regularly protected as legal rights in municipal and international law. They are commonly understood as inalienable fundamental rights "to which a person is inherently entitled simply because she or he is a human being.

State responsibility towards provide basic amenities

It is the primary duty of every country and state to provide the right of adequate food, health. These rights should be used



by every citizen without considering sex, religion, caste, class or sect. Violation of human right has become very common in world. Newspapers, T.V. channels inform us that every day and every moment, Human Rights are being violated. The protection and preservation of these human rights is a great challenge for every country. Cases of domestic violence, traditional practices, female genital mutilation, son preference, sexual harassment, prostitution and trafficking violence against women migrant workers, custodial violence against women, come in the category of violation of human rights. Literature has substantially contributed to the protection of human rights. Literature can inspire us to change our world and give us the comfort, hope, passion and strength that we need in order to fight to create a better future for us. The literary creation such novels, plays, short-stories, poems etc., attempt to mirror the realities of society.

From time immemorial literature has substantially contributed to the protection of human rights. The chief goal of literature has always been to relate human rights and to combine the literary driving force with the motivation for action, what is a fundamental and integral element of the struggle for protection of human rights. The literature which deals with the human predicament, thus, directly or indirectly, promotes values of human rights. Indian Writing in English is no exception to this. The literary creations in Indian Writing in English are the mirror of society. All writers of various genres specially the novelists are fully aware of this priority. The Indian novelists in English are keenly aware of the fundamental incongruities which life and world are

confronting in day to day life. They accept the reality as it is presented before them. They see the society and its development with an ironic detachment and accept reality ungrudgingly.

Writers' perception

The writers of Indian writing in English are keenly aware of the fundamental problems which the poor, the downtrodden, the children and the feminine folk are forced to face in day to day life. The novelists like Mulk Raj Anand, R.K.Narayan, Raja Rao, Bhabani Bhattacharya, Manohar Malgonkar, Ruth Pravar Jhabvala, Anita Desai, Chaman Nahal, Arun Joshi, Salman Rushdie, Amitav Ghosh, Kamala Markendeya, Nayanatara Sahgal, Arundhati Roy, and several others have made their contribution in the presentation of human rights issues.

The heroes of R.K. Narayan present the ironies of life and the heroines expose the deprivation of common house-wives who are denied equal rights in their day to day life. Mulk Raj Anand is a great humanist and his prime concern is human predicament in the contemporary society. Manohar Malgoankar presents the pathetic life of the labourers of tea-plantation of Assam. Kamla Markandaya highlights pitiable conditions of peasants of India. Anita Desai shows the denial of social justice to women. Khuswant Singh and Salman Rushdie draw attention towards sexual abuse of children. Thus, literature carries the human experience which reaches the heart of those who have been treated improperly by denial of basic human rights. Present paper is an attempt to explore how far human right issues are dealt in Indian English literature.



The early decades of the twentieth century witnessed the rise of many writers whose literary manifesto was to write for social, political and economic purpose. The purpose was not only to throw light upon the social evils and malpractices prevailing in the society in those days but also to employ their writings to the cause of social amelioration. The proliferation of literature in Indian English manifests itself multifariously encompassing almost every aspect of Indian social life. In the last one hundred years or so, this staggering branch of literature has blossomed like a fragrant flower and has become golden gate for the world to see India through.

The most important figure on the literary scene in the pre and post independent India was Rabindranath Tagore, a multifaceted genius, and Noble Prize winner. He concentrated not only on the social evils but also on the atrocities inflicted upon the Indians by the Britishers. He exhorted the Indians for their human rights through his thought provoking works. He exerted a tremendous influence on the minds of the people with the choice of his themes. He directly dealt with the public and human right issues. Tagore started by first imitating Bankim Chandra Chatterjee, till he found his own choice with *Choker Bali* (1908). To Tagore goes the credit of nurturing the infant genre at its most important stage of growth. He brought a new force into the form as embodied in *Gora* (1923), *The Home and The World* (1919), *Binodini* (1959), *The Wreck* (1919), *Four Chapters* (1950) and *Farewell My Friend* (1956). Tagore's novels helped the Indians to rediscover themselves and also created a new awareness about their culture and rights.

Tagore translated some of his Bengali works into English which helped in laying the foundations of the Indian English novel. His novels are mostly novels of ideas. He adopted the novel genre to depict the inner changes in the lives of characters in relation to time and space. Tagore's influence is all pervading, as seen in the novels of his successors Mulk Raj Anand, R.K. Narayan and score of others. Sarath Chandra and Prem Chand carried the novel a little further by extending its range and demonstrated the plight of average and below average people. Their preoccupation was with the downtrodden and the destitute. Their realistic and bold depiction of the misery of the lower classes foreshadows the best fiction of Mulk Raj Anand in English.

In the 1930s the indispensable trio of the gigantic Indo – Anglian writers Viz. Mulk Raj Anand, R.K.Narayan and Raja Rao and a few other Indian novelists began to write in English about the atrocities inflicted upon the weaker sections of the society. Mulk Raj Anand is an Indian English novelist who depicts the lives of the poor peasants, women and the downtrodden in his novels. Mulk Raj Anand, who is famous chiefly as a writer of sociological novels incorporates some of the most glaring social evils like untouchability, exploitation of labourers and poor workers, position of women etc. to arouse the social conscience. In fact, there is hardly any ugly or depressing aspect of the Indian social life which has not been attacked by Anand in his fictional world. They have made a sincere attempt to articulate the subdued feelings and suppressed emotions of their countrymen. His most popular novels *Untouchable* (1935) and *Coolie* (1936) examine the problems of poverty, ill-treatment and exploitation of the poor by



the rich. His major novels reveal his basic concern for the downtrodden. The characters he chooses for his novels are the reflections of the people from the life around him. He himself acknowledges,

All these heroes as the other men and women, who had emerged in my novels and short stories, were dear to me because they were the reflections of real people I had known during my childhood and youth. They were flesh of my flesh and blood and obsessed me in the way in which certain human beings obsess an artist's soul. And I was doing no more than what a writer does when he seeks to interpret the truth from the realities of life (Sinha 28).

They were genuine novelists for whom the art of fiction was an end in itself and not just a means of communicating other kinds of truth. Particularly the three writers who were distinguished not only for their own work but "[...]as the inaugurators of the form itself, since it was they who defined the area in which the Indian novel in English was to operate drew the first models of its characters and themes and elaborated its particular logic. Each used his own version of an English freed from the foggy taste of Britain transferred to a wholly new setting of brilliant light and brutal heat" (Sinha 62). Indian English fiction is rich and varied with a wide range of themes-social, historical, romantic, detective, rural, psychological, freedom movement, partition, cross cultural conflict etc.,

The third of the trio, Raja Rao is the most individualistic of Indian creative writers in English and the most conscious of the dignity of his vocation. His first novel *Kanthapura* (1938) was hailed by E.M. Forster as the finest of its kind

about India that had appeared till then. It deals with the problem of untouchability, along with other issues like freedom struggle, toddy drinking and labour wages. Inspired by Gandhian ideals, Moorthy and his supporters work for the betterment of the untouchables at the social and economic level. The reactionary forces also seem to be active to sabotage their progressive work. But, as the untouchables join hands with Gandhians, the reactionary forces do not succeed in their attempt. As the narrator is able to recollect the past and the present and to visualize the change in the future, there is a suggestion of social change as a probable remedy for the problem of untouchability. His novels have mythical background and metaphysical treatment of characters. Through his experiments with languages and form, has given the Indo-Asian novel a distinctly Indian preoccupation with metaphysical question.

Thus, the literary works of the 1930s and the 1940s reflected the progressive philosophy of the writers. They were vocal about injustice, cruelty and exploitation that the masses faced. They raised their strong voice against the injustice that was prevalent in the contemporary society. Mulk Raj Anand's *Untouchable*, *Coolie* and *Two Leaves and Bud* took the creative imagination from historical romances to social realism. G.V. Desani's *All about H. Hatterr* to it further to the psychological probing into individual personality.

The Fifties was a period of socially conscious novels such as Kamala Markandaya's *Nectar in a Sieve* (1954), K.A. Abbas's *Inquilab* (1955) and R.K. Narayan's *The Guide* (1958) which were imbued with didactic rumblings in the agonized psyche of the characters.



Nayanatara Sahgal's *A Time to be Happy* (1958) traced the development of nationalist movement and the contrast offered by the old devoted nationalists with young pragmatic mercenaries.

The later fifties and the sixties showed the development of psychological novels which highlighted the Indian human right issues under the onslaught of the cultural influences of the west, while Manohar Malgonkar's *A Bend in the Ganges* (1964) was an attempt on the terrorist movement in India. Bhabani Bhattacharya's *Shadow from Ladakh* (1966) and R.K. Narayan's *The Vendor of Sweets* (1967) gave a perspective analysis not only of the historical process of social changes in India after Independence but also deal with the growing problem of human rights.

The Seventies was a decade of the writers' strong protest against the political tyranny and autocratic tendencies. An attempt was made to portray and project the scenario which was trying to stifle democracy and curb freedom. Political consciousness of the people was awakened by referring to the period of emergency. The fictionalized world of the period was given due prominence so that the same sort of happenings may not take place again. A new lease of life with renewed pledges is promised through the fictional projection of the futuristic vision vis-a-vis socio-politico-economic situation affecting the practice of human rights in modern India.

The nineteen eighties was a fruitful period with Salman Rushdie getting the Booker Award for *Midnight's Children* and Vikram Seth stirring the Indian mind with the publication of *A Suitable Boy*. Alongside the richness,

variety and abundance of ideas in the work of the old stalwarts, there existed a plethora of works by younger novelists illuminating the milky way of Indian literature in English presenting the problems of human rights.

In the novel, *The Moors Last Sigh*, Rushdie highlights corruption in Churches where the sex starved young priest sometimes endeavour to exploit the innocent girls. Rushdie also reacts sharply against sexual abuse of minor children at other level. He shows as to how Uma Saraswati, an art student of M.S. University, Baroda, was sexually abused when she was a minor child by an uncle (Father's Colleague). She came from a respectable Gujrati Brahmin family, but had been orphaned at young age. Her mother, a depressive, had hanged herself when Uma was just twelve and her father, driven mad by the tragedy, had set himself on fire. Uma had been rescued from penury by a kind 'uncle', actually not an uncle, but a teaching colleague of his father, who paid for her education in return for sexual favours (so not's kindly' either).

The talk of human rights can never be completed without the mention of female rights and there psyche. In the later decades of the same century has witnessed the rise of feminism with strong protest against the atrocities inflicted upon the female folk in the contemporary society. Feminism has grown from Kamala Markandaya, Anita Desai, R.P. Jhabvala and Nayanatara Sahgal to pave way for Shobha De, Shashi Deshpande, Nina Sibal, Anees Jung, Raji Narsimhan, Bharati Mukharjee and others. These newer female voices have highlighted the interior landscape of the emancipated woman's sensibility and her psychological



pragmatism. Modern woman has now acquired substance and an unconventional character and has paved way for a new dimension of the Indian novel in English. The novelists of today have begun to delineate the psychology of the characters and the complex environs which has greatly affected them.

Kamla Markandey is also keenly aware of various social issues. Her novel, *Handful of Rice* (1996), shows the importance of rice in the life of poor people. *Nectar in a Sieve* (1954) highlights the peasant's problem existing during the colonial rule during pre-independence days. Indian farmers cultivate rice fields standing in knee-deep water and sweating in the scratching rays of the sun. For these peasants, rice is just like nectar, the valuable gift of God which gives them eternal life. They produce rice with great labor but they are unable to retain it in their houses. Just like water, which cannot be stored in a sieve, rice slips down through the fingers of peasants and disappears in the corn-bins of landlords and money lenders. *Nectar in a Sieve* (1954) is also a touching tale of millions of helpless women living in rural India. The heroine, Rukmini, represents the pitiable conditions of unprivileged and helpless women of rural India, who are unrewarded for their labor. They continue to put up with injustice, inequality and inhuman treatment throughout their life as if it is their destiny. Rukmani and her peasant family face every conceivable problem brought on them by cruel and unjust social order. The novelist not only shows the miserable life of common rural masses but wants to hit also at the unjust existing social and economic order of rural Indian society.

Khushwant Singh in the later period also deals with various human rights problems. His first novel, *Train to Pakistan* (1956), is one of the finest novels of Indo-Anglian fiction. It presents real pictures of communal violence erupted during partition of India. In the novel, '*The Company of women*' (1999), he highlights the sexual abuse of children. Molly in the novel explains as to how she was sexually exploited by her near relative and says; "it was my own uncle, my mother's younger brother, a good twenty years older than me. Beast! Took advantage of poor, innocent me" (Singh 229). Another character, Shushantika, also admits that she was sexually exploited while she was a minor and says,

I was sixteen. Nothing romantic about the deflowering. My own uncle, my father's younger brother. This usual thing, you know a close relative whom you trust. It seemed harmless enough at first kissing and cuddling, that sort of thing. Then he thought he'd me worked up and started playing with my breasts and stroking my crotch (Singh 267).

Violence against Women in the family occurs in every state or in every country. It has long been private matter but it becomes the tragedy of public matters. For instance Chettair's family from the novel *Ladies Coupe* by Anita Nair, Ammu, her mother from *The God of Small Things*, Rose Mona from *Rich Like Us*. In many countries women fall victim due to traditional practices that violate their human rights. There are many harmful customs deeply rooted in the tradition and culture of the society. Indian women are often considered as appendixes of their male relative or husbands. In the novel '*Ladies Coupe*' Akhila's friend Karpagam satirizes



Manu's laws. "Who made these laws anyway? Some man who could not bear the thought that in spite of his death, his wife continued to be attractive to other man" (*Ladies Coupe* 25). Most of Anita Nair's characters experience the burden of tradition related to the role of women and civil liberties in Indian society.

Sahgal and Arundhati Roy show the miseries and sufferings of women. Their miseries are beyond imagination. They are bound to live miserable life. The armless beggar, who is proof of Rose's murder, narrates how eight policemen sexually insult five women from his village. They were exploited by policemen. Velutha in the novel *The God of Small Things* was crushed to lump by policemen only because he loves a high caste woman. The treatment which Ammu gets in the police station is also the best example of violation of human rights. Inspector Thomas Mathews stared at Ammu's breast as he spoke. He said the police knew all they needed to know and the Kottayam police didn't take statements from veshyas or their illegitimate children.

Rape is a weapon to subjugate women. The women is safe nowhere. Rape can occur anywhere. For example in the novel *Ladies Coupe* Mariakalanthu is raped by Chettiar's nephew, Murugesan. He makes her an unmarried mother. She becomes the victim of rape at the time of pongal. He catches her and raped brutally. She says, "I felt him tear into me, filling me with a great anguish, and the tears began to rain. Thick viscous tears that slid into me. Pale transparent tears that squeezed themselves out from my tightly scrunched up eyes" (*Ladies Coupe* 63).

Conclusion

To conclude we can say that the writers of Indian writing in English have always been keenly aware of various happenings of society. They never miss to react against the denial and deprivation of human rights and civil liberties such as inequality, exploitation, discrimination, untouchability and also denial of human rights etc. The literary creations of Indian writing in English presents socio-political situation of society and some of the writers may, therefore, be regarded as the "human rights activist behind mask" for their presentation in the course of expression of creative urge.

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Human rights- A constitutional mandate

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Abstract: *The British colonial rule in India affected the common man, children, women, laborers, workers, peasants, either directly or indirectly. The police and the security forces were used as basic tools to suppress the rights of the individuals. In this context the national movement in India incorporated in its values issues of democracy, universal franchise, freedom of the press, education, etc. It took these issues to the people and educated them about their political and economic rights. In fact national movement took up the battle for human rights in a variety of ways. The British colonial rule in India affected the common man, children, women, laborers, workers, peasants, either directly or indirectly. The police and the security forces were used as basic tools to suppress the rights of the individuals. In this context the national movement in India incorporated in its values issues of democracy, universal franchise, freedom of the press, education, etc. It took these issues to the people and educated them about their political and economic rights. In fact national movement took up the battle for human rights in a variety of ways.*

Key words: *common man, children, women, laborers, workers, peasants*

Introduction

People are general, whether living in the developed, developing or under developing world, cherish the enjoyment of rights in one form or the other. The rights are the claims of the individual recognized by the society and enforced by the state. These rights are moral, legal, political, and economic in nature and a combination of all these rights is termed as human rights which all men and women should enjoy. Today these basic rights are even recognized by the international community. The Indian constitution which was enforced in 1950 showed its full respect to the Universal declaration of Human Rights. In the third part of the constitution, they have given the most elaborate description of the basic rights of the Indian citizens. In the remaining of this chapter, we will study about the India's role relating to human rights.

Human Rights and India

The concept of human rights in the existing form is of recent, post Second World War origin. In India concern for human dignity, opposition to exploitation and injustice and inequality has been a part of her civilizational traditions. We have a long tradition of acceptance of contrary view-points, tolerance towards others, non-violence, love and compassion, religious universalism and an emphasis on the brotherhood of all men. Colonial oppression and opposition to it and contact with the west in the modern period brought in India a new understanding of human rights. During this period while the social reformers led the intellectual movement and contributed to the human rights situation, the freedom movement produced great champions of human rights. The British colonial rule in India affected the common man, children, women, laborers, workers, peasants, either directly or indirectly. The police



and the security forces were used as basic tools to suppress the rights of the individuals. In this context the national movement in India incorporated in its values issues of democracy, universal franchise, freedom of the press, education, etc. It took these issues to the people and educated them about their political and economic rights. In fact national movement took up the battle for human rights in a variety of ways.

Human rights concerns after independence

The leaders of the Nationalist movement, who now entered the constituent Assembly to draft a new constitution for India, were committed to the cause of the Human Rights. In the constituent Assembly the moving spirit behind the rights was the adherence to the principle of human equality and dignity which was denied to Indians during the colonial rule. Also as a founder member of the United Nations India was in the forefront in accepting the principles of Universal Declaration of Human Rights.

At the same time Framers of the Indian constitution made a remarkable contribution by laying down an elaborate set of rights for the people. They sought to achieve a delicate balance between, Civil and Political Rights on the one hand, and Social and Economic Rights on the other. The makers of the Constitution believed in giving equal importance to the two sets of rights as a cardinal tenet of philosophy underlying it. The political and civil rights are made fundamental by the provisions of part 3 of the constitution. This part assures the people equality and freedom. Rights in these parts are judicially enforceable, even though subject to reasonable

restrictions. The economic and social rights are also made basic to the governance of the country through provisions in part 4, that is the Directive principles of state policy. This part seeks to make these rights substantive by enjoining on future governments to bring in conditions of social and economic justice.

Apart from Constitutional provisions and statutes the Indian Government has also set up several institutions under different acts of parliament to give effect to these provisions of human rights of all persons. Most important of these is the National Human Rights Commission [NHRC].

National human rights commission [NHRC]

The Indian Government established the NHRC on 12 October, 1993. It has eight members a Chairperson (a former chief justice of India), a present or a former judge of the Supreme Court, a present or a former chief justice of a High court, two members from among those persons who are knowledgeable in the area of Human Rights, and the chairpersons of the National Commission for women, National Commission for SCs and STs, and the National Commission for Minorities. NHRC has been assigned broad powers and functions. It can inquire on its own or on a petition presented to it by a victim or any person on his behalf into complaints of:

- (1) Violation of or abetment to violation of human rights;
- (2) Negligence by a public servant in the prevention of such violation.



To perform its functions, the NHRC has been given the following authorities.

- It may intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court.
- It may visit, under intimation to a state government, any jail or any other institution under the control the state government concerned, where persons are detained or lodged for purposes of treatment, reformation or protection, to study the living conditions of the inmates and make recommendations thereon.
- It may review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation.
- It may review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.
- It may study treaties and other international instruments on human rights and make recommendations for their effective implementation.
- It may undertake and promote research in the field of human rights; spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, the seminars and other available means.
- It may encourage the efforts of non-governmental Organizations and institutions working in the field of human rights. It may also undertake

such other functions as it may consider necessary for the promotion of human rights.

In addition to NHRC, there are also National Commissions for Women, Scheduled castes and Tribes, Minorities and other Backward castes. Their functions include protection and promotion of rights of these specific categories and suggest measures for their welfare so that they can better exercise their rights.

International covenants and activities

As already mentioned India is a signatory to the Universal Declaration of Human Rights and has acceded to the international covenants i.e. International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights. It has also accepted and ratified most other major conventions and covenants of the UN and its specialized agencies- like International Labor Organization (ILO) India has also been participating in the UN Commission for Human Rights, both as a member and as an observer. It played a leading role in opposing violation of human rights on grounds of color and race. You have already read in an earlier chapter India's contribution in struggle against colonialism, apartheid, racial discrimination, etc., which were gross violations of the basic values of human rights.

At international level, there also has been debate with regard to importance of specific human rights. The western thinking in general has been that civil and political rights are more important. India's position however, is that civil and political rights and social, Economic and Cultural rights both are equally important. Equally important are



rights of the people as a group and countries for example Right Development. India, while wholeheartedly supporting the cause of human rights, has always opposed the politicization of Human Rights in international relations, where some powers have been trying to use the pretext of human rights violation for interfering in the internal affairs of other countries.

Conclusion

From the above it becomes clear that India's response to the issue of human rights has been one of commitment. Fundamental rights and Directive principles of state policy provided in the Constitution of India contain a number of rights provided in Universal Declaration of Human rights. India is also a signatory to this Declaration as well as most of the International conventions and covenants. It has also joined hands with the international community in the task of promotion and protection of Human Rights throughout the world; it has played a leading role in the fight against colonialism, apartheid racial discrimination and exploitation. As far as implementation of commitment to Human rights is concerned, India record is better than compared to many other developing countries. Most significant aspect of this is continuation and consolidation of democracy. However, there are some violations of human rights by state machinery, police, security forces and non-state actors like terrorists and fundamentalists. As such, India, must evolve herself as a leading example for the developing countries in terms of respect for human rights.

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Human Rights Education – Need of the Hour

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Abstract According to the United Nations, education is a right to which all human beings are entitled. Since 2000, the UN has been promoting the Millennium Development Goal to achieve free universal primary education for all, regardless of gender, by 2015. If the UN is correct to suggest that education is both a human right in itself and an indispensable means of realizing other human rights, then there is an important need to question the role that governments should play to support the institutional reforms necessary to achieve basic primary education for all. Moreover, there is an important need to question the role all individuals should play to ensure that the institutional structure dedicated to the provision of basic primary education is set up not only to provide children with access to a vague notion of education but to a notion of basic education that can provide children with the freedom to do something with that education once they have obtained it. In this paper the author explores the issue of human rights and its importance in the modern society. The significance of human rights education is explored. The author discusses the ways in which human rights could be incorporated in the school curriculum.

Key words: human rights, inalienable, indivisible

Introduction:

Human suffering and misery in the remotest part of the world invariably affects the whole family of man. Man has to suffer, not only when the part of the world in which he is residing is visited by natural calamities like earthquakes, famines, floods, diseases etc., but occasionally also at the hands of men driven mad by power political, economic or social. In both types of situations response from the rest of humanity is spontaneous. In the former case, it takes the form of efforts to bring relief to the stricken. But whenever man has been made to suffer at the hands of other men, the conscience of humanity has been outraged, and the cry has gone round for some sort of guarantees to afford protection to him against the tyranny of his fellow human beings, so that he can

be assured of at least his rights to life, liberty and security of person.

Since December 10, 1948, the signing of the Universal Declaration of Human Rights by the United Nations sixty-seven years ago, the common people in most developing countries are still suffering from denial and abuse of the rights. Human Rights were first articulated in 1948 in the Universal Declaration of Human Rights. The meaning of human rights is those rights that belong to every individual man, woman, boy, girl, infant or elder simply because he or she is a human being. The UDHR has a complete statement that

covers economic, social, cultural, political and civic rights. These rights apply to all people everywhere. Arbour and Johnson refer to human rights as the sum of individual rights and collective rights laid



down in state constitutions and international law. Human rights are based on the principles of respect, dignity and equality. These rights are enshrined in many international human rights treaties such as the UDHR.¹

The human rights are universal and inalienable, indivisible, interdependent and interrelated. Human rights are universal, meaning that no one has to earn or deserve human rights. The universality comes about from the realization that everyone is born with and possesses the same rights regardless of race, country, colour, gender, religious, cultural or ethnic background. Human rights are inalienable in the sense that they can never be taken away from an individual. By virtue of born as a human being one cannot lose these rights. Thus, no person may be divested of his or her human rights save under clearly defined legal situations. Indivisibility means, one cannot be denied a right because one decides that it is less important or non-essential.

The human rights are interdependent because all rights: political, civil, social, cultural and economic, are of equal importance and none can be fully enjoyed without others. Human rights are interdependent in that, all human rights are part of a complementary framework because each human right entails and depends on other human rights. Violating one such right affects the exercise of other rights. For example, the right to life presupposes respect for the right to food and good standards of living.

The defense of economic and social rights presupposes freedom of expression, assembly and association. In this regard, all human beings should

enjoy all rights and they should not be denied any right. Despite the documentation of the need to respect and uphold human rights, Amnesty International (2009) reports that there is still gross violation of human rights in most parts of the world. Amnesty International (2009) reports that there is torture and abuse in at least 81 countries, unfair trials in at least 54 countries and restrictions in freedom of expression in at least 77 countries. This paints a gloomy picture of the upholding of human rights; as such violations are inconsistent with contents of the UDHR, which many countries have ratified.² Vulnerable groups such as women and children are also marginalized in many ways, further showing violation of their rights. A sure way of ensuring that people are aware of their rights so that they can stand for them is to teach them about their rights. Teaching of human rights also ensures the nurturing of appropriate values consistent with the promotion of human rights.

Universal Declaration of Human Rights:

The Universal Declaration of Human Rights was adopted on the belief that human rights are common to every being. According to Vieira de Mello the declaration recognizes that the "inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world" and is connected to the recognition of the fundamental rights to which every human being aspires.³ The idea of human rights as we know them today emerged stronger after the Second World War. As a result of the experiences of the Second World War, the international community vowed not to allow atrocities and turmoil that had been witnessed in the war to occur again. So the world leaders decided



to complement the United Nations (UN) Charter on a roadmap to guarantee the rights of individuals everywhere. Contemporary international human rights were marked with the Universal Declaration of Human Rights which led to the codification, at international level, of human rights.

The UN has played a leading role in defining and advocating human rights. Article 1 of the Charter of the United Nations declares “promoting and encouraging respect for human rights and for fundamental freedom for all without distinction as to race, sex, language or religion.” It also proclaims that “all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.”

At the world Conference of Human Rights held in Vienna, Austria in 1993, 171 countries reiterated the universality, indivisibility and interdependence of human rights. They reaffirmed the importance of promoting respect for human rights through education and recommended a framework for action (Vienna Declaration and Programme of Action, paragraph 33, part I). They adopted the Vienna Declaration and Programme of action. Since 1994, the United Nations Decade for Human Rights has urged all UN nations to promote “training, dissemination and information effort aimed at building of a universal culture of human rights.”⁴ This precipitated the development of human rights education.

UN Declaration on Human Rights Education and Training:

The teaching of human rights education is informed by the United

Nations Declaration on Human Rights Education and Training. The United Nations Declaration on Human Rights Education and Training states that,

“...human rights education comprises all educational, training, information, awareness raising and learning activities aimed at promoting universal respect for and observance of all human rights and fundamental freedoms. Human rights education contributes to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding, and by developing their attitudes and behaviours to empower them to contribute to the building and promotion of a universal culture of human rights” (United Nations Declaration on Human Rights Education and Training 2011: paragraph 1).

The United Nations, therefore, has deliberate plans for all signatories to the UDHR to put in place educational measures to sensitize the populace on human rights. Awareness of rights allows common people to defend their rights and of importance is the inculcation of a culture of human rights as part of social, political and economic life. Similarly, according to Flowers “human rights education is all learning that develops the knowledge, skills and values of human rights.”⁵

The United Nations Declaration on Human Rights Education and Training also asserts that human rights education encompasses education about human rights. This includes providing knowledge and understanding of human rights norms and principles, the values that underpin them and the mechanisms for their protection, through human rights, which includes learning and



teaching in a way that respects the rights of both educators and learners, and for human rights. This also empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others (United Nations Declaration on Human Rights Education 2011, Article 2 paragraph 2).⁶ This shows a multipronged approach to the teaching of human rights, with the most important objective being to empower learners on human rights. The teaching of human rights in schools and colleges is very important in sensitizing the young on human rights.

Of importance is ensuring that the teachers themselves are effectively prepared to facilitate human rights education. Once teachers understand and appreciate the issue of human rights, they will be in a position to effectively facilitate learning that promotes human rights. "The school should not just teach knowledge on human rights but it should be a place where the dignity of every child is upheld ...⁷. Teachers should therefore be able to incorporate human rights in both formal and hidden curriculum.

Importance of Human Rights Education:

The aim of a Human Rights Education curriculum could enhance knowledge and understanding of human rights, respect, solidarity, and responsibility, develop awareness of how human rights can be translated into social reality as developing skills for protecting human rights. The most important one is inculcating values and attitudes of human rights in students resulting in the promotion and protection of the rights.

Human rights education does not simply aim to teach students – whether children, adolescents, or adults about human rights norms and laws. It also

tries to promote appreciation for human rights as a fundamental ethical and legal basis of society and teach the value of human rights enforcement. Human rights education also fosters the attitude and behaviour to uphold human rights for all members of the society. Effective human rights education not only provides knowledge about human rights and the mechanism that protects them, but also develop the skills needed to promote, defend and apply human rights in daily life.⁸

Human Rights Education sheds light on the important protections achieved by human rights, and documents the tragic outcome when the ideal was largely absent or abandoned. Thus, human rights education is important in as far as it contributes to the prevention of human rights violations and abuses by providing persons with knowledge, skills and understanding, and by developing their attitudes and behaviours to empower them to contribute to the building and promotion of a universal culture of human rights.⁹

In this sense, Human Rights Education contributes to the long term prevention of human rights abuses and violent conflicts, the promotion of equality and sustainable development and enhancement of participating in decision making process within a democratic system. Human Rights Education promotes an understanding of the complex global forces that create abuses, as well as the ways in which abuses can be abolished and avoided. Human rights education engages the heart as well as the mind. It challenges students to ask them personally and encourages them to translate caring into informed, non-violent action. In this respect, one can say that human rights



education facilitates peace and development. Human rights education also aims to create a baseline consensus that enables students and citizens to engage with controversial social and political issues. It provides multicultural and historical perspectives on the universal struggle for justice and dignity. Human rights education aims at developing an understanding of our common responsibility to make human rights a reality in every society. Human rights education helps to develop the communication skills and informed critical thinking essential to a democracy.

Conclusion

The issue of Human Rights is very important in line with global citizenship, the world over. Human rights are very important human entitlements as enshrined in the Universal Declaration of Human Rights. Most countries in the world are signatories to their Universal Declaration of Human Rights and several other treaties that promote and safeguard different forms of rights. All human beings should be aware of their rights in order to defend them and be aware of instances where these are violated. Educating the general populace, particularly the young, on human rights is critical in establishing a human rights culture in the world. Unfortunately, some governments, despite being signatories to various UN treaties and conventions on human rights deliberately violate people's rights and do not promote the teaching of HRE. It is essential to promote the Human Rights Education in every country as this creates awareness on the rights of citizens and rights of others. Human Rights Education contributes to the long term prevention of human rights abuses and violent conflicts, the promotion of equality and sustainable

development and enhancement of participating in decision making process within a democratic system. Human Rights Education promotes an understanding of the complex global forces that create abuses, as well as the ways in which abuses can be abolished and avoided. Human rights education engages the heart as well as the mind. It challenges students to ask them personally and encourages them to translate caring into informed, non-violent action. In this respect, one can say that human rights education facilitates peace and development.

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The Role of Human Rights Organizations

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Abstract: Organizations such as Indian Institute of Human Rights, Amnesty International and Human Rights Education Associates (HREA) promote human rights education with their programmes, believing "that learning about human rights is the first step toward respecting, promoting and defending those rights". Amnesty International defines Human Rights Education as a "deliberate, participatory practice aimed at empowering individuals, groups and communities through fostering knowledge, skills and attitudes consistent with internationally recognized human rights principles".

Key words: fostering, empowering, principles

Introduction

Human Rights organizations aim to protect human rights on different levels some being more specific to geographical areas, others are based on governmental influences, others are nonprofit and education based, while others specifically aim to protect a certain group of individuals. The following are organizations with brief descriptions of their aims, targeted audiences, and affiliations. According to the Office of the High Commissioner for Human Rights (OHCHR), each submission whether private or public, governmental or NGO is evaluated with regards to the following context: appropriateness, effectiveness, originality, ease of use, adaptability, sustainability, approach, and inclusiveness. Each characteristic of which is detailed in the article Human Rights Education in the School Systems of Europe, Central Asia, and North America: A Compendium of Good Practice.

African Centre on Democracy and Human Rights Studies

African Commission on Human and Peoples' Rights:

This Commission is in charge of monitoring the protection of humans' rights and ensuring the protection and promotion of these rights. It also is charged with the responsibility of interpreting the African Charter on Human and Peoples' Rights. This Commission is limited to the continent of Africa and the countries within it.

Amnesty International: One of the largest human rights organizations, Amnesty International includes 2.2 million members from upwards of 150 countries. The organization concerns research as well as action in order to prevent and end human rights abuses. They are also focused on seeking justice for the violations which have already been committed.

The Asian Human Rights Commission:

The goals of the AHRC are "to protect and promote human rights by monitoring, investigation, and advocating and taking solidarity actions". This Commission is limited to the continent of Asia and the countries within it.



The Australian Council for Human Rights Education

The Australian Council for Human Rights Education (formerly National Committee on Human Rights Education) was established in 1999 actively pursue human rights education in Australia in response to the UN Decade on Human Rights Education. ACHRE is registered in Victoria under the Associations Incorporations Act 1981 and Dr Sev Ozdowski is its current President. The key achievements of the committee include establishment of State and Territory networks to promote nationwide the goals and program of activities of the Citizen for Humanity project; provision of online human rights educational materials for primary and secondary schools community organizations as well as for government representatives and officials; establishment in 1983 of Centre for human rights education at Curtin University and in 2007 of the National Centre for Human Rights Education at RMIT University in Melbourne; organization of in international human rights education initiatives such as conferences, for example International Conferences on Human Rights Education - see:; and provision of HR training.

The Chapel Hill and Carrboro Human Rights Center

The Human Rights Center (HRC) in Carrboro is home to advocacy and service organizations, run as a 501(c)3 non-profit organization by UNC professor Judith Blau and by volunteers, many through the University as well. Many volunteers come through the *Social and Economic Justice* SOCI 273 APPLES course, and they mainly focus on immigrant rights.

Children's Defense Fund (CDF):

The Children's Defense Fund attempts to create policies and programs to ensure equality to all children. They work towards decreasing the child poverty rate as well as protecting children from abuse and neglect. The members of the CDF act as advocates for children to help ensure they are treated equally and have the right to care and education in the future.

Coalition for Human Rights Education (COHRE):

The Coalition for Human Rights Education formed as a result of experiences of human rights abuse. It is operating in Uganda based in Wakiso District. The organisation will have links through the country and wants to expand knowledge about human rights throughout the country. COHRE works with government bodies, private organisations, schools, minority groups and women and children in communities through training in order to bring about learning the basic human Rights. It provides training to the rural communities and organised groups which equips an individual to better living concerning human rights in areas like health, protection, love, and hope.

International Centre for Human Rights Education

Canada has instituted this non-formal program in which primary school aged children are introduced to human rights education through after school programs and summer camps known as Play it Fair! Its purpose is to educate the public on how important human rights are by starting the education at such a young age. It is "intended to raise human rights awareness in children and educate them against discriminatory attitudes



and behaviours, thus equipping them with skills to confront them”.

Facing History and Ourselves

This US developed online module organization aims to provide information investigating “how societies attempt to rebuild, repair, and bring a sense of justice and security to their citizenry in the aftermath of conflict and genocide”. The module has specifically designed its program based on four case studies: Germany, Rwanda, Northern Ireland, and South Africa. This resource has proven helpful in order to study how individuals, organizations, and governments have fostered “stability, security, reconciliation, coexistence and/or justice”, all of which are explained in further detail on the organization’s website, www.facinghistory.org.

Human Rights Action Center

This nonprofit organization is based in Washington, DC and headed by human rights activist Jack Healy. This center is supportive of other growing organizations across the world. Their focus is on the issues documented in the Universal Declaration of Human Rights.

United Nations Human Rights Council

This council includes forty-seven states and is charged with the responsibility of promoting and protecting human rights on the international level. The council has a specific Advisory committee which assesses each situation as well as an outlined Complaint Procedure which must be followed in order for an individual or organization to bring a violation to the attention of the Council.

Human Rights Watch

Functioning as another global organization, the Human Rights

Watch protects human rights by investigating claims, holding abusers accountable of their actions, and monitoring and challenging governments to make sure that they are using their power to end abusive practices efficiently and to the fullest.

Conclusion

Sudbury model of democratic education schools maintain that values, human rights included, must be learned through experience as Aristotle said: “*For the things we have to learn before we can do them, we learn by doing them.*” They adduce that for this purpose schools must encourage ethical behavior and personal responsibility. In order to achieve these goals schools must respect human rights in school by allowing students the three great freedoms—freedom of choice, freedom of action and freedom to bear the results of action—that constitute personal responsibility.

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Education of human rights in India – the need of the hour a critical analysis

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Abstract: Human rights education can be disseminated to all the young children at the class room level. Government must support and periodically review plans of human right education at local and national level. The important factor in human rights education is not just knowledge, but how to apply it in our lives. The test will be for students and teachers to recognise rights in their schools, in their homes and in the local community. The exposure and feedback of their encounters with live situations of human rights violations, with victims and activists who have helped to redress wrongs will emphasize the value of human dignity the sufferings of others and an increased sensitivity.

Key words: human rights violation, humanitarianism, constitution

Introduction

The importance of human rights education hardly requires any the formation of United Nations Organisation in 1945 suggested that some of its principles of human rights accepted in framing of new constitution of various nations. A new spirit emerged in the minds of framers of Indian constitution in the sphere of human rights and human welfare. The fundamental rights and Directive Principles of State Policy are based on the principles of humanitarianism and human rights. All human being are born free and equal in dignity and rights" - so stated Article 1 of the Universal Declaration of Human Rights in 1948. This is what the Indians have been preaching since times immemorial as it has become the immemorial customs of our nation. Human rights are those

minimal rights that individuals need to have against the state or other public authority by virtue of their being members of the human family, irrespective of any other consideration.¹ The concept is not new thought and it was prevalent in the ancient system. The concept of a higher law binding human authorities was evolved and it came to be asserted that rights created by human authorities were universally applicable to people of all ages in all regions. These rights were mere ideologies and there was no agreed catalogue of them and no machinery for their enforcement until they are codified into national constitutions as a judicially enforceable bill of rights.²

Importance of human rights education

The importance of human rights education hardly requires any over



emphasis. It has a crucial role in preventing human rights violations from occurring. The United Nations proclaimed that human rights education is "training, dissemination and information efforts aimed at the building of a universal culture of human rights through imparting knowledge and skills and the moulding of attitudes. Human Rights Education became a central concern internationally after the World Conference on Human Rights in 1993. The emphasis on Human Rights Education began in 1995 with the beginning of the UN Decade for Human Rights Education. The first formal request for the need to educate students about human rights came about in UNESCO's 1974 article Recommendation concerning Education for International Understanding, Cooperation and Peace, and Education Relating to Human Rights and Fundamental Freedoms.

The participants of the International Congress on the Teaching of Human Rights eventually met in 1978 to form a specific definition of what would be required application of the education in formal curricula. The aims at which the Congress agreed upon including the encouragement of tolerant attitudes with focus on respect, providing knowledge of human rights in the context of national and international dimensions as well as their implementations, and finally developing awareness of human rights translating into reality whether social or political on national and international levels. The incorporation of human rights education into formal school curricula could get developed and diversified with the assistance of nongovernmental organisation. The purpose of the Human Rights Education demands that educational institutions

must encourage ethical behavior and personal responsibility.

The formation of United Nations Organisations in 1945 suggested that some of its principles of human rights be accepted in the framing of new constitution of various nations. A new spirit emerged in the minds of the framers of the Indian Constitution in the sphere of Human Rights and human welfare. The framers of our Constitution referred not only to the Constitution of various countries but also to the UN charter.

The importance of human rights education hardly requires any The formation of United Nations Organisation in 1945 suggested that some of its principles of human rights accepted in framing of new constitution of various nations. A new spirit emerged in the minds of framers of Indian constitution in the sphere of human rights and human welfare. The framers of our constitution referred not only to the constitution of various countries but also to the UN charter. The fundamental rights and Directive Principles of State Policy are based on the principles of humanitarianism and human rights. The Preamble to the constitution expresses the resolution of the people of India to secure to all Indian citizens 'Justice, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and to promote among them all, fraternity assuring the dignity of the individual and the unity and integrity of the nation'.

On the basis of the Directive Principles of State Policy the union government enacted a number of Acts related to human rights such as Abolition of untouchability act, Suppression of



Immoral traffic act 1956, Dowry Prohibition act 1961 and so on. In order to ensure human rights and safeguard the interests of Minorities and weaker sections of the community our Constitution has created several independent bodies such as Minorities commission, Language commission, Scheduled caste and Scheduled tribes commission. A commission on improvement of status of women which was setup in 1973.³

The aim of this research paper is to emphasize the need to create awareness among the people about the various rights enshrined in Constitution of India. The Fundamental rights that are guaranteed under the Constitution have a close similarity with those in the United Nations Declaration of Human Rights in form and contents in Articles 14,15,16,19,20,21,23,25,29,31 and 32.⁴ The constitution provides six basic Rights as to Right to Equality under Articles 14 to 18. The Right to Freedom under Articles 19 to 22. The Right against Exploitation is found in Articles 23 and 24 and the Right to freedom of religion under Articles 25 to 28. Cultural and educational rights are provided in Articles 29 and 30, While Articles 32 and 226 gives the important right to constitutional remedies.

The researchers are of the opinion that the nature of our state is partly determined by its authority, its capacity to maintain law and order, its administration of justice and its effectiveness. The number of violations has been increasing. Greater specialisation in human rights legislation is also essential, so that the violators can be quickly charged and prosecuted. Until the conviction rate rises, human rights protection will remain illusory. The use

of legalism in our politicized environment permits "Emergencies" in non-political areas and in the private sector as well. The researchers are of a feeling that mere tight boots of law do not make clumsy feet look handsome, as people are not equal. Mere consciousnesses of the possession of human rights do not entitle persons to equal respect. Ethnic motivation has blurred the distinction between what Madison identified as common interest and passions, which are not always predictable.⁵

The political cultural heritage is not genetic in our country, particularly when it can be changed by the procedure of amendments to unbind laws that are too tight Article 51A inserted by 42nd amendment in 1976 identified the fundamental duties of every citizen such as to abide by the constitution and respect its ideals, the National flag and the National anthem. The pursuit of human rights legitimises the constitutional order providing it a patina of decency and pre-empting economic and military sanction against a country for its record in the defence of human right.⁶ The concept of human rights evolved over centuries and was concretised in the standard setting instrument of United Nations. The divisibility of human rights became a contentious issue settled only by a firm declaration by the UN charter and the two covenants. India which incorporated human rights in its Constitution, ranked civil and political rights higher than economic and social rights. Nevertheless India has passed much legislation and has initiated various programmes to operationalize economic rights without which civil and social rights would be meaningless to the weaker sections of the Indian society.

Recent period



The need of the hour is to educate and create awareness about the rights available to every human being. The teaching of human rights as a topic has been periodically suggested in several seminars by teachers and educators. Advocates of human rights have stressed the need for everyone, everywhere to know about his or her own rights as an essential element towards the universal implementation of human rights norms so far, the curriculum of human rights as a subject has not received enough attention.⁷

The researchers on analysis of the various socio-economic and political factors is of the opinion that the purpose of education is to give people enhanced awareness, greater openness, the courage to pose questions, perseverance in searching for solutions and to equip themselves. The goal of initial education is to equip one with basic minimum levels of knowledge, attitude, skills and values to start one's life journey⁸. Education is an instrument of development and a factor for social change.

Hence the human right to education must be offered to all human beings without any discrimination. However many who are ignorant and illiterate are unaware that they are entitled to these rights. The literates on many occasions fail to educate others about their rights and thereby fail in performing their social obligation to their fellow human beings. The curriculum or syllabus in schools and colleges should give priority to human rights and make it integral to the learning process. Each and every school, college and university ought to become an entry point to human rights knowledge within the curricula and an extension in to massive adult education programme for human rights.⁹

Literacy programmes to educate the people on human rights in the latter part of the twentieth century have been carried on by various agencies. Through the Open University system and audio video programmes the distance education institutions established in Britain, Australia, India, Canada, China and few other countries offer education and impart knowledge on the rights of the people. Various projects like organizing regional workshops to address strategy and methodology for human rights education at the grass root level, development of an international team to train others in implementing culturally relevant methods of human right education can be initiated.

The purpose of human rights education demands that the educational institution must encourage ethical behaviour and personal responsibility.

Human rights education can be disseminated to all the young children at the class room level. Government must support and periodically review plans of human right education at local and national level. The important factor in human rights education is not just knowledge, but how to apply it in our lives. The test will be for students and teachers to recognise rights in their schools, in their homes and in the local community. The exposure and feedback of their encounters with live situations of human rights violations, with victims and activists who have helped to redress wrongs will emphasize the value of human dignity the sufferings of others and an increased sensitivity. An equally commendable effort by the government would be to undertake and develop areas of human rights research in educational institutions at the regional and national



level with support of non-governmental organisation as participants.

It is the sixtieth year of independence and also the anniversary of the Declaration of Human Rights and our world has become more dehumanised than ever before. In affirming human rights for our people the need arises to sensitise ourselves and not simply stand by when violations occur. Education in every house in the classroom and in the field will constitute a new awakening. The challenge is to continuously impart knowledge of human rights at the most formative stage of human development and keep that knowledge active. It is our opportunity and responsibility to build bridges or fashion web of connections between common place daily experience relating to human rights and unfamiliar adult world, between naive ideas and complex abstract principles, between local or national problems and foreign or international problems, between past or present, between the codes of conduct we have internalized in a small group and more generalised codes of national and international law.¹⁰

Conclusion

The researchers conclude this research paper quoting the words of Jose.W.Diokono, founder of the Free Legal Assistant Group in the Philippines, stated, "it is extremely dangerous to defend our rights, but it would be infinitely worse not to do so. If we do not struggle with all that we have and do all that we can to vindicate our rights, we do not only condemn our rights to death we also condemn our hopes and dreams, and our present and our children's future. Which course shall we choose? Only we can answer, as we have no right to pass by.

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Human Rights and Differently-Abled People

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Abstract: Human Rights are universal, and civil, political, economic, social and cultural rights belong to all human beings, including differently-abled persons. Differently – abled persons are entitled to the realization of all human rights and fundamental freedom on equal terms with others in society, without discrimination of any kind. They also enjoy certain human rights specifically linked to their status. The right to have an independent life, right to barrier free access, education, employment, equality of opportunities and non-discrimination are the major rights of differently abled persons. Thus the programmes related to an awareness-raising, social support are necessary to change the way society operates and to dismantle the barriers that prevent persons with disabilities from participating fully in society are needed.

Key words: Human Rights, universal, civil, political, economic, social and cultural rights

Introduction

Disability is now being accepted as a curable medical condition. The disabled are no longer expected to be treated as outcasts of society. Science and innovation has provided tools to supplement their disabilities. A disability is often defined as the malfunctioning, disturbance or loss in the normal functioning of physical, mental or psychological processes, or a difficulty in the ability to learn, or adjust socially, which interferes with a person's normal growth and development. Disability affects approximately 10 – 12% of every country's population. Less than 5% of people with disabilities have access to services. 80% of people with disabilities live in low income countries. Disability and poverty are directly linked: poverty increases the risk factors which lead to disability, and people with disabilities are more likely to be poor because they lack access to health, education, political and

socio-economic opportunities available to others in the community. It is estimated that 15 to 20% of the poorest in the world are people with disabilities.

Human Rights are universal, and civil, political, economic, social and cultural rights belong to all human beings, including differently-abled persons. Differently – abled persons are entitled to the realization of all human rights and fundamental freedom on equal terms with others in society, without discrimination of any kind. They also enjoy certain human rights specifically linked to their status. Accessibility is a precondition for inclusion of persons with disabilities. It enables persons with disabilities to live independently and to participate comfortably and safely in their community. Universal design involves a fundamental shift in design thinking shift in design thinking from “special” design for people with disabilities, to “general” design for



everyone, and it is based on the premise that buildings, policies, technology and products must be designed in such a way that it is usable by all intended users and offer highest level of independence, safety and usability of all, without the need for additional adaptation or specialized design.

Objectives of the Paper:

The main objective of the paper is to examine the human rights of differently abled people. The other objectives are as stated below:

- To study the causes of disabilities
- To examine the access to ICTs and ICT enabled services for persons with disabilities in rural India
- To analyse the rights of the differently abled people
- To find various acts of the differently abled people.

Causes of Disabilities:

The most common causes of impairment and disability include chronic diseases such as diabetes, cardiovascular disease and cancer. Injuries such as those due to road traffic crashes, conflicts, falls, landmines, mental impairments, birth defects, malnutrition, HIV/AIDS and other communicable diseases. Disabilities include visual impairment, hearing impairment, locomotor impairment, cerebral palsy, mental retardation, mental illness, autism and multiple disabilities.

Access to ICTs and ICT enabled services for persons with disabilities in rural India:

India is home to one of the largest enabled population in the world. As per census 2001, 21.9 million

Indians suffer from some form of disability. Seventy five percent of persons with disabilities live in rural areas. A good percentage of these would either be unemployed and/or illiterate. Poverty, many a times becomes a cause of disability, like, due to malnutrition, lack of clean drinking water, disease, lack of access to medical help. The disabled member often remains non-earning member of the family due to lack of opportunities.

Moreover, it is also possible, that one or more people from the family are required to be with the disabled member at all times, and are therefore, not able to move out for earning. The disabled in rural India face many barriers to inclusion. The Constitution of India guarantees equality, freedom, justice and dignity of all individuals and implicitly mandates an inclusive society for all including the persons with disabilities. Suitable policies and programmes have been laid down/initiated by various Ministers and Departments of the Government of India to address the needs of PwDs, with the Ministry of Social Justice and Empowerment being the nodal ministry.

The National Policy for Persons with Disability 2006 was an important development and welcome step by the Government of India. The following are the main provisions:

- Women with disabilities
- Children with disabilities
- Prevention, Early Detection and Intervention
- Programmes of Rehabilitation

Table - 1



Disabled Population by Sex and Residence India: 2001-11

Residence	Persons	Males	Females
Total	26,810,557	14,986,202	11,824,355
Rural	18,631,921	10,708,034	8,223,753
Urban	8,178,636	4,578,034	3,600,602

Source: C-Series, Table C-20, Census of India 2001 and 2011

The above table discloses the population of disabled persons by sex and residence India during 2001-11. Out of the total 26,810,557, disabled males are more than that of disabled female 14,986,202. It clearly shows that disabled persons are more in rural areas than urban areas.

Table - 2

Proportion of Disabled Population by Social Groups India, 2011 (%)

Social Group	Persons	Males	Females
Total	2.21	2.41	2.01
Scheduled Castes	2.45	2.68	2.20
Scheduled Tribes	2.05	2.18	1.92
Other than SC/ST	2.18	2.37	1.98

Source: C-Series, Tables T-20, C-20SC and C-20ST, Census of India 2011

The proportion of disabled population by social groups India, 2011 found that Social groups include scheduled castes (SCs), scheduled tribes (STs) and other than those groups. Disabled persons in scheduled caste are more with 2.45%

than scheduled tribes i.e. 2.05%. In this figure male disabled are more than that of disabled female.

The above table shows the disability census 2011. Total population is categorized into three type's namely total disabled population, total disabled population and disability rate per lakh population. As we know the population in India has been increasing every year. At the end the year 2011, population stands at 1,210,864,977. Disabled persons are more in the male category with 14,989,593 than female which is 11,826,401.

Rights of the Differently Abled Persons and Various Acts:

The following are the various rights and acts of the differently abled persons:

- *Convention on the Rights of Persons with Disabilities 2008:* it is an International Human Rights Treaty of the United Nations intended to protect the rights and dignity of persons with disabilities. Parties to the Convention are required to promote, protect, and ensure the full enjoyment of human rights by persons with disabilities and ensure that they enjoy full equality under the law.
- *The Persons with Disabilities Act 1995:* According to Section 2(t) 'person with disability' means a person suffering from not less than forty percent of any disability as certified by a medical authority.
- *Right to Education:* Every child with disability shall have the rights to free education till the age of 18 years in integrated



schools or special schools. They shall have the right to free books, scholarships, uniform and other learning material. Government shall reserve at least 3% seats for people with disabilities.

- *Right to Employment:* 3% of vacancies in government employment shall be reserved for people with disabilities, 1% each for the persons suffering from blindness or low vision, hearing impairment, locomotor disabilities and cerebral palsy.
- *Right to Health:* The health needs of the differently abled person is the prime duty of the appropriate government. A special care drive is to be promoted for research in this area to diagnose and take preventive steps towards children at risk and mothers at pre-natal and post natal stage.
- *Right to Access:* The differently abled persons have barrier free access to buildings, public spaces and any other place a person might need to go for work, play, education, business, services etc. It includes things like accessible routes, curb ramps, parking and passenger loading zones, elevators, signage, entrances, and restroom accommodations.

Various Acts:

- The Mental Health Act
- The Rehabilitation Council of India Act, 1992
- The Persons with Disabilities (Equal Opportunities, protection

of Rights and Full Participation) Act, 1995

- The National Trust for Welfare of Persons with autism, cerebral palsy, Mental retardation and multiple disabilities act, 1999.
- National Policy for persons with disabilities.
- Marriage Act
- Succession Act, 1956.
- National Building Code of India 1983 with proposed Amendments

Conclusion:

The right to have an independent life, right to barrier free access, education, employment, equality of opportunities and non-discrimination are the major rights of differently abled persons. Thus the programmes related to an awareness-raising, social support are necessary to change the way society operates and to dismantle the barriers that prevent persons with disabilities from participating fully in society are needed. There are social aspects such as non-discrimination in employment and service delivery and equal treatment in all situations of people with and without disabilities. Finally the political considerations can play a significant role to strengthen and enforce the laws that do exist and working for laws to protect people with disabilities in countries.

Every society must attempt to address the disabilities of its members in a way that respects the autonomy and human rights of a person with disability and allows him/her to pursue a satisfying quality of life.



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Human Rights and Differently Able People

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Abstract : Disability is a class in itself that any one may fall victim at any time. It can come about as a result of a sudden accident, a fall down a flight of stairs or disease. Disability maintains no socio-economic boundaries. Since disability catches up with most people in its fold and any of us may fall in it someday. Women, men and children with disabilities are too often amongst the most marginalized in all societies and face unique challenges in the enjoyment of their human rights. Nevertheless, this is far from being a reality for around 500 million differently abled persons around the globe. This paper will focus on definition, India's disability Act of 1995 provides various facilities for both children and adults with disabilities in the country and by recognizing the differently abled people as valuable human resource, and the Ministry has been taking various initiatives to mainstream them in the society.

Key words: poverty-stricken, Human Rights, civil, political, economic, social and cultural rights

Introduction

Human Rights are universal, and civil, political, economic, social and cultural rights belong to all human beings, including differently-abled persons. Differently-abled persons are entitled to the realization of all human rights and fundamental freedoms on equal terms with others in society, without discrimination of any kind. They also enjoy certain human rights specifically linked to their status. Over 600 million people, or approximately 10 per cent of the world's population, have a disability of one form or another. Over two thirds of them live in developing countries. Only 2 per cent of disabled children in the developing world receive any education or rehabilitation. The link between disability and poverty and social exclusion is direct and strong throughout the world.

A dramatic shift in perspective has taken place over the past two decades from an approach motivated by charity towards

the disabled to one based on rights. In essence, the human rights perspective on disability means viewing people with disabilities as subjects and not as objects. It entails moving away from viewing people with disabilities as problems towards viewing them as holders of rights. Importantly, it means locating problems outside the disabled person and addressing the manner in which various economic and social processes accommodate the difference of disability - or not, as the case may be. The debate about the rights of the disabled is therefore connected to a larger debate about the place of difference in society.

The disability rights debate is not so much about the enjoyment of specific rights as it is about ensuring the equal effective enjoyment of all human rights, without discrimination, by people with disabilities. The non-discrimination principle helps make human rights in general relevant in the specific context of disability, just as it does in the contexts of



age, sex and children. Non-discrimination, and the equal effective enjoyment of all human rights by people with disabilities, are therefore the dominant theme of the long-overdue reform in the way disability and the disabled are viewed throughout the world.

The process of ensuring that people with disabilities enjoy their human rights is slow and uneven. But it is taking place, in all economic and social systems. It is inspired by the values that underpin human rights: the inestimable dignity of each and every human being, the concept of autonomy or self-determination that demands that the person be placed at the centre of all decisions affecting him/her, the inherent equality of all regardless of difference, and the ethic of solidarity that requires society to sustain the freedom of the person with appropriate social supports.

Differently abled in Rural Areas

As per the census, a significant population with disabilities in India lives in the rural areas. In rural areas, people with disabilities are ostracized and not included in the society. They are denied basic education or vocational training and thus do not have any scope of employment. Lack of rehabilitation turns them poverty-stricken and the disabled people in the rural areas are therefore caught up in a vicious cycle of disability and poverty. The exclusion of disabled people also has a negative impact on the community as a whole. It is time to make inclusive policies with action on the ground to stop further discrimination.

Things may not be as bad in the urban area, but there are cases where the disabled are harassed and discriminated, like the disability discrimination row over

Jet Airways failures to provide for passengers with reduced mobility. Unlike in foreign countries, buildings in India do not cater for the requirements of the disabled, with no provisions for ramps for the wheelchairs. It is as though the society has become visually impaired, turning a blind eye towards them.

Facilities for disabled

India's disability Act of 1995 provides various facilities for both children and adults with disabilities in the country. They are:

1. Children with disabilities have the right to free education until they reach the age of eighteen in schools that are integrated or in special schools.
2. Children with disabilities have the right to appropriate transportation, removal of architectural barriers, as well as the restructuring of curriculum and modifications in the examination system.
3. Scholarships, uniforms, books and teaching materials are all provided to children with disabilities for free.
4. Children with disabilities have access to special schools that are equipped with vocational training facilities, and non-formal education. India provides training institutions for teachers in order to establish manpower.
5. Parents of children with disabilities in the nation can move to an appropriate court for the redress of grievances in regards to their children with disabilities.



6. Parents of children with disabilities are required to obtain a 'disability certificate' from 'Office of the Commissioner for Disabilities,' in order to access the facilities.
7. Every 'panchayat' is provided funding by the Government in order to build roads, schools and public ramps for people with disabilities.
8. Three-percent of all Government jobs in the country are reserved for people with disabilities, and the disability Act includes affirmative action for people with disabilities.

Recognizing the differently abled people as valuable human resource, the Ministry has been taking various initiatives to mainstream them in the society. Specific provisions have been made in various rural development programmes aiming at their upliftment.

Schemes of differently abled persons

The brief details of the Schemes in respect of differently abled persons are given below:

(a) Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA): As mentioned earlier MGNREGA is a demand driven scheme, therefore, separate earmarking of employment/ resources have not been provided for differently abled persons.

The disabled or differently-abled persons defined under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) as persons with disabilities, the severity of which is 40% and above are considered as

special category of vulnerable persons for the purposes of MGNREGA. The disabled persons as defined in the National Trust for Welfare of Persons with Autism Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999) are also to be considered as disabled for the purpose of inclusion in MGNREGA.

According to the operational guidelines of the Act, State Governments have to identify specific works, which can be done by the disabled and vulnerable persons. In a village, different categories of persons with disabilities are to be organized to come together as a fixed group to accomplish the works proposed for them under the Scheme, in a way that makes it possible for them to exercise their choice. The efforts are made to ensure that the special category persons are given work close to their place of residence so that they need not travel long distances for MGNREGA works. The differently abled persons are to be given preference for appointment as mates for MGNREGA works and as workers for providing drinking water, to manage crèches etc. at the work sites. They are paid wages equal to other persons employed in MGNREGA works.

The Guidelines of the Act stipulates that the persons with disabilities, at work-sites, shall be called by their own names alone and their name as well as their surnames shall be properly registered in the job cards. It seeks to ensure a stigma free environment at the work place so that the workers with disabilities are not ill-treated/looked down upon or face any form of discrimination (using abusive language, calling them with their disability name, use of denigrating language, insulting them or hurting their feelings in any form).



(b) National Rural Livelihood Mission (NRLM) ensures adequate coverage of persons with disability under NRLM atleast 3% of the total households covered would be persons with disability. NRLM recognizes that poverty and disability are closely linked to each other and therefore takes efforts to address specific needs of individuals as well as families of Persons with Disabilities (PWDs). NRLM has advised States to undertake participatory vulnerability assessment process while undertaking social mobilization at the community level. This entry point activity at the village level with a specific focus on identification of households with PWDs shall ensure greater inclusion of these individuals and families into the NRLM network. SRLMs such as SERP - Andhra Pradesh, Kudumbashree - Kerala and Pudhu Vazhavu - Tamil Nadu have demonstrated best practice models on empowering and mainstreaming persons with disability by proactively including them during social mobilisation and institution building processes, thereby providing livelihood opportunities, quality of life and securing their dignity. Some of the best practices these States have initiated include:

- Access to requisite national ID cards.
- Aids and appliances.
- Medical care.
- Vocational Skill Training.
- Individual assistance for livelihoods.
- Economic activity groups.
- Old age Pension.
- Insurance Scheme

In addition to the above, SRLMs such as Bihar, Rajasthan and Maharashtra have initiated field trial pilots on working with PWDs with technical assistance from senior disability rights consultants.

(c) Indira Awaas Yojana (IAY) is being implemented at the national level with

the objective of providing dwelling units to the people below poverty line. As per IAY guidelines, 3% of the funds allocated are to be utilized for the construction of houses for physically and mentally challenged persons. In order to achieve the desired goals, State governments are requested time to time to instruct the implementing agencies to make special efforts to identify persons with disabilities and to ensure that the targets of earmarking for the differently abled persons are achieved.

Conclusion

It is important for every citizen to realize the need for including the disabled people into the society. One never knows in whom a Stephen Hawking or an Albert Einstein is hidden. As we forge ahead into a brighter and a better world, we need to hold the hands of the disabled people and take them along with us. It is time to make India a discrimination-free and inclusive society where the disabled have the right of space like all others.

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Human rights education in India

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Abstract : *The educational organizations like UGC, NCERT and NCTE taking initiatives for promoting human rights education in India. But these initiatives are directed towards formal education on human rights. HRE must not be linked to formal schooling only. Such people have every right to know their rights. Therefore such programmes should be developed that accommodate their Needs and situations. In formal schooling teaching students about human rights in their own mother language will make them more prompt about their values and ways to use them in their day to day life. A human rights cell or centre should be set up in the UGC to create a reference database on human rights education, disseminate information, oversee execution of programs and projects, and organize workshops and other meetings. More funds should be made available to universities and colleges for the development of specific courses in human rights. HRE should find its rightful place in the school curriculum, teacher training course—pre- and in-service, textbooks, supplementary reading materials, educational policies, and school curriculum.*

Key words: *Fundamental Freedoms, Human Rights, Peace, Education*

Introduction:

The emphasis on Human Rights Education began in 1995 with the beginning of the UN Decade for Human Rights Education, though previously addressed in 1953 with the UNESCO Associated Schools Program, which served as an “initial attempt to teach human rights in formal school settings”. The first formal request for the need to educate students about human rights came about in UNESCO’s 1974 article Recommendation concerning Education for International Understanding, Cooperation and Peace, and Education Relating to Human Rights and Fundamental Freedoms. The participants of the International Congress on the Teaching of Human Rights eventually met in 1978 to form a specific definition of what would be required application of

the education in formal curricula. The aims at which the Congress agreed upon including the encouragement of tolerant attitudes with focus on respect, providing knowledge of human rights in the context of national and international dimensions as well as their implementations, and finally developing awareness of human rights translating into reality whether social or political on national and international levels.

Human Rights Education became an official central concern internationally after the World Conference on Human Rights in 1993. This conference brought the issue of educating formally to the top of many countries’ priority lists and was brought to the attention of the United Nations. It was two years later that the United Nations approved the Decade for Human Rights Education, which



reformed the aims of application once again. Since the development of the UN Decade, the incorporation of human rights education into formal school curricula has been developed and diversified with the assistance of nongovernmental organizations, intergovernmental organizations, and individuals dedicated to spreading the topic through formal education.

Article 1 of the Universal Declaration of Human Rights states, "All human beings are born free and equal in dignity and rights". Human rights are basic fundamental rights that a person cannot be denied by any individual or any government simply because he or she is a human being. They are universal and same for everyone. After the second world war, United Nations founded two main objectives; (i) To prevent war in future & (ii) To protect and promote human rights. In order to educate and make people aware of those rights (human rights), United Nations declared a decade from 1995 to 2004 "decade for human rights education". The objectives of the decade for human rights education include:

- The building and strengthening of programmes and capacities for HRE at the international, regional, national and local levels,
- The assessment of needs and the formulation of effective strategies for the furtherance of HRE at school levels, in vocational training and formal as well as non-formal learning,
- The coordinated development of HRE materials,

- The strengthening of the role and capacity of the mass media in the furtherance of HRE.

The UN human rights initiatives have led to the worldwide human rights movement. The high level bodies of UN namely the International Human Rights Commission and the office of High Commissioner for Human Rights are working in coordination with UN specialized agencies like UNESCO, UNICEF, WHO and International Non-Government Organisations. Almost all the national constitutions recognise and protect these universal human rights. National level and local non-government organisations have also emerged in the battle towards achieving a future where people live together in harmony, tolerance and mutual respect.

Indian constitution 1950 embodies the human rights values. For the dissemination of HRE, the government of India constituted a committee under the chairmanship of home secretary comprising the secretaries of other ministers and department. When the National Human Rights Commission (NHRC) was setup in sep/oct 1993, the coordination committee requested it to draft a national plan of action for human rights education. The task was over in 2001, when the national plan of action for HRE was finalized. The plan focussed on strategies for human rights awareness-raising and sensitizing specific target groups such as students, officers in the administration of justice etc. Civil society as well as the NHRC is involved in the implementation of human rights education programmes. It is also reported that the secondary as well as higher education sector have undertaken certain activities relates to HRE which includes the preparation of curriculum, revision of



text books and development of a number of training modules for teachers in English, Hindi and local languages by the National Council of Teacher Education (NCTE).

What is Human Rights Education?

“Human rights education is all learning that develops the knowledge, skills, and values of human rights.” As per provisions with in universal declaration of human rights and other international documents and treaties, human rights education can be defined as education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes directed to:

(a) The strengthening of respect for human rights and fundamental freedoms;

(b) The full development of the human personality and the sense of its dignity;

(c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;

(d) The enabling of all persons to participate effectively in a free and democratic Society governed by the rule of law;

(e) The building and maintenance of peace;

(f) The promotion of people-centred sustainable development and social justice.

There are three dimensions to the promotion of human rights education:

- Knowledge--- providing information about human rights and the

mechanisms that exist to protect those rights;

- Values, beliefs and attitudes--- promoting a human rights culture through the development of these processes; and

- Action---encouraging people to defend human rights and prevent human rights abuses.

The Need for Human Rights Education :

The importance of human rights education hardly requires any over emphasis. It has a crucial role in preventing human rights violations from occurring. The United Nations proclaimed that human rights education is “training, dissemination and information efforts aimed at the building of a universal culture of human rights through imparting knowledge and skills and the moulding of attitudes”. These efforts are designed to strengthen respect for human rights and fundamental freedoms, facilitate the full development of human personality, sense of dignity, promote understanding, respect, gender equality and friendship to enable all persons to participate effectively in a free society, and further activities for maintenance of peace.

Human rights education, training and public information are, therefore, necessary and essential for the promotion and achievement of stable and harmonious relations among the communities and for fostering mutual understanding, tolerance and peace. Through the learning of human rights as a way of life, fundamental change could be brought about to eradicate poverty, ignorance, prejudices, and discrimination based on sex, caste, religion, and



disability and other status amongst the people.

Human rights education in India:

Human rights are a prerequisite for peace, development and democracy. India is the largest democracy in the world. It is also a big country with lot of human rights challenges. The major population of India resides in villages which do not get sufficient education support. About 35% of the population is illiterate. Problems like trafficking, exploitation of women commercially and sexually, religious violations, caste related issues are some examples leading to human rights violations. Moreover, many prisoners in India are also denied their human rights. If human rights are violated in India the biggest democracy in the world will be in danger. For the sake of democracy and sustainable development in India, HRE is essential. Knowledge of human rights is the best defence against their violation. Learning about one's rights builds respect for the rights of other and points the way to be more tolerant and peaceful societies. The need of promoting & protecting all human rights is important in order to secure full & universal enjoyment of these rights cannot be fulfilled without mass awareness and sensitivity to human rights issues. The grand agenda of global peace & prosperity is possible only with people understanding & imbibing the human rights values. Awareness is important in order to resolve the human right conflicts. This matured participation can be achieved only with human rights education. Education imparts the skills needed to promote, defend and apply human rights in daily life. Education is a tool for creating the real idea of human rights and making people know its importance in their daily

life .An educated civilization can only know its rights and hence the knowledge to protect it. According to Kofi Annan, the former secretary General of United Nations "Without education, we cannot see beyond ourselves and our narrow surroundings to the reality of global - interdependence. Without education, we cannot realize how peoples of other races and religions share the same dreams, the same hopes. Without education, we cannot recognize the universality of human aims and aspirations".

It may be said that in India that the content of human rights education is not different to what was taught by way of religion, be it Hinduism, Buddhism, Christianity or Islam. There is lot of truth in that statement. The quintessence of human rights is also the basic essence of all religions, Love, compassion, loving kindness are the same. However, while teaching religions we confined the obligations arising from these doctrines only to their followers. Human rights could bring in a universal aspect to moral and ethical education. And we in our divided societies are in great need of this. On the other hand in the context of rapid secularization we could still retain a basic common ground for respect for each other. We could still be our brothers' keepers and withstand value systems which only promote selfish ways of life.

Indian textbooks barely mention human rights. Indirect references to human rights are included in the Directive Principles of the Constitution of India and in civics and history textbooks. Most universities in India do not offer human rights education, although some have three-month to one-year postgraduate courses on human rights. Section 12(h) of the Protection of Human



Rights Act, 1993, requires the Commission "to spread human rights literacy among various sections of society and promote awareness .The National Human Rights Commission of India and many NGOs have launched a countrywide public information campaign for human rights. It aims to make everyone more conscious of human rights and fundamental freedoms, and better equipped to stand up for them. At the same time, the campaign spreads knowledge of the means which exist at the international and national levels to promote and protect human rights and fundamental freedoms.

There have been many intellectual activities like seminars, workshops, studies etc. on human rights education. There is wide awareness of the need of this education. The National Human Rights Commission has taken the initiative to promote teaching of human rights in various levels of education and national institutions, such as University Grant Commission has become quite generous in making funds available for the purpose. The UGC has made attempts to enrich education curriculum of human rights education in Colleges and Universities on the basis of contemporary societal and economic situations. Its IXth plan Approach to promotion of human rights education in Universities and Colleges identifies present development model as one of the major violators of human rights in India. The National Council of Educational Research and Training (NCERT) claims that the textbooks prepared by it on different subjects have touched human rights. The NCERT guidelines have enlarged the scope of human rights education. It states that all subjects

should be taught in such a manner as to foster the spirit of scientific humanism.

In presence of the guidelines the NCERT textbooks have been written to provide "a critical understanding of Indian society through the ages, with some focus on the position of women, the inequalities created by the caste system and various barbarous practices which arose during various periods and of attempts by reformers to bring about a more human social order." For example, a major objective of the civics syllabus is to promote a well-informed and intelligent citizenship, governed by values of democracy, secularism, socialism and national integration. To meet the need and requirement of the society and in order to enhance the quality and standards of education, updating and restructuring of the curriculum must continue as a perpetual process. The Commission has been of the view that the development of a national plan for human rights can crystallize programmes and policies that are human right-friendly across the entire range of government activity issues having a bearing on human rights in the work of a variety of ministries and departments, and it can re-orient attitudes and priorities across the spectrum of government endeavor. It can further add legitimacy and strength to the voice of those who advocate good and humane governance as essential to the well being of a country. The Commission has therefore been urging that such a National plan be formulated.

The whole issue of human rights education was being debated and was proposed by the National Human Rights Commission (NHRC) that it is to be incorporated in the syllabus as a separate subject in schools and Universities.



Education of child labour is one of the most important priorities of the government of India, which has announced that the right to free and compulsory primary education shall be made a fundamental right and has pledged to eradicate child labour in all occupation and industries. The National Human Rights Commission and many non-governmental organizations have stated to play an increasing role for the eradication of child-labour.

Conclusion:

Any education to be effective needs to be contextualized too. Thus it is not enough to teach abstract principles of human rights taken from United Nations' documents or our Constitutions. Our historical context as nation as well as local contexts need to be reflected in human rights education. The contextualizing of human rights is essential for nurturing of peace. Creative reflections on local situations from a human rights perspective would help the schools greatly, to become the societies' most important peace makers. HRE must not be linked to formal schooling only. Such people have every right to know their rights. Therefore such programmes should be developed that accommodate their Needs and situations. In formal schooling teaching students about human rights in their own mother language will make them more prompt about their values and ways to use them in their day to day life. A human rights cell or centre should be set up in the UGC to create a reference database on human rights education, disseminate information, oversee execution of programs and projects, and organize workshops and other meetings. More funds should be made available to universities and colleges for the development of specific

courses in human rights. HRE should find its rightful place in the school curriculum, teacher training course—pre and in-service, textbooks, supplementary reading materials, educational policies, and school curriculum.

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Human Rights and Violence against Women

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Abstract: Right to dignity is one of the most recognized human rights. The significance of human dignity as the foundation of human rights assumes importance because the other right, without a right to live with dignity can't made enforceable. Recognizing this fact the Indian Constitution while providing equal rights for both men and women, emphasizes on maintaining the dignity and worth of human being as well as social progress and higher standard of living with greater freedom. In simpler terms, it can be said that dignity can be ensured when every member of the society has a feeling that he or she is a respectable member and no one can humiliate, harass, exploit and insult him or her on the basis of caste, creed, sex and status etc. In relation to women, the right to life of dignity in itself is a very complicated term. Women are governed by the constitution and are therefore also aims as providing basic minimum to women to live a life of dignity. Some progresses have to some extent done away with those social practices which directly challenge the dignity of women.

Key words: humiliate, harass, constitution, woman

Introduction

Human beings are more respected than in any other country. In England women were treated as cattle, they were not allowed to enter the library. The female inferiority was deep-rooted for centuries in the world and has been perpetuated by major thinkers. Saint Thomas called women "An Imperfect man and an incidental being". Aristotle is of the view that the female by nature of certain lack of qualities. The Holy Bible also says, "she is made for man, but man is not meant for women". (II Corinthians 11th Chapter 9th Verse).

Many women fail to understand the real spirit of human rights. It doesn't mean getting of women equal rights with men or a movement for the recognition of their creative talents. It is more than that. No doubt, women raising their voice against the injustice after having gone through the agony for centuries. Indeed, the factor for their agony varies from one nation to the other. Despite their short

comings lack of encouragement and inspiration, their predominant feeling was that a woman is a sex subject stands at the mercy and capricious men who act within the idiom of an accepted society. Therefore, a sense of being helplessly carried away by the forces of time, nature and time, nature and circumstances expresses itself. The most common factor which characterizes the woman is deprivation – they are deprived not only of material things but also of security, support, care, even 'sunlight and air'.

The plight of the working woman was stills worse, aggravated by her problems of marital adjustments and quest for the assertion of her identity. The society influences woman and imposes the burden of marriage and leaves her with no choice.

Nature of Human Relations

Human relations are very complex. People live together for a number of years, yet they fail to understand one



another. The true position of woman in society would emerge if we critically examine her relationship with her husband.

Before marriage, women are brought up strictly according to the traditional codes. The moment a girl reaches adolescence, she is reminded by society that she need not assert her individuality as she is destined for man which is the ultimate goal of her life.

Lack of understanding between the wife and husband is especially predominant in Indian society because the marriages are mostly arranged marriages. Complete strangers are brought together. The middle class women in India who are unable to defy social conventions and seek a compromise as a way out of their dilemma.

These women do not revolt, for the sake of domestic harmony. They prefer to suffer the pain and humiliation.

The fact is that woman is basically a woman as well as a person. As a woman she definitely needs man and vice versa. But as a person she can legitimately claim to be free and independent. However, in our social set up, her two identities, that of a woman and a person have been rolled into one only a woman. And this has led to the confusion. Due to this she interprets her womanly instinct as dependence.

In order to establish one's identity, a woman has to break the fetters of conventions and traditions which are applicable to her in a male dominated society. Survival in a male-dominated world is difficult and a woman has to struggle against heavy odds, and only then she can have a room of her own.

In a male-dominated society, a woman can only pretend to be happy. This pretension of happiness comes the

feeling of being a victim and finally woman realizes that she should definitely have her own identity.

Female sexuality is a profound emotion. One cannot hope to express the whole truth. The more one discovers, the more remains unsaid. The study of human rights records the suffocation of women who are the victims of tradition, society and male ego and their ultimate compromise.

The problem in case of Indian women is that they lack a basic essence of Identity and are supposed to survive as dependents of husbands, fathers, and sons. The areas where women's dignity is attacked are numerous and some of them are well known. For example, crimes against women, a data sheet released by the Department of WOMEN AND CHILD DEVELOPMENT OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT, in 1992-93 on 'violence against women' reveals that some where in India every 54 minutes, a woman is raped, every 26 minutes a woman is molested, every 51 minutes woman is teased, every 10 minutes there is dowry death. In the Indian culture milieu, the rape is not a simple crime against woman. It attacks the very dignity of women. Nothing is more outrageous to the dignity of woman than the Invasion of her physical or bodily privacy. Moreover, the stigma attached to a Rape Victim is commonly known. Further, there is a problem of domestic violence where woman day after day is beaten, harassed and attacked by her own men. The problem of battered women remains a hidden crime because most of cases go unreported as the crime is done within the four walls of home. The victims often fear social stigma and in many cases they don't have any option. Fear of living, so-called family prestige,



apprehension about the future of children, financial problems and fear of divorce also contribute. Domestic violence does not limit of wife battering, it includes torture for dowry, sexual perversion and the forms which may range from minor burning to fractures, throwing acid and sometimes lead to murder also. The female foeticide is another crime, it not only involves the crime of killing a girl child before she is born but also attacking the very dignity of womanhood, i.e., women as a gender is unwelcome on this earth. In fact, the very concept that girl is a liability and boy is an asset is deep-rooted in Indian psyche. It is this concept which in earlier periods led to female Infanticide and now to female foeticide. There are a number of subtle ways which attack the very root of women's dignity.

Eve teasing is a very common crime and is not taken very seriously. But how disgusting and insulting for a woman is to listen comment on her physical attributes, it is not flattering to be commented upon. The tendency to comment on physical attributes of woman reduces her to an object only-an object which is to be possessed. This attitude is an old one and still persists. In spite of the progress which the modern world has made. Reducing women to a sex – object to a large part rooted deeply in psyche of males – whether it is eve-teasing or pornographic magazines, the world of advertisement where a product is being sold through the image of an 'enchanted woman'. Woman remains a symbol of sex-object. This concept is very common now a days in film music. The two Hindi-film songs, "To cheese badi hai mast mast" and "kya cheese ho tum tumko bhi maloom nai hai" are especially mentioned here to explain how the very concept of women as a "cheese" (object) is very

easily taken for granted, accepted and popularized. Women remains to be a 'cheeze' in other words, an object to be possessed and to be enjoyed.

The woman's dignity is most vulnerable in caste and communal wars. Women became the soft targets and are made to face physical and psychological violence. There are numerous examples when the caste enmities are avenged at the cost of women. They are raped, humiliated, harassed and tortured. Here women suffers doubly. Firstly because she belongs to a weaker sex and secondly because she belongs to a particular social group.

The evil of dowry is a reflection of growing social violence and injustice. Rape of women not only by Landlords but also by police is common in rural areas of Andhra Pradesh.

Sexual offences against women by Landlords and men in uniform continued unabated.

Moreover, reporting on sexual offences against women is extremely difficult due to the unwillingness of the victims to report.

Violence is an action or policy or an attitude that causes bodily or mental injury and debars or dehumanizes a person.

Violence against women, regardless of the nature of the perpetrator – an Individual, group, Institution, the state or society, is a human rights violation and is treated as such whether it happens in the home, with in the family or outside of it. The violation of women's rights takes many forms such as.

1. Sexual or physical assault and harassment.
2. Female foeticide and infanticide
3. Female circumcision, and



4. Dowry death, sati and denial of her autonomy and authority over her body.
5. In the family planning system and population control methods that impose the responsibility for human reproduction and nurturing solely or women without granting them the corresponding autonomy and authority over their bodies amounts to a violation of basic rights. Moreover, the increasing militarization and the assertion of power by men over women which is symbolic of military culture has made lives of women insecure and totally open to sexual molestation and rape.

The gender violence is a universal phenomenon which takes many forms across culture, race and class. We view violence against women as any action, policy or attitude which in anyway is a violation of our personhood as we perceive it, or which dehumanize us. On that basis, we view violence against women carried out by any individual group, institution or society as a human rights violations. It has been observed that the human right of the woman is being violated in many fields of life.

Conclusion

Human rights are not merely ideals or aspirations, nor are they some rights granted to us by the existence of particular set of laws. They are claims made by virtue of the fact that we are human beings with an inalienable right of human dignity. Therefore we cannot delegate the authority to a group of persons to define these rights. All individuals and all peoples have the right to self-directed development. Thus, while talking about the human rights, it is essential to emphasize the human aspect

of the right. If a right does not help a human being to remain human or it does not give her/him the right to live a life of dignity. It is not worthwhile. The question of women's dignity as a human right becomes important because in many cases women are forced to live in an environment not conducive to their dignity. The domestic, the community, the civic and political life are still to recognize women as an equal independent human right

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A Study on Human Rights in India

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Abstract:

Human rights or fundamental rights are given by the constitution to the civil society groups. These rights are for the freedom of people and also promote understanding, tolerance and friendship among all nations, racial or religious groups and maintain peace. Human rights in India is a complicated issue as India is a large country and having a sovereign, secular & democratic republic status and with a tremendous diversity. Some important human rights are freedom of religion, freedom of speech, freedom of equality, advocacy of law, and freedom of movement within the country and abroad. For perfect implementation of these rights along with police, government and some human rights organizations are working their best for the wellbeing of the people. But human right violations based on sexual, religious, caste related issues are going on and harassment against civil people, dalitis, untouchables, Muslim & Christian minorities and women are repeating everywhere in the country & abroad. These organizations are promoting understanding, tolerance and friendship among all nations, racial or religious groups and trying to maintain peace. Human trafficking is also a violation of human rights and is estimated that 2,00,000 persons are trafficked in India every year, out of only 10% is international and 90% is interstate. Nearly 40,000 children's are abducted every year and out of which so many are facing rape, child pornography, prostitution and child begging. So, government, police and non-government authorities are to concern on the violation of human rights and to work more for the uplifting of the human rights. The author is very much interested and a study is to be done and to publish the findings later on.

Key words: pornography, Sovereign, Secular, Democratic

Introduction:

Human rights or Fundamental Rights issue in India is a complicated one as the country is a large developing country with a Sovereign, Secular, Democratic Republic status and having a tremendous diversity. The constitution of India provides Fundamental Rights such as freedom of religion, freedom of speech, Right to equality executive of law & judiciary and freedom of movement within the country and abroad. It is to known that a separate independent judiciary body is also there in India to protect human rights. (1-3)

In spite of all these rights and acts the people are not enjoying their freedom in speech, freedom in caste & religion and even the freedom of food that they are eating. The 2016 years report of "Human Rights Watch" says that India has serious human rights concerns. Civil Society groups such as women, backward classes, Muslim & Christian minorities & Government critics are facing harassment, unconditional lawsuits, life unsecurity and at last death. Free speech has come under attack both from the state and by religious or other groups. The Govt. has



to implement the laws strictly and give protection to the sufferers. (4-5)

Important events in the history of Human Rights:-

1829 - A voice was raised by Brahma Samaj and by Ram Mohan Roy against the practice of "sati".

1929 - Child marriage act was passed which prohibits marriage of minors under 14 years.

1950 - The constitution of India established Reservation policy in Education, employment and political representation for previously disadvantaged sections.

1975-77 - State of Emergency in India against fundamental rights.

1978 - Jammu & Kashmir public safety Act, 1978

1984 - Operation Blue Star and the subsequent Anti-Sikh riots.

1985 - The Shah Bano Case of where Supreme Court recognized the Muslim woman's rights to maintenance upon divorce.

1989 - Prevention of Atrocity against S.C. & S.T.

1992 - Reservations of one-third of the seats for women in Panchayati Raj.

1993 - National Human Rights Commission is established for protection of human rights.

2002 - Gujarat riots which claimed several served thousand lives of Indian Muslim (Communal violence).

2005 - National Rural Employee Guarantee Act, which guarantees right to employment to rural people.

2009 - The Act of unnatural sex or homosexual relationships in India.

Types of Human rights violence :

(i) Violence of Police:

A human rights organization estimated that from 2002 to 2008, over four people per day died in police custody while hundreds of custody deaths are occurred due to police torture. It also reveals that 50% of police officers in the country used physical or mental abuses on prisoners. (6&7)

(ii) Sexual violence:

Sexual violence is an issue that many people living are facing among in developing countries. India is a home to the largest number of sexually abused children in the world. The children & youth are sexually abusing through the exchange of sex or sexual acts for drugs, food, shelter, protection of life or for money. (8-9)

Human trafficking or child trafficking is also a major issue in India and is a violence of human (or) child rights. It is estimated that 200,000 persons are trafficked in India every year and out of it 10% is international and the rest 90% is interstate. Nearly 40,000 children are abducted every year out of which are facing forced labour, bounded labour, street begging & child abuse. (10-11)

(iii) Religious violence:

Communal conflicts between religious groups have been prevalent in India since the time of the independence. And communal riots also took place during the partition of India between various groups where large number of people were killed in large- scale violence. (12). In the year 2002 Gujarat riots it is



estimated that more than 100 Muslims were killed 2500 people killed and so many are missing. (13)

(iv) Caste related violence:

According to a report by "Human Rights Watch", dalits and indigenous people continue to face discrimination, harassment and acts of communal violence. Laws and policies adopted by the Indian Government are not working upto the mark and so the violences are repeating everywhere. (14)

Violence against women:

Gender discrimination is one of the evils continuing from the time of Independence. Women from all religions were facing so much of harassment and restricted her to the house and the kitchen. Women are facing lack of facilities in basic life, Education, marriage and insecurity even in their house and outside. (14)

Muslim woman in India are one of the major groups deprived of their equality within the Human rights framework. Their hardship has derived from cultural and religious reasons. (15)

Other human rights violations:

Some sentiments and beliefs creates conflicts and violences between communal groups such as Anti-Bihari sentiment, Anti-Sikh and Anti-Muslim groups despite of government and police efforts. (15)

Conclusion:

Protection and for enjoyment of human rights Government, Non-Government and other organizations has to create awareness among the people. Education programmes promote Human Rights awareness and create

understanding, tolerance friendship and maintain peace among Nations and its people.

An Arab based Human Rights organization which in founded in 1989 in an independent one and works for the values of democracy and citizenship. This institute has also received an award from UNESCO for its activities.

Indian Institute of Human Rights, Amnesty International, Human Rights Education Associates (HERA) and "African Centre on Democracy" and Human Rights promotes awareness of human rights and educate the students at college & university levels by respecting, promoting and defending those fundamental rights.

"Amnesty International" is the largest one of its type which includes more than 2 million people and have a net work in 150 countries and fights for the safe guard of the Human Rights. All these National & International organizations are focusing their strength for the upliftment of Human Rights.

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Violation of human rights- a bane

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Abstract : *Violations of human rights are both a cause and a consequence of trafficking in persons. Accordingly, it is essential to place the protection of all human rights at the centre of any measures taken to prevent and end trafficking. Human trafficking in India is a complex process, and often starts with family members handing over responsibility for the safety and well-being of the trafficked person to others known to them, but then ending up trafficked by a third set of persons and into the profession as a Commercial Sex Worker (CSW), commonly known as a prostitute. However till date no society has been able to eradicate or abolish it. Anti-trafficking measures should not adversely affect the human rights and dignity of persons and, in particular, the rights of those who have been trafficked, migrants, internally displaced persons, refugees and asylum seekers.*

Keywords: *Human Rights, Trafficking, India, Family.*

Introduction

Human trafficking is generally understood to refer to the process through which individuals are placed or maintained in an exploitative situation for economic gain. Trafficking can occur within a country or may involve movement across borders. Women, men and children are trafficked for a range of purposes, including forced and exploitative labour in factories, farms and private households, sexual exploitation, and forced marriage. Trafficking affects all regions and most countries of the world.

Trafficking is a complex and multidimensional phenomenon and requires multidisciplinary approach. Any analysis of the root causes of human trafficking must take into account factors that are specific to India, its socio-economic conditions and its poverty levels. Human trafficking is a violation of human rights and any strategy to eliminate trafficking should be framed within a human-rights perspective by placing the victim at the

centre. A focus that is primarily directed to the prosecution of traffickers has the potential to ignore or minimise the human rights of those who have been trafficked by failing to adequately protect the trafficked women.

As there are relatively few cases of kidnapping, it is important to understand the motivation or need behind why a trafficked person (woman) was convinced or voluntarily moved in the first place and who or what influenced that decision. Poverty or the failure to meet basic needs, social exclusion, insecurity, or stigmatization are often identified as the initial motivating factor. It has also been seen that trafficking is part of the modernization process where individuals migrate to seek new horizons as cities offer better economic opportunities.

Extreme poverty combined with the low social status of women often results in the handing over by parents of their children to strangers for what they believed was employment or marriage. In many cases families and other



community members close to the trafficked person also benefit financially from the process, further limiting the probability of the trafficked person taking action to escape or bring about the severe consequences of prosecution. All those involved in trafficking gain pecuniary benefits; beginning from the family, who sells the trafficked girl, from the point of recruitment/deception to the point of use of her labour as a CSW. All are direct perpetrators of the crime of human trafficking. However, very little attention is paid to prosecuting recruiters, those involved in supporting this process along the way such as transporters (rickshaw, bus and truck drivers), vendors (dhobis, pheriwalas etc.) and hotel and restaurant workers, who knowingly provide services to traffickers and their victims. The victim is mostly reluctant to make a complaint since the trafficker may be her own family or person known to her. It was not uncommon for families to sell their daughters in times of economic distress or order to avoid starvation.

Relationship between Human Rights and Human Trafficking

The links between human rights and the fight against trafficking are well established. From its earliest days to the present, human rights law has unequivocally proclaimed the fundamental immorality and unlawfulness of one person appropriating the legal personality, labour or humanity of another. Human rights law has prohibited discrimination on the basis of race and sex; it has demanded equal or at least certain key rights for non-citizens; it has decried and outlawed arbitrary detention, forced labour, debt bondage, forced marriage, and the sexual exploitation of children

and women; and it has championed freedom of movement and the right to leave and return to one's own country.

Different human rights will be relevant at different points in the trafficking cycle. Some will be especially relevant to the causes of trafficking (for example, the right to an adequate standard of living); others to the actual process of trafficking (for example, the right to be free from slavery); and still others to the response to trafficking (for example, the right of suspects to a fair trial). Some rights are broadly applicable to each of these aspects. A. Trafficking as a violation of human rights As noted above, many of the practices associated with modern-day trafficking are clearly prohibited under international human rights law. For instance, human rights law forbids debt bondage: the pledging of personal services as security for a debt where the value of those services is not applied towards the liquidation of the debt or their length or nature is not limited and defined. Many trafficked persons who enter into a debt with their exploiters (relating to, for example, placement or transport fees) find themselves in a situation of debt bondage; the debt is used as a means of controlling and exploiting them. Human rights law also prohibits forced labour

A. Trafficking as a violation of human rights

As noted above, many of the practices associated with modern-day trafficking are clearly prohibited under international human rights law. For instance, human rights law forbids debt bondage: the pledging of personal services as security for a debt where the value of those services is not applied towards the liquidation of the debt or



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B. The human rights of trafficked persons

Both the Charter of the United Nations and the Universal Declaration of Human Rights confirm that rights are universal: they apply to everyone, irrespective of their race, sex, ethnic origin or other distinction. Trafficked persons are entitled to the full range of human rights. Even if they are outside their country of residence, international law is clear that trafficked persons cannot be discriminated against simply because they are non-nationals.

C. The importance of a human rights-based approach to trafficking

While the link between human rights and human trafficking is clear, it does not necessarily follow that human rights will naturally be at the centre of responses to trafficking. For example, cross-border trafficking can be dealt with as an immigration issue, with human rights being addressed only as an afterthought. It is also possible for States to address trafficking primarily as a matter of crime or public order.

Indian Constitution

Indian Constitution prohibits all forms of trafficking under Article 23. It has been observed poor helpless families and tribal society have become the main target group of traffickers. Trafficking has become great human problem in all

over human society. Trafficking in its widest sense include the exploitation girls by pushing them into prostitution, forced labour or services, slavery or practices similar to slavery and the trade in human organs. In the case of children who have been trafficked or have become victims of child marriages, it violates their right to education, employment and self determination.

The Constitution of India which is the highest law of the land and from which all laws emanate, guarantees equality as a fundamental right and prohibits traffic in human beings.² Article 23(1) specifically prohibits traffic in human beings, begar and other forms of forced labour. It is pertinent to mention here that there is no specific prohibition of prostitution, what is prohibited is traffic in persons.

Immoral Traffic (Prevention) Act, 1986

The Suppression of Immoral Traffic in Women and Girls Act, 1956 now Immoral Traffic (Prevention) Act, 1986 was enacted in pursuance of India's commitment on ratifying the International Convention for the Suppression of the Traffic of Persons and of the Exploitation of the Prostitution of others. According to Articles 1 & 2 of the Convention³ countries are bound to punish persons who, to gratify the passions of another procures, entices or leads away, for purposes of prostitution, another person, even if it is with the consent of that person. By section 3 of the Suppression of Immoral Traffic in Women and Girls Act 1956'

The objective of the ITPA is to:

- Punish immoral trafficking;
- Punish traffickers;



- Punish persons living off the earnings of a woman; and
- Provide welfare measures directed towards rehabilitation of sex workers.

National Human Rights Commission

NHRC survey in which data was collected by interviewing 852 police officials (117 senior officials and 735 middle/junior rank officials) presents the following scenario⁸:

- The sex-disaggregated data of law enforcement shows that 93% of those arrested, mainly under Section 8 A (ITPA), 95% of those charge sheeted and 90% of those convicted were women.
- 40% of the police officials were not aware of the issue of trafficking
- Only 6.6% of the police officials had undergone some sort of training/sensitization on the issue.
- 54.8% police officers give no priority at all to trafficking, 25.3 give it low priority, 12.2% consider it to be a medium priority issue and only 7.7% think it is a high priority issue
- Reporting on trafficking appears to be only 40%. As stated by the police officers themselves, 60% of the cases go unreported

Conclusion

The Act was amended to make good some inadequacies in the light of the experience gained in its implementation; and presently empowers the State govt. to appoint Special Police Officers for dealing with offences under this Act in a specified area.⁹ The Magistrate may confer upon any retired police or military officer all or any powers conferred on a special police officer with

respect to particular cases or cases generally. Enabling provisions have been added to empower the Central government to appoint any number of trafficking officers who shall exercise powers and discharge functions in relation to the whole of India. Thus the trafficking officers appointed under the Act are empowered to investigate offence having inter-state ramifications.

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Human rights and women: challenges before the civil society

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Abstract: *Proper and adequate enjoyment of human rights, both by men and women- equally, is the prerequisite of any developmental process and civic progress. This is more particularly so in the case of Indian Women who constitute the backbone of the Indian economy as well as society. Even though there is no gender bias in the human rights, per se, its enjoyment with equanimity among the genders is a concern in the contemporary Indian society as the human rights vis-à-vis Women are found to be flouted more frequently than respected or realized. Women who cannot enjoy the rights meant for humans, due to gender based limitations, are essentially at risk. Such societies can never attain social progress. The Civil Society has a major role and responsibility to correct this imbalance in the full and adequate enjoyment of human rights by women, equally with that of their men folk.*

Key words: human rights by women, men folk, enjoyment

Domains of Discussion:

This paper delves on the details of the Human Rights vis-à-vis Women, the challenges being experienced by women for the free and fair enjoyment of the human rights and concludes with the kind of response of the civil society that is necessary for an equitable development of both genders.

The Human Rights vis-à-vis Women:

- Article-1: All human beings are born free and equal in dignity and rights.
- Article-2: Every one is entitled to all the rights and freedoms without distinction such as race, sex....
- Article-4: No one shall be held in slavery or servitude.
- Article-15:No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

- Article-16:Men and Women of full age have the right to marry and found a family.
- Article-18:Every one has the right to freedom of thought, conscience and religion...
- Article-19:Every one has the right to freedom of opinion and expression.
- Article-23:Every one has the right to work, to a free choice of employment...
- Article-24:Every one has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays...
- Article-25:Every one has the right to a standard of living adequate for the health and wellbeing of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness,



disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. If one examines the wording of these articles of Human Rights, there is gross gender inequality and fails to sensitize the people in the civil society. The wording itself needs to be changed to reflect gender neutrality of the charter of Human rights.

The Scenario of Human Rights and Women:

The scenario of Women and Human Rights in Indian context can be best understood from the words of Ashish Garg. "I think for women in India I have only one sentence. "The human being is not yet civilized and they are still living in the forest where there is a danger of wild animals attacking them any time". May be forest is safer than India for women.

I am ashamed myself to be part of this country where we cannot even give a safe future to our women and children. Unlike other countries who spare their lives for giving great future to their generation" (Ashish Garg March 10, 2002)

What ever discussion goes on, the bottom line is there are no human rights for the women in India, absolutely none. She is lucky if she doesn't get exploited, abused etc. Sheer luck, because if at all that happens no one will help her not even her own family (May be they are involved too in this). So if any of you have a daughter just pray to god that she is lucky enough to live a human life.

- **Malnutrition:** India has exceptionally high rates of child malnutrition, because tradition in India requires that women eat last and least throughout their lives, even when pregnant and

lactating. Malnourished women give birth to malnourished children, perpetuating the cycle.

- **Poor Health:** Females receive less health care than males. Many women die in childbirth of easily prevented complications. Working conditions and environmental pollution further impairs women's health.
- **Lack of education:** Families are far less likely to educate girls than boys, and far more likely to pull them out of school, either to help out at home or from fear of violence.
- **Overwork:** Women work longer hours and their work is more arduous than men's, yet their work is unrecognized. Men report that "women, like children, eat and do nothing." Technological progress in agriculture has had a negative impact on women.
- **Unskilled:** In women's primary employment sector - agriculture - extension services overlook women.
- **Mistreatment:** In recent years, there has been an alarming rise in atrocities against women in India, in terms of rapes, assaults and dowry-related murders. Fear of violence suppresses the aspirations of all women. Female infanticide and sex-selective abortions are additional forms of violence that reflect the devaluing of females in Indian society.
- **Powerlessness:** While women are guaranteed equality under the constitution, legal protection has little effect in the face of prevailing patriarchal traditions. Women lack power to decide who they will marry,



and are often married off as children. Legal loopholes are used to deny women inheritance rights

The Challenges:

The challenge before, therefore, is very simple, that being "turning down the above vulnerabilities on their head" through

- Assuring freedoms, equality and dignity
- Ensuring the free and full enjoyment of rights by women
- Emancipation from slavery or servitude.
- Avoiding torture, cruel, inhuman or degrading treatment or punishment.
- Guaranteeing right to marry and found a family.
- Facilitating freedom of thought and conscience.
- Ensuring the right to freedom of opinion and expression.
- Ensuring the right to work and to a free choice of employment.
- Appreciating the right to rest and leisure.
- Enhancing the standard of living and wellbeing of women and improving her access to food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond her control

Civil Society Response:

The response of the Civil Society should be to articulate and usher a "to be state" from the present "as is state",

characterized by improved gender sensitivity from the present insensitive state; greater awareness on the benefits of gender equality rather than the turbid gender inequality; mobilizing the communities to come out from the shackles of the present ignorance levels and gearing them to taking up advocacy initiatives against the undemocratic social structures that perpetuated gender discrimination.

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Safeguarding the Consumer Rights in India - A Study

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Abstract: Every human is a consumer, regardless of occupation, age, gender, community or religious affiliation. Consumer rights and welfare are now an integral part of the human rights of an individual and we all have made use of them at some or the other point in our daily routine. In India, to safeguard the rights of the consumers under human rights, the Consumer Protection Act, 1986 was enacted by the Government Of India. This act came in to existence with the objective of providing better protection of consumers' interests. It provides speedy and inexpensive adjudication. The research is focused on the study of safeguarding the Consumer Rights in India through implementation of various acts under constitution of India. The research also indicates that the Government of India is strictly adhering to protect the consumer rights through the Redressal Agencies at various levels in India.

Key Words: Consumer Rights, Consumer Protection

Introduction

Human rights include the consumer rights. Now days the rights of consumers are infringed by the Traders or sellers. The Consumer right means 'the right to have information about the quality, potency, quantity, purity, price and standard of goods or services', as it may be the case, but the consumer is to be protected against any unfair practices of trade. It is very essential for the consumers to know these rights. However there are strong and clear laws in India to defend consumer rights, the actual plight of consumers of India can be declared as completely dismal. Out of the various laws that have been enforced to protect the consumer rights in India, the most important is the Consumer Protection Act, 1986. According to this law, everybody, including individuals, a firm, a Hindu undivided family and a company, have the right to exercise their consumer rights for the purchase of goods

and services made by them. It is significant that, as consumer, one knows the basic rights as well as about the courts and procedures that follow with the infringement of one's rights.

Who is a Consumer?

Any individual who purchases products or services for his personal use and not for manufacturing or resale is called a consumer. A consumer is one who is the decision maker whether or not to buy an item at the store, or someone who is influenced by advertisement and marketing.

As per the Act, a 'Consumer' has been defined as Any person who buys goods for consideration, and any person who uses goods with the approval of the purchaser. Any person, who hires any services for a consideration and any beneficiary of such services, provided the service is availed with the approval of the person



who had hired the service for a consideration.

Consumer Rights

The right to be protected from all kind of hazardous goods and services

The right to be fully informed about the performance and quality of all goods and services

The right to free choice of goods and services

The right to be heard in all decision-making processes related to consumer interests

The right to seek Redressal, whenever consumer rights have been infringed

The right to complete consumer education

The Consumer Protection Act, 1986 and several other laws like the Weights, Standards & Measures Act can be formulated to make sure that there is fair competition in the market and free flow of correct information from goods and services providers to the ones who consume them. In fact, the degree of consumer protection in any country is regarded as the right indicator of the progress of the country. There is high level of sophistication gained by the goods and services providers in their marketing and selling practices and different types of promotional tasks viz. advertising resulted in an increasing requirement for more consumer awareness and protection. The government of India has realized the condition of Indian consumers therefore the Ministry of Consumer Affairs, Food and Public Distribution has incorporated the Department of Consumer Affairs as the nodal organization to protect the consumer rights, redress the consumer

grievances and promote the standards governing goods and services provided in India.

The Government of India needs to have world class product testing facilities to test drugs, food, cars or any other consumable product that can prove to be a menace to life. It does not happen coincidentally that Tata Nano is sold in India for half of what it costs in a country which is industrially developed, this is a classic case of requirement of a cheap product that outweighs the need for safety of family and self. The developed countries like the United States have stalwart agencies which oversee the protection of consumer products, the Food and Drug Administration (FDA) for food and drugs, the National Highway Traffic Safety Administration (NHTSA) for automobiles and the Consumer Product Safety Commission (CPSC) for various other consumer products etc. This right needs each product which can potentially be a danger to our lives to be marketed after adequate and complete verification as well as validation. India is 50 years away, for empowering this right adequately and completely.

Right to Information

The right to information is defined as 'the right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be so as to protect the consumer against unfair trade practices' in the Consumer Protection Act of 1986. In the market place of India, consumers get information by two ways namely advertising and word of mouth however these sources are considered to be unreliable but still this word of mouth is quite common here. Because of this, the Indian consumers hardly have precise



and complete information for assessing the true value, safety, suitability, reliability of any product. Usually the hidden costs can be found, lack of suitability, quality problems and safety hazards only after the purchase of the product.

There is another right claimed by Indian government on paper, this right must ideally make sure that all consumable products have been labeled in a standard manner containing the cost, quantity, the ingredients and instructions given to use the product safely. It is unfortunate that even the medicines in the country do not follow a standardized labeling convention. There should be establishment of unit price publishing standards for consumer market where costs are revealed in standard units like per kg or per liter. The consumers, ought to be informed in an exact yet accurate manner for the cost involved during time of availing a loan. For providing benefit to the society through this right, advertisers must be held against the standards of products in the advertisements. The pharmaceuticals require to disclose potential side effects related to their drugs and manufacturers ought to be required to publish reports from independent product testing laboratories for the purpose of comparing the quality of their products from competitive products. There is a website: Consumerdaddy.com, for the purpose of empowering the consumers with right to information. Without help of these types of websites it is difficult to spread awareness among the consumers of India. The right to information gives the power to the consumers to have an easy access to information which is necessary for the consumer.

Right to Choose

The definition of Right to Choose as per the Consumer Protection Act 1986 is 'the right to be assured, wherever possible, to have access to a variety of goods and services at competitive prices'. For regulating the market place, there is just one factor required and that is competition. The existence of cartels, oligopolies and monopolies prove to be counterproductive to consumerism. The natural resources, liquor industry, telecommunications, airlines etc all are being controlled by a mafia to some or the other extent. Since the Indian consumers come from a socialistic background, the tolerating of monopolistic market is found in their blood. It is seldom seen that people want to switch the power company, in the times when they have a blackout at home. It is interesting to know that even micro markets like fish vendors in some cities are known to collude and discourage the consumers' bargaining power. No matter what size or form, or span, but collusion of various companies which sell a similar kind of product is unethical or say less legal. It can be estimated that India has to stride for about 20 more years for empowering its citizens fully in this regard.

Right to be heard

As stated in the Consumer Protection Act 1986, 'the right to be heard and to be assured that consumer's interests will receive due consideration at appropriate forums' is the definition of the right to be heard. This right helps to empower the consumers of India for putting forward their complaints and concerns fearlessly and raising their voice against products or even companies and ensure that their issues are taken into consideration as



well as handled expeditiously. However, till date the Indian Government has not formed even one outlet for hearing the consumers or their issues to be sorted out.

There are a number of websites striving to do this. The major objective of Consumer is to ensure that their voices are heard by the corporate world. There is a website, Consumerdaddy.com, where consumers can upload their criticisms as well as file complaints. Every criticism filed gradually lessens the overall score of the product which is being criticized therefore each complaint is independently checked by an investigator who belonged to Consumerdaddy.com website. This website provides the consumers the benefit of doubt always, so their voice is considered over that of the company. It is believed at consumerdaddy.com, that consumer is always right, and that he is the king. In case a consumer makes an allegation regarding the product, the onus goes to the dealer, or supplying company or manufacturer to disprove that allegation is not true. To be precise, the consumer is heard, and the load of proof goes to the company. Various attempts are made by the government for empowering the citizens with this right, and it is believed that about 10-15 years more are required for the accomplishment of this goal.

Right to Redressal

The right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers' is referred to as the right to redressal according to the Consumer Protection Act 1986. The government of India has been bit more successful with regard to this right. The Consumer courts like District Consumer Disputes

Redressal Forums at district level, State Consumer Disputes Redressal Commissions and National Consumer Disputes Redressal Commissions have been incorporated with the help of the consumer protection act. These consumer grievance redressal agencies have fiduciary as well as geographical jurisdictions which address consumer cases between businesses and consumers.

About 20 lakhs Consumer cases are heard in the district consumer forum, and around one crore can be heard in the state consumer court while more than one crore cases are heard at national consumer court. It has been found that if one becomes guardian of consumer protection or consumer rights in the country these courts today are found to be ineffective because of bureaucratic sabotages, clogged cases, callousness of government and decadent infrastructure. Only some of the district forums have appointed officials for time being and majority of them are non-functional because of funding and infrastructure constraints. There are around 20-30 million open cases in India which remain unsolved and would take around 320 years to wind up. Having such type of compromised legal system the consumer cases form just civil litigations and are carried forward to the bottom of the priority list. It is estimated that India is 10 years away in effectively ensuring the right to redressal to every consumer of India.

Right to Consumer Education

The right of every Indian citizen to have education on matters regarding consumer protection as well as about her/his right is regarded as the last right provided by the Consumer Protection Act 1986. The right makes sure that the consumers in



the country have informational programs and materials which are easily accessible and would enable them to make purchasing decisions which are better than before. Consumer education might refer to formal education through college and school curriculums as well as consumer awareness campaigns being run by non-governmental and governmental agencies both. Consumer NGOs, having little endorsement from the government of India, basically undertake the task of ensuring the consumer right throughout the country. India is found to be 20 years away from giving this right that gives power to the common consumer.

Rights and Responsibilities of Consumers Consumer Responsibilities

Consumer responsibilities refer to the responsibility of having awareness of the quality and safety of goods and services while purchasing and the responsibility to collect information available about a product or service and to update oneself with changes or innovations taking place in the market. It means the responsibility to think as well as make choices independently and consider immediate needs and wants. It refers to responsibility to speak out, and to inform manufacturers and governments of needs and wants and the Responsibility to Complain or inform business along with other people about discontentment with a product or service in an honest way. There should be Responsibility of being an Ethical Consumer and be fair and not engage not in malpractices which make all consumers pay.

Right to Basic Needs & Safe Environment

The countries in their developmental phases require strict following of the two

rights namely the Right to Basic Needs & Safe Environment play crucial role in the lives of common masses due to their link with the realities of life in the context of environment and other resources concerned. They are pivotal because they offer best of the support system to the common masses. When taken into the Indian context it is well understood why such rights are important due to ample masses here seeking for food security besides other basic needs like being provided safe water supplies to sheltering and last but not the least health and education related needs. It is worth noting that not everybody in the Indian subcontinent has access to the imported goods which supermarkets stake to help to make good choice of items like the cases of latest car models. It is easily monitored in the developed world where every item is carefully analyzed. In fact more pressing need in India is safe environment and food security for the population of more than 1 billion here instead of rest consumer options or rights they have. As it is well analyzed the natural resources of developing countries remain major resource base for the developed world to have its industrial output run smooth.

Right to Basic Needs

Any consumer's life solely depends on easy access to food, water and shelter as basic needs. It is impossible to think of life's existence in the absence of such fundamental amenities. It is strange that in September 2001 India had ample foodgrain stock of approximately 60 million tons still one third of the population in the country had to lead life below the poverty line. In fact large chunk of masses still sleep hungry and so are the cases of severe malnourishment which cause poor health condition.



One can take into consideration the recent starvation deaths in Orissa as notable examples. The key objective behind the establishment of consumer rights forum is to ascertain that every consumer must have the required supply of food besides secure permanent home to easy access to life's basic amenities which include sanitation, power supply and potable water facility. Undoubtedly the fast urbanizations held everywhere is considered an indication of development but all those poor masses migrating to the cities from rural areas indeed face worst living conditions as city's poor.

There is a trend of rapid growth if the urban population since 1988 now. According to estimations urban poor percentage has gone higher than the rural poor population. As estimations describe approximately 20 to 25% urban households are forced to spend life in the slum areas where their colonies are just makeshifts as if refugee settlements they stay into. They hardly avail any affordable but decent living space in the urban areas they live.

Estimates further describe that there still remains the shortage of 17 million units in mere urban areas. That remains major reason of the habitat crisis in cities in India. If rural areas are taken into account then we see that here as well the situation is equally worsening because ample population here still lives into temporary settlements as hutments where they stay. It is obvious that lack of running water and electricity supply would be there in the non-permanent housing areas where hardly would be any sanitation facility. Both urban and rural areas still have the big challenge of having no access to the dry toilets.

Food Security for Consumers

When the example of starvation deaths of poor masses in the Orissa state in August 2001 are taken into account it is well understood that food security remains myth in the Indian context even to this day. The Government of India started the Public Distribution System (PDS) to solve this food scarcity problem with an aim to support the poorest by providing them food grains in cheaper rates under the provision of subsidized prices which 'Fair Price Shops' of the government run. The government of India runs nearly 4.5 lakh Fair Price Shops in different parts of the country today out of which those in the rural areas number to 3.05 while urban areas consist of 0.94 from the total shops operated.

Every 2000 consumer therefore have average access to at least 1 PDS in the county. The case of food shortage still remains a big issue in several parts of the country. India has also faced its artificially created food scarcities due to poor distribution and under-utilisation of food grains. At present approximately 60 million ton of food grains remain buffer stocks in several places. Improper storage facilities and lack of systematic utilization causes the rotting of large food grain stocks. An ardent need today is proper channelization of such stocks towards the needy people through providing them most suitable 'food for work' programs which can offer dual benefit if funds and employment opportunities. Other key factors are ensuring that their remains easy and enough accessibility of food every time and there is complete care about nutrition values to ensure that children's health and hygiene is maintained to avoid further vulnerabilities. It is an important aspect that requires special attention to ensure people are made responsible and



so are they provided quality food supply as basic needs of life.

Right to Safe Environment

Limitations of urban lifestyle are that urban people find in the parks, gardens and deteriorating air or water quality their share of environment. In fact large chunk of urban areas hardly have required number of wildlife hence masses are not abreast of the biodiversity which they could have thereby. On contrary the masses in rural areas fulfill their basic needs from the local environment itself. One of the necessary defenses against the fast worsening quality of life around the world is through the conservation of environment. Everybody remains the victim of food contamination to issues like problems related to water supply to pesticide-ridden foods and adulteration in milk to last but not the least exhausting fumes from the vehicles that literally create choking atmosphere.

Keen observation nearby our areas indicates how our immediate surroundings are polluted due to our own misdeeds. Our living standards and steps to cause damage to environment through various types of pollution are the matters of great concern. Some more factors include consumption patterns of common masses having direct link with environment damages. They are outcomes of irresponsible human behaviors.

Women Consumers

Two factors keep women consumers into limelight that include their identity of constituting to 50% of whole consumer base besides their important roles in purchase decisions that even go up to even 80% of all purchase done. The

market specifically targets them due to their influence on the growing purchasing power that too due to their changed status of 'working-women' in the society. With their dual roles as professionals and homemakers women now have ample influence in the families. Such scenarios bring many disadvantages including them finding least or no time to facing increased pressures and most importantly their gradual de-linking from the traditional culture of obtaining the knowledge they sought. Markets therefore avail the benefits of those situations through providing the readymade solutions to women for services or products they may choose.

Fast-food, two-minute snacks or items like refrigerators or washing machines having excellent technologies remain focal point. As primary members to be responsible to select items women consumers look for those stuffs that are eco-friendly and convenient besides offering maximum safety. Women therefore evaluate food product's nutrition contents prior to making their buying decisions by ensuring that quality is maintained in the traditional

Consumer Protection Act 1986

Consumer Protection Act remains a valuable aspect for study in the context of Indian consumer's rights or interests. This Act plays pivotal role to develop provision with an aim to establish various consumer councils especially the authorities of similar nature to ensure that consumers' disputes are settled comprehensively for the best possible resolution of matters associated with them.

Consumer Protection Council: There is provision for national, state and district level establishment of Consumer



Protection Councils with an aim to develop awareness amongst the consumers.

Central Consumer Protection Council

The Central Government establishes it with the involvement of following members in its team consists of Council Chairman is the Minister of Consumer Affairs of Government of India. Some members as prescribed representing official and non-official members and who are very much in line with the specific interests and approaches.

State Consumer Protection Council

Any Indian State Government can establish it through the following members in its team consists of State Government's Minister in Charge of Consumer Affairs to serve as Chairman of Council. Rest team members comprise of officials and non-officials selected from those with expertise in similar areas of interest for whom State Government does recommendations for selection. The Central Government might nominate at least ten such members in its discretion for the representation of official or non-official members of similar nature. The councils established on State Levels are bound to meet for possible solutions whenever necessities occur. They must meet at least twice a year without any failure.

Redressal Agencies under the Consumer Protection Act, 1986 and Their Jurisdiction

Three Tier Consumer Grievances Machinery under the Consumer Protection Act

1. District Forum:

District forum consists of a president and two other members. The president can be

a retired or working judge of District Court. They are appointed by state government. The complaints for goods or services worth Rs 20 lakhs or less can be filed in this agency.

The agency sends the goods for testing in laboratory if required and gives decisions on the basis of facts and laboratory report. If the aggrieved party is not satisfied by the jurisdiction of the district forum then they can file an appeal against the judgment in State Commission within 30 days by depositing Rs 25000 or 50% of the penalty amount whichever is less.

2. State Commission: It consists of a president and two other members. The president must be a retired or working judge of high court. They all are appointed by state government. The complaints for the goods worth more than Rs 20 lakhs and less than Rs 1 crore can be filed in State Commission on receiving complaint the State commission contacts the party against whom the complaint is filed and sends the goods for testing in laboratory if required.

In case the aggrieved party is not satisfied with the judgment then they can file an appeal in National Commission within 30 days by depositing Rs 3500 or 50% of penalty amount whichever is less.

3. National Commission: The national commission consists of a president and four members one of whom shall be a woman. They are appointed by Central Government. The complaint can be filed in National Commission if the value of goods exceeds Rs 1 crore. On receiving the complaint the National Commission informs the party against whom complaint is filed and sends the goods for testing if required and gives judgment?



1. Self Regulations by Business: Large business houses have realised that they can prosper and grow for a long period of time only by giving due importance to consumers. Socially responsible firms follow quality standards and have started customer grievances cell to attend the complaints of consumers.

2. Business Associations: Various business associations such as Federation of Indian Chamber of Commerce and Industry (FICCI) and Confederation of Indian Industry (CII) have framed a set of code of conducts which lay down guidelines for dealing with customers.

3. Consumer Awareness: It is not easy to exploit an educated and well aware consumer. Consumer must be well aware about his rights, responsibilities and relief available to him under consumer protection act.

4. Consumer Organisations: Consumer organisations play an important role in educating consumers regarding their rights, duties. These organisations also help consumer to get relief in case of exploitation.

5. Government: Government of India has framed a set of laws and legislations to protect the interests of consumers and the most important act framed by Govt, is Consumer Protection Act 1986. This act has provided three tier Redressal agencies, i. e., District Forum, National Commission and State Commission.

Conclusion:

Consumers are also the part and parcel of humans. Hence the human rights include all the rights of humans which consist of consumer rights also. Now a days the consumers rights are infringed by traders in many ways. After the consumer movement in India, the government of

India enacted an Act called consumer protection act 1986. The government of India is strictly following the act to safe guard the interests and rights of the consumers through councils and Redressal agencies. The act is amending year by year recently amended in 2015 and strictly implementing by the government to safe guard the consumers. The Indian consumers also have the responsibility to protect their rights through this act. The traders also respecting the consumers' rights after implementing the act. Many reports are saying that the unfair trade practices are also reduced by this act by giving importance o the consumer rights.

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A Critical Appraisal of Human Rights Education in India

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Abstract :Everywhere in the world all people have an equal right to lead a dignified human life. This right can neither be bestowed upon nor wrested from any person. This right is applicable to one and all irrespective of caste, color, creed and religion. It is sanctioned by our constitution. Although this is the accepted and confirmed norm by all nations, the civil liberties and constitutional rights of certain sections of society have been constantly violated by the powerful communities. Therefore the need of the hour is to educate these people and empower them so that they may be able to lead respectable lives. Not only that it should also be seen that these rights are enjoyed by these people and have self-determining lives.

Key words: Education, human rights, dignity, atrocities, discrimination.

Introduction

The main objective of this paper is not only to throw light on the gross human rights violations which are taking place in India but also show the various ways in which these unfortunate incidents are faced. Although people are aware that Human Rights are sanctioned by our Indian constitution, they still don't know the details and means of implantation of these rights. As they lack in knowledge they are powerless. So it is necessary to educate people about these human rights and create awareness.

Article 1 of the Universal Declaration of Human Rights in 1948 stated that "All human beings are born free and equal in dignity and rights". This is what our countrymen have been advocating since times immemorial and it has become the fundamental tradition of our country. Human Rights is the principal among the fundamental values. There has been a long Indian practice of standing up for the weak against abuse by the strong. Upholding human rights values in every aspect is firmly ingrained in our tradition.

The Great Mauryan emperor Ashoka, The Great Moghul emperor Akbar and the great Indian leader Mahatma Gandhi not only preached but practiced the value of granting human rights equally among all people. The British had exercised vindictiveness and had trampled upon this value. But after independence it has reclaimed its place of importance. It is the core of our Constitution and the heart of our national interest today. But the values that we stand for – freedom, human rights, the rule of law – are all universal values. Given the choice, people all over the world want them. But it is deplorable that India which was once looked upon by the whole world as the pioneer of these values is now groveling in lowly dust of atrocities and human rights abuse. Human rights abuse is unfortunately a reality in Indian society, it is not only just an affront to the values of tolerance, freedom and justice that fortify our society but also a terrible waste of human potential.

Why Human Rights Education is essential to all



The significance of human rights education hardly requires any highlighting. It has a fundamental function in preventing human rights violation from happening. The United Nations proclaimed that human rights education is "training, dissemination and information efforts aimed at the building of a universal culture of human rights through imparting knowledge and skills and the moulding of attitudes". These efforts are designed to strengthen respect for human rights and fundamental freedoms, facilitate the full development of human personality, sense of dignity, promote understanding, respect, gender equality and friendship to enable all persons to participate effectively in a free society, and further activities for maintenance of peace.

Human rights education, training and public information are, therefore, necessary and essential for the promotion and achievement of stable and harmonious relations among the communities and for fostering mutual understanding, tolerance and peace. Through the learning of human rights as a way of life, fundamental change could be brought about to eradicate poverty, ignorance, prejudices, and discrimination based on sex, caste, religion, and disability and other status amongst the people

Despite the progress made relating to human rights in India, the area remains one of concern. The contemporary realities of executive governance demonstrate the weaknesses and inadequacy of various measures. Violations continue to be committed by custodial and other law enforcement institutions the police, and the military, and the paramilitary forces.

Accountability enforced by courts or commissions continues to be sporadic. All forms of victimization take place on account of abuse of power and arbitrariness and discrimination in decision-making. Corruption is omnipresent in governmental functioning. Institutions that are supposed to uphold the rule of law, like the police and other law enforcement machinery, are no exception. This emphasizes the need for developing a culture among law enforcement officials of respecting human rights.

Human rights Education in India.

The essence of human rights education is nothing but the precepts taught by various religions religion, like Hinduism, Buddhism, Christianity or Islam. The quintessence of human rights is also the basics of all religions, Love, compassion, tolerance are the same. However, while teaching religions we confined these values only to their respective followers. On the other hand Human rights could bring in a universal aspect to moral and ethical education. At present we in our divided societies are in dire need of this. Fortunately in the context of rapid secularization we could still retain a basic common ground for respect for each other. We could still be our brothers' keepers and withstand value systems which only promote selfish ways of life.

The present curriculum of Indian schooling barely mentions human rights. Indirect references to human rights are included in the Directive Principles of the Constitution of India and in civics and history textbooks. Most universities in India do not offer human rights education, although some have three-month to one-year postgraduate courses on human rights. Section 12(h) of the



Protection of Human Rights Act, 1993, requires the Commission to spread human rights literacy among various sections of society and promote awareness. The National Human Rights Commission of India and many NGOs have launched a countrywide public information campaign for human rights. It aims to make everyone more conscious of human rights and fundamental freedoms and better equipped to stand up for them. At the same time, the campaign spreads knowledge of the means which exist at the international and national levels to promote and protect human rights and fundamental freedoms.

Human rights education in India needs to go beyond the frontiers of academic learning or, for that matter, professional pursuit. It should aim to forge social transformation and promote a worldview based upon respect for the rights and freedoms of humanity. Thus, the need for empowering the people of India cannot be better achieved than by developing varied components of human rights education. Such sustained development can result in the promotion of a culture of human rights. In the case of India, what needs to be examined is how such education can be promoted and to what extent it can actually facilitate the development of a human rights culture.

Where to start

The starting point can be to impart greater awareness about the Constitution and other domestic and international law relating to human rights. These efforts can be further developed to identify particular groups from different strata of society to develop skills and expertise in pursuing training programmes. This

whole process of education can also ignite human rights activism.

Contemporary India has witnessed a particular type of activism that hopes to seek transparency and accountability of the government. This is another facet of accountability-seeking endeavours. Commenting on the interaction of human rights and politics, Michael Ignatieff has observed, "Human rights activism means taking sides, mobilising constituencies powerful enough to force abusers to stop. As a consequence, effective human rights activism is bound to be partial and political. Yet at the same time, human rights politics is disciplined or constrained by moral universals. The role of moral universalism is not to take activists out of politics but to get activists to discipline their partiality their conviction that one side is right with an equal commitment to the rights of the other side." This is the kind of tolerant conviction that human rights education should promote in India

Human rights culture means a number of things to different people. The dynamic role the media played in other democracies and societies to develop a human rights culture needs to be borne in mind while determining and assessing the potential in India. It is the social responsibility mandate of the media to promote a human rights culture. It is important for India to develop a transparent and sensible approach for deepening democracy so that the concerns and frustrations of the people are channelled and indeed regulated so that justice is achieved.

Conclusion

The contextualizing of human rights is essential for promotion of peace. Creative reflections on local situations from a



human rights perspective would help the schools greatly, to become the societies' most important peace makers. Some say that we Indians should have fewer rights than people living in Western countries. They say, the human rights concepts are Western. We keep masses of humanity without rights and condemn the growing consciousness of rights as a Western one. This would mean that to be Indian one has to put up with one's bondage, one must remain submissive, one must eat less and work more. Is that what our women and our children need to believe? Is that what our workers and peasants need to believe while multinational companies with the help of our elite take away the fruit of their labour, and the fruit of our lands? The relativist theory, though couched in nationalist terms is not nationalist at all. For human rights to become part of the civil culture in India, awareness needs to be increased. Citizens need to know about their rights and freedoms.

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Terrorism and Human Rights

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Abstract : *The process of globalization makes us believe that global problems such as Terrorism cannot be resolved without global solutions, based on the international legal framework. It is well known that the codification of new international legal norms is in fact a very slow mechanism, despite the high speed to which growth and increases the challenges the world community has to deal with. The Terrorism is a flagellum the world have suffered many times and more and more threats are present, and more casualties are regretted after so many attacks. This phenomenon cannot be eliminated, however, with practices that opposes to fundamental principles of International Human Rights Law*

Keywords: *Human Rights, Terrorism, Government. Individual*

Introduction

There is a generalized perception, that today is world -against what could be thought- is a more unsafe one. Of course, the cause of this covers a multiplicity of dimensions and certainly it is hard to precise, but the Terrorism could be a clue to understand why the traditional concepts of international security that have been effective until now, have become obsolete and indeed, no longer provide real answers to the challenges and problems the world is facing. And the reason of that is actually very simple.

The human cost of terrorism has been felt in virtually every corner of the globe. Terrorism clearly has a very real and direct impact on human rights, with devastating consequences for the enjoyment of the right to life, liberty and physical integrity of victims. In addition to these individual costs, terrorism can destabilize Governments, undermine civil society, jeopardize peace and security, and threaten social and economic development. All of these also have a real impact on the enjoyment of human rights. Security of the individual is a

basic human right and the protection of individuals is, accordingly, a fundamental obligation of Government. States therefore have an obligation to ensure the human rights of their nationals and others by taking positive measures to protect them against the threat of terrorist acts and bringing the perpetrators of such acts to justice.

Human Rights

Human Rights are universal values and legal guarantees that protect individuals and groups against actions and omissions primarily by State agents that interfere with fundamental freedoms, entitlements and human dignity. The full spectrum of human rights involves respect for, and protection and fulfilment of, civil, cultural, economic, political and social rights, as well as the right to development. Human rights are universal—in other words, they belong inherently to all human beings—and are interdependent and indivisible.

Terrorism



Terrorism is commonly understood to refer to acts of violence that target civilians in the pursuit of political or ideological aims. In legal terms, although the international community has yet to adopt a comprehensive definition of terrorism, existing declarations, resolutions and universal "sectoral" treaties relating to specific aspects of it define certain acts and core elements. In 1994, the General Assembly's Declaration on Measures to Eliminate International Terrorism, set out in its resolution 49/60, stated that terrorism includes "criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes" and that such acts "are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them."

The impact of terrorism on human rights

Terrorism aims at the very destruction of human rights, democracy and the rule of law.

- Threatens the dignity and security of human beings everywhere, endangers or takes innocent lives, creates an environment that destroys the freedom from fear of the people, jeopardizes fundamental freedoms, and aims at the destruction of human rights; • Has an adverse effect on the establishment of the rule of law, undermines pluralistic civil society, aims at the destruction of the democratic bases of society, and destabilizes legitimately constituted Governments;
- Has links with transnational organized crime, drug trafficking,

money-laundering and trafficking in arms, as well as illegal transfers of nuclear, chemical and biological materials, and is linked to the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, hostage-taking and robbery;

- Has adverse consequences for the economic and social development of States, jeopardizes friendly relations among States, and has a pernicious impact on relations of cooperation among states, including cooperation for development; and
- Threatens the territorial integrity and security of States, constitutes a grave violation of the purpose and principles of a Nation, is a threat to international peace and security, and must be suppressed as an essential element for the maintenance of international peace and security

The right to life, which is protected under international and regional human rights treaties, such as the International Covenant on Civil and Political Rights, has been described as "the supreme right" because without its effective guarantee, all other human rights would be without meaning. As such, there is an obligation on the part of the State to protect the right to life of every person within its territory and no derogation from this right is permitted, even in times of public emergency. The protection of the right to life includes an obligation on States to take all appropriate and necessary steps to safeguard the lives of those within their jurisdiction. As part of this obligation, every country must put in place effective criminal justice and law enforcement systems, such as measures to deter the commission of offences and investigate



violations where they occur; ensure that those suspected of criminal acts are prosecuted; provide victims with effective remedies; and take other necessary steps to prevent a recurrence of violations. In addition, international and regional human rights law has recognized that, in specific circumstances, Countries have a positive obligation to take preventive operational measures to protect an individual or individuals whose life is known or suspected to be at risk from the criminal acts of another individual, which certainly includes terrorists.

Also important to highlight is the obligation on country to ensure the personal security of individuals under their jurisdiction where a threat is known or suspected to exist. This, of course, includes terrorist threats. In order to fulfill their obligations under human rights law to protect the life and security of individuals under their jurisdiction, countries have a right and a duty to take effective counter-terrorism measures, to prevent and deter future terrorist attacks and to prosecute those that are responsible for carrying out such acts. At the same time, the countering of terrorism poses grave challenges to the protection and promotion of human rights.

Conclusion

The Terrorism is a form of violence that breaks all the patterns of civilization that mankind share. We certainly cannot ignore the suffering caused by groups of peoples and individuals that act apparted from the rule of law. But, the combat of Terrorism cannot serve as an excuse to implement measures that could be or have proved to be restrictive of human rights or that violate human rights. Dignified the human being in the combat of Terrorism is not a feature of weakness

but without doubt, a symbol of the reaffirmation of the values that the Terrorism pretends to attack. From an ethical and moral point of view, there wouldn't be any difference at all between the terrorists and those who combat them. Like His Holiness Pope Benedict XVI said this year in its message on the World Day of Peace, the scourge of Terrorism demands a profound reflection on the ethical limits restricting the use of modern methods of guaranteeing internal security States cannot fail to recognize the need to establish clearer rules to counter effectively the dramatic decline that we are witnessing.

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Human Rights Education – An Integral Part of Right to Education

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Abstract

Human rights education constitutes an essential contribution to the long-term prevention of human rights abuses and represents an important investment in the endeavour to achieve a just society in which all human rights of all persons are valued and respected. Human rights education is an integral part of the right to education and is increasingly gaining recognition as a human right in itself. Knowledge of rights and freedoms is considered a fundamental tool to guarantee respect for the rights of all. The United Nations Declaration on Human Rights Education and Training asserts that human rights education encompasses education about human rights. Human rights education promotes values, beliefs and attitudes that encourage all individuals to uphold their own rights and those of others. It develops an understanding of everyone's common responsibility to make human rights a reality in each community. One way of ensuring awareness of human rights is the introduction of human rights education in schools. In this paper the authors explore the issue of human rights and its importance in the modern society, need of human rights education at school level, its curriculum, content and core values etc. The authors discussed the ways in which human rights could be incorporated in the school curriculum.

Key-Words: Curriculum, Curriculum Development, Fundamental Human Right, Core values, Co-curricular Activities

Introduction:

Human rights can only be achieved through an informed and continued demand by people for their protection. Human rights education promotes values, beliefs and attitudes that encourage all individuals to uphold their own rights and those of others. It develops an understanding of everyone's common responsibility to make human rights a reality in each community. Human rights education constitutes an essential contribution to the long-term prevention of human rights abuses and

represents an important investment in the endeavour to achieve a just society in which all human rights of all persons are valued and respected. Human rights education is an integral part of the right to education and is increasingly gaining recognition as a human right in itself. Knowledge of rights and freedoms is considered a fundamental tool to guarantee respect for the rights of all.

What is Human Rights Education?

Simply put, human rights education is all learning that develops the knowledge, skills, and values of human



rights. The United Nations Decade for Human Rights Education (1995-2004) has defined Human Rights Education as "training, dissemination, and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the molding of attitudes which are directed to:

(a) The strengthening of respect for human rights and fundamental freedoms;

(b) The full development of the human personality and the sense of its dignity;

(c) The promotion of understanding, respect, gender equality, and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;

(d) The enabling of all persons to participate effectively in a free society;

(e) The furtherance of the activities of the United Nations for the Maintenance of Peace." (Adapted from the Plan of Action of the United Nations Decade for Human Rights Education (1995-2004), paragraph 2)

During this Decade, the UN is urging and supporting all member states to make knowledge about human rights available to everyone through both the formal school system and through popular and adult education.

Objectives of Human Rights Education:

Human rights education aims to do the following:

- Enhance the knowledge and understanding of human rights.
- Foster attitudes of tolerance, respect, solidarity, and responsibility.

➤ Develop awareness of how human rights can be translated into social and political reality.

➤ Develop skills for protecting human rights.

The design of the curriculum needs to be built on the philosophical, psychological, and sociological bases of curriculum planning and development. The school curriculum should work toward the holistic development of the individual.

Human Rights Education promotes democratic principles. It examines human rights issues without bias and from diverse perspectives through a variety of educational practices.

Human Rights Education helps to develop the communication skills and informed critical thinking essential to a democracy. It provides multicultural and historical perspectives on the universal struggle for justice and dignity.

Human Rights Education engages the heart as well as the mind. It challenges students to ask what human rights mean to them personally and encourages them to translate caring into informed, nonviolent action.

Human Rights Education affirms the interdependence of the human family. It promotes understanding of the complex global forces that create abuses, as well as the ways in which abuses can be abolished and avoided.

Human Rights Education as a Human Right:

Education in human rights is itself a fundamental human right and also a responsibility: the Preamble to the Universal Declaration of Human Rights (UDHR) exhorts "every individual and



every organ of society" to "strive by teaching and education to promote respect for these rights and freedoms." The International Covenant on Civil and Political Rights (ICCPR) declares that a government "may not stand in the way of people learning about [their rights]."

Although news reports refer to human rights every day, "human rights literacy" is not widespread in the United States. Students of law and international relations or political science may study human rights in a university setting, but most people receive no education, formally or informally, about human rights. Even human rights activists usually acquire their knowledge and skills by self-teaching and direct experience. People who do not know their rights are more vulnerable to having them abused and often lack the language and conceptual framework to effectively advocate for them. Growing consensus around the world recognizes education for and about human rights as essential. It can contribute to the building of free, just, and peaceful societies. Human rights education is also increasingly recognized as an effective strategy to prevent human rights abuses.

Integral to learning about one's human rights is learning about the responsibilities that accompany all rights. Just as human rights belong to both individuals and society as a whole, the responsibility to respect, defend, and promote human rights is both individual and collective. Human rights education provides a basis for conflict resolution and the promotion of social order. Rights themselves often clash, such as when one person's commitment to public safety conflicts with another's freedom of expression. As a value system based on respect and the equality and dignity of all

people, human rights can create a framework for analyzing and resolving such differences. Human rights education also teaches the skills of negotiation, mediation, and consensus building.

Who Needs Human Rights Education?

Human rights should be part of everyone's education. However, certain groups have a particular need for human rights education: some because they are especially vulnerable to human rights abuses, others because they hold official positions and upholding human rights is their responsibility, still others because of their ability to influence and educate. Among these groups are the following:

Administrators of Justice:

- law enforcement personnel, including police and security forces
- prison officials
- lawyers, judges, and prosecutors
- Other Government and Legislative Officials:
- members of the legislature
- public officials, elected and appointed
- members of the military
- Other Professionals:
- educators
- social workers
- health professionals
- journalists and media representatives
- Organizations, Associations, and Groups
- women's organizations
- community activists and civic leaders



- minority groups
- members of the business community
- trade unionists
- indigenous peoples
- religious leaders and others with a special interest in social justice issues
- children and youth
- students at all levels of education
- refugees and displaced persons
- people of all sexual orientations
- poor people, whether in cities or rural areas
- people with disabilities
- migrant workers

Historic Events

It is universally accepted that education is the best source of social mobility, equality, and empowerment, both at the individual and collective levels. Further, it is considered as a precondition for a healthy democratic society. It is thus important that education include the study of peace, human rights, and democracy as essential to society's development. The International Covenant on Economic, Social and Cultural Rights (1976) reaffirms and strengthens these provisions. The 1978 International Congress on the Teaching of Human Rights and the 1993 Vienna conference called upon UN member-states to introduce human rights education at all levels of education.

The World Congress on Human Rights in Delhi, 1990, urged that human rights education be understood as encompassing

formal, nonformal, and informal education systems, and also reach parents and policymakers. It aimed to develop awareness of how to translate human rights into social and political reality. The 1993 Vienna conference reiterated the urgency of respecting human rights and fundamental freedoms, and emphasized that human rights education must be treated as essential to the development of a global human rights culture. Four paragraphs of the Vienna Declaration and Programme of Action are related to education and training. Taking into account the World Plan of Action on Education for Human Rights and Democracy, adopted in March 1993 by the International Congress on Education for Human Rights and Democracy of the United Nations Educational, Scientific and Cultural Organization, and other human rights instruments, the World Conference on Human Rights recommends that States develop specific programmes and strategies for ensuring the widest human rights education and the dissemination of public information, taking particular account of the human rights needs of women.

Pursuant to the Vienna Declaration, the UN declared 1995-2004 as the United Nations Decade for Human Rights Education. The Decade's Plan of Actions aims to accomplish the following:

- Assess needs and formulate strategies to further human rights education at all school levels, in vocational training and formal as well as nonformal learning.
- Build and strengthen programs and capacities for human rights education at the international,



regional, national, and local levels.

- Coordinate the development of human rights education materials.
- Strengthen the role and capacity of the mass media in the furtherance of human rights education.
- Globally disseminate the Declaration in the most number of languages possible and in other forms appropriate for various levels of literacy and for the disabled.
- Human rights education is defined as training, dissemination, and information efforts aimed at building a universal culture of human rights by imparting knowledge and skills, and molding attitudes.
- Human rights education has five dimensions:
 - strengthening respect for the human personality and its dignity;
 - fully developing the human personality and its dignity;
 - promoting understanding, tolerance, gender equality, and friendship among all nations, indigenous peoples, and racial, national, ethnic, religious, and linguistic groups;
 - enabling all persons to participate effectively in a free society; and
 - furthering the activities of the United Nations to maintain peace

The Indian Constitution and Human Rights:

- The Constitution shapes the country's concept of human rights. The Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles of the State policy are concrete steps toward the realization of human rights. Whereas basic objectives have been defined in the Preamble, the protection of human freedom and liberties are emphasized in Fundamental Rights and Directive Principles of State Policy. The rights of the child have been given the greatest priority. Since rights and duties are inseparable, Fundamental Duties (Article 51) are also imperative. These provisions epitomize the collective will and aspiration of all Indians.

The following provisions in Constitution safeguard human rights:

- equality before the law (Article 14);
- nondiscrimination on ground of religion, race, caste, sex, and place of birth (Article 15);
- equality of opportunity (Article 16);
- freedom of speech, expression, assembly, association, movement, residence, acquisition, and disposition of property, practice of any profession, carrying out any occupation, trade, or business (Article 19);



- prohibition of traffic in human beings and forced labor (Article 23);
- prohibition of labor in case of children below 14 years (Article 24);
- freedom of religion (Article 25);
- no provision for religious instruction in any educational institution wholly maintained out of State funds (Article 28);
- conservation of language, scripts, and culture (Article 29 [1]);
- right of minorities to administer educational institutions (Article 30);
- State guarantee of social order (Article 38 [1], Directive Principles of State Policy);
- adequate means of livelihood, equal pay for equal work for both men and women, non-abuse of health of the worker, opportunity for children to develop in a healthy manner and in conditions of freedom and dignity (Article 39, Directive Principles of State Policy);
- right to work, education, and public assistance in specific cases (Article 41, Directive Principles of State Policy);
- provision for free and compulsory education of children up to 14 years of age (Article 45, Directive Principles of State Policy); and
- Ensuring education and economic development of scheduled castes, scheduled tribes, and other weaker sections of society (Article

46, Directive Principles of State Policy).

Educational Policies and Human Rights in India:

The reports of various Education Commissions and the statement of educational policy have articulated the importance of the right to education and education in human rights as part of the effort to reform and develop education. They assign special status in the national educational system to women, scheduled castes, scheduled tribes, minorities, and the handicapped, and emphasize values education. They also define the basic components of the core curriculum, which reflects some important human rights concerns.

The National Curriculum Framework is provided for by the 1986 National Education Policy in India. It covers core elements that cut across narrow subject boundaries and is designed to promote values such as India's common cultural heritage, egalitarianism, democracy, secularism, equality of the sexes, observance of small-family norms, and inculcation of scientific temper, among other things.

Why Human Rights Education in the School Curriculum?

The school can help establish an intellectual basis for teaching the historical development of human rights and their contemporary significance. This knowledge should ultimately extend beyond the pupils' immediate environment and culture. Human rights should be presented in the context of a society's moral and social traditions. The school is not just for transmitting a national ideology and a common historical memory through the



curriculum. On a deeper level, like the political nation, the school forms a constructed place in which students, like citizens, are treated equally, irrespective of their background. The concept of the school is like the "concept of citizenship, impersonal and formal. Schools are places where it is theoretically possible to operate a community based on social justice and human rights.

The climate of a school should encourage open expression of views and dialogue between students and teachers. The school can work toward building a closer relationship between itself and the community. Human rights should permeate the whole school--from its ethos and organization to the content of its curriculum.

The first National Curriculum Framework formulated by the National Council of Educational Research and Training (NCERT) in 1975 states: "The awakening of social consciousness, the development of democratic values and of a feeling for social injustice and national integration are extremely important.... All subjects should be taught in such a manner so as to foster the spirit of scientific humanism." The National Curriculum Framework for primary and secondary education (NCERT 1988) identifies and addresses some of these concerns such as promoting values of egalitarianism, democracy, secularism, equality, removal of social barriers, and creating a sense of common citizenship. It proposes that the school curriculum reflects some world issues and helps make children become aware of and appreciate different world cultures. Highlighting the need to strengthen national identity, the National Curriculum Framework for School Education (NCERT 2000) reaffirms the

10 core components identified in the National Policy on Education (1986):

- the history of India's freedom movement;
- Constitutional obligations;
- the content essential to nurture national identity;
- India's common cultural heritage;
- egalitarianism;
- democracy and secularism;
- equality of the sexes;
- protection of the environment;
- removal of social barriers;
- observance of small-family norms; and
- inculcation of scientific temper.

It further emphasizes the need to include the fundamental duties as laid down in Article 51 A of Part IV A of the Constitution as common core components of the curriculum: "These core components need to be integrated in school curriculum in a suitable manner. It is envisaged that they would help in instilling a nationally shared perception and values and creating an ethos and value system in which a common Indian identity could be strengthened."

Curriculum Development

Curriculum development includes curriculum planning, formulation of curriculum policy, implementation, and evaluation. The process of curriculum renewal has to be continuous to accommodate new developments and changes in various subjects. The curriculum development exercises should be undertaken as a systematically planned improvement strategy based on



accepted foundational principles. Human rights education should not only be incorporated into the formal curriculum as a separate subject but also integrated into the entire curriculum, including the hidden curriculum (i.e., the culture of schooling and teacher training institutions and programs). Human rights teaching materials should be produced in different forms. There should be no separate human rights curriculum. Rather, human rights dimensions can be integrated into the existing curriculum. The heart of human rights education is curriculum development for all stages of school education. The curriculum should incorporate valuable ideas from the Vienna Declaration-human rights, humanitarian law, democracy, rule of law, peace, development, and social justice. We can add many more to provide local color and to relate human rights with the needs of learners at different stages.

Methodology, Approaches, and Strategies

- Human rights education can be incorporated into the school curriculum in several ways:
- *The formal curriculum:* Schools may choose to examine their present curriculums and identify areas where themes and elements of human rights education already exist. Human rights education is considered the most important part of the core curriculum of good general education.
- *The informal curriculum:* Human rights education can also be promoted through the extracurricular and co-curricular activities of the school.

- *The hidden curriculum:* Human rights education should also address the far-reaching hidden curriculum of the school to create a school atmosphere that truly reflects respect for human rights. Values, attitudes, knowledge, and patterns of behavior should be integrated into the students' personal experiences in order to help them view reality critically.

➤ Context and Approaches to Curriculum Organization

- The contexts of and approaches to incorporating human rights education in the curriculum are the following:
- *Direct context:* This involves including specific topics or subjects that focus on human rights education into mathematics, science, or history subjects, for example. India has introduced human rights education at the higher education levels. Recently, the Indira Gandhi National Open University (IGNOU) started a certificate course in human rights education.
- *Indirect context:* This involves the use of all school subjects as vehicles for human rights education. Some examples are (i) creating "learning units in human rights" in order to integrate the content of different subjects toward solving a particular problem and (ii) including human rights elements in every subject.
- *Implicit context:* This involves the creation of a sociocultural



ethos in schools that will develop students' understanding of human rights.

- The question is how to introduce the new curriculums at various levels. It is obvious that one more subject cannot be added to an already overloaded curriculum, as it would constitute a violation of human rights of sorts. Human rights education should be integrated into existing curriculums. The question, however, is what and how much is to be integrated. The answer requires a selection of issues. Teaching the basic rights may be done under the umbrella of ethics. At the secondary level, basic and other rights may be introduced into existing foundation courses.

Content and Core Values

- The first question in curriculum building is in what way human rights issues can be structured and elaborated upon at different levels. The curriculum, among other things, stresses the following core values:
- *Issues of human rights and democracy:* (i) dignity; (ii) equality; (iii) justice; (iv) protection of rights; (v) freedom of participation; (vi) freedom of speech and expression; and (vii) freedom of religious belief.
- *Values and attitudes:*(i) human rights and democracy; (ii) cooperation and solidarity; (iii) preservation of culture; (iv) self and others; (v) internationalism;

(vi) protection of the environment; and (vii) spirituality.

- These values are deemed universally acceptable and desirable in such documents as the Declaration, the Convention on the Rights of the Child, the Convention on the Elimination of Discrimination against Women, etc.
- Human rights education is interdisciplinary. The central area may be outlined as follows: (i) education for tolerance; (ii) democracy and national understanding; (iii) protection of human rights; (iv) violation of human rights and democratic freedom; (v) economic rights; (vi) civil rights; (vii) critical thinking; (viii) scientific temper; (ix) intellectual honesty; (x) justice and empathy; (xi) legal awareness; (xii) equality of educational opportunity; (xiii) gender equality; (xiv) political economy and humanism; (xv) minority rights; (xvi) local government and civic rights; (xvii) constitutionalism and legitimacy; (xviii) history and philosophy of human rights; (xix) world citizenship; (xx) role of the UN; (xxi) human rights and national and world histories; (xxii) international understanding; and (xxiii) environmental protection.
Human rights education should focus on attitudes of tolerance, respect, and solidarity, and develop individual awareness of how human rights can be



translated into social and political reality.

Human Rights Education and Curriculum

Human rights education is not treated as a separate area of the curriculum but is integrated into various subjects at different stages:

- the Indian political system and Constitution;
- problems and challenges of contemporary life--political, economic, social, cultural, educational--that have direct or indirect bearing on human rights;
- diversity and variety of Indian culture, its composite and non-monolithic character;
- the Indian social system and dynamics of social change;
- major events in Indian and world history relating to the struggle for political and civil rights as well as economic and social rights, and the role of the people and outstanding leaders in these struggles;
- the world human rights situation with regard to gross violations in the form of colonialism, racism, and apartheid; and
- literary works that reflect human rights concerns and the quest for freedom and rights.
 - Major historical documents such as the American Declaration of Independence, the French Declaration of the Rights of Man and the Citizen, the UN Charter, and the

Universal Declaration of Human Rights should be discussed. It is imperative to discuss the human rights curriculum as a cross-curricular approach at the elementary and secondary levels.

- The major subject areas relevant to human rights at the lower-primary stage are social studies, environmental studies, and languages.
- Human rights issues are integrated into environmental studies, starting with the child's immediate environment and gradually taking the child to the study of the district, state, country, and the world.
- Narratives and biographies of men and women from the history of India and of the world, India's freedom struggle, and certain aspects of the Indian Constitution should be included in this course.
- The language curriculum should focus on the development of compassion, tolerance, and sympathy, through stories and poems.
- Environmental studies dealing with family, neighborhood, relations, food, clothing, shelter, religious festivals, and national heroes expand the knowledge of and respect for diversity and human equality.
- Children also develop an understanding of independent India as it evolved during the freedom struggle. Learning about the nation's goals and the main



features of the Constitution--fundamental rights, directive principles of State policy, and fundamental duties, as well as secularism and democracy--may help promote human rights.

- In the upper-primary stage, the major subject areas relevant to human rights education are social studies, science, and languages.
- History courses deal mainly with Indian history and, in general, with the history of world civilization, stressing an understanding and appreciation of India's cultural heritage and composite nature, its richness and variety. They focus on understanding diversity and consideration for other's rights.
- The human rights dimension lies in providing a critical understanding of Indian society through the ages, with focus on the position of women and the inequalities created by the caste system.
- Children should be made aware of legislative reforms and the role of international organizations in uplifting women and children.
- The course in geography helps children develop an appreciation for different ways of living, interdependence, and sharing of common values by diverse cultures. Civics helps promote values of democracy, secularism, socialism, and national integration. It also includes the study of issues relating the environment, arms race, and human rights. Children develop a

perspective of these problems in an international context. It is possible to introduce the student to a more comprehensive view of the concept of human rights and the interconnection between the ideals of secularism and democracy.

- The thematic and ideational content in language help to promote awareness of human rights, international understanding, and related issues of global significance. The subject of language similarly lays the foundation for an appreciation of the underlying humanistic values conveyed through folk tales, legends, poems, essays, and dramas.
- Science is an undiversified subject. Stress is on inculcating a national outlook and thereby helping to combat obscurantism and prejudice based on narrow consideration of caste, sex, or religion. The course guidelines also emphasize promoting understanding of the processes and problem areas related to agriculture, health and nutrition, environmental protection, energy, material resources, and, more important, developing a scientific attitude.

Teaching Human Rights through Co-curricular Activities

Human rights education goes beyond subject teaching to organization of other activities and should be considered as an integral part of the whole education process.



Activities that promote cooperation and group living can include human rights content. Teachers can involve elementary-school children in creative tasks such as paper cutting, drawing, collage, and work related to science, environmental studies, and social studies. Exhibitions, displays, and debates on human rights issues should be considered as core elements of human rights education. The activities themselves lead to an understanding of human rights as the children learn to cooperate and respect each other.

Theater and literacy activities should be part of human rights education. Role play is an important strategy for inculcating values in children. Even the study of major literary and artistic works may promote human rights education, international understanding, and peace.

International-relations clubs, art, music or drama circles, and UNESCO and United Nations clubs promote international understanding. Activities such as putting up wall newspapers and posters on current events, holding debates, writing essays and poems, celebrating special days such as Human Rights Day and World Health Day, and activities relating to population, apartheid, literacy, etc. inculcate human rights values and generate awareness of human rights. Human rights education projects can be taken up in any discipline--history, geography, civics, literature, and science, etc. Since co-curricular activities complement human rights teaching in the curriculum, appropriate materials such as references and activity books are needed.

Central Importance of Teachers and Teacher Education:

Teachers are clearly important in human rights education. Can they teach with uniform proficiency? What about teachers who are not even aware of their rights and duties in the classroom? Simply, they are to be trained in content as well as pedagogy, material preparation, and curriculum development as they have to be role models. It is the most effective way to improve the quality and effectiveness of human rights education programs. They should be provided with the knowledge, skills, and understanding to inculcate human rights as part of their teacher education courses at both the pre- and in-service levels.

Empowerment of teachers and parents is also a key issue that should be tackled and worked out at all levels of government. Education should be considered a duty not a right. Otherwise, the Declaration will become a mere subject of academic study.

Conclusion:

Over the last five decades, the process of internationalization and globalization of the concept of human rights has generated the movement "All Human Rights for All." In a complex country such as India, violations of human rights at all levels necessitate human rights education at all school levels in general and teacher education in particular. Hence, human rights education should find its rightful place in the school curriculum, teacher training courses--pre- and in-service, textbooks, supplementary reading materials, educational policies, and school administration. Human rights education must exert its influence from early childhood education onward and through a broad range of disciplines to build a human rights culture. Hence, greater commitment from all sectors and preparation of a sound, realistic plan of



action can help us achieve human rights education for all and transform the human rights movement into a mass movement to achieve a better social order and peaceful coexistence. Indeed, this is one of the greatest challenges in the 21st century.

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Human Rights in Sanskrit Textual Sources

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Abstract:

The natural desire of all human beings is to be happy at every stage and in every aspect of life. It is natural human right, for without happiness life becomes meaningless. Therefore, the right of every individual to happiness has been recognized in the Bharatiya culture since ancient times. This being the most important and comprehensive human right, it includes every kind of right, the fulfillment of which leads to happiness. An individual has the capacity to fulfil his desires by his efforts and thereby secure happiness for himself, for members of his family and for fellow human beings.

Abstract: Bharatiya, natural human right, fundamental rights

Narration

Bharatiya values regarding human rights perhaps have the oldest pedigree. Rigveda which is regarded as the oldest document declares that all human beings are equal and they are brothers. The Atharvan Veda declared that all human beings have equal right over water and food (natural resources). The Vedas including Upanishads (Shruti) were the primordial sources of 'Dharma' which is a compendious term for all the human rights and duties, the observance of which was regarded as essential for securing peace and happiness to individuals and the society as well. Referring to the source of fundamental rights incorporated in our constitution, the supreme court of Bharth has said thus:

"These fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest

extent" (Maneka Gandhi Vs. Union of India - 1978 (1) SCC 248).

The highest ideal of human life, evolved in India, is incorporated in a short but meaningful manner in the most popular prayer:

"Let all people be happy"

This is the basis of the famous slogan:

"The world is one family"

These indicate the large heartedness and width of our vision.

Human Right to happiness

The natural desire of all human beings is to be happy at every stage and in every aspect of life. It is natural human right, for without happiness life becomes meaningless. Therefore, the right of every individual to happiness has been recognized in the Bharatiya culture since ancient times. This being the most important and comprehensive human right, it includes every kind of right, the fulfillment of which leads to happiness. An individual has the capacity to fulfil his



desires by his efforts and thereby secure happiness for himself, for members of his family and for fellow human beings.

However, no-fulfillment of desires 'causes unhappiness to an individual. He can also cause unhappiness to himself and to his fellow human beings by his mistakes and misdeeds. The hard fact is that life is a mixture of both of happiness and sorrow or misery.

"Dharma" was evolved to secure right to happiness for all without any exception. The idea, that for the food or happiness of greater number, unhappiness or misery could be inflicted on a smaller number was never accepted in Bharateeya culture and civilization. Instead the "right to happiness" of every human being was laid down as an ideal. This was incorporated in the following most ancient prayer.

"Let all be happy,

Let all be free from diseases,

Let all see auspicious things,

Let no body suffer from grief."

"Rajadharmā", the constitutional law of ancient Bharat emphatically declared the right to happiness of all individuals and the duty of the King, [Ruler] to protect that right. The said verse reads:-

In the happiness of citizens, lies the King's happiness. In their welfare, his welfare; whatever is in the interest of his people, the king shall consider as good."

Right to equality is perhaps the most valuable right without which happiness is impossible. Unjust discrimination always results in misery and unhappiness to those discriminated against. The Vedas, which constituted the

primordial source of Dharma declared a character of equality in the Vedas. It is worth quoting.

No one is superior (ajyestasa) or inferior (akanishrasa).

All are brothers (ete bharataraha). All should strive for the interests of ail and should progress collectively.

Oh human beings, all of you should

Live together with mutual co-operation,

Converse with each other in a friendly manner,

Acquire knowledge having common ideals of life.

All your prayer and desires be similar and for common good

All your get-together be without separatist feeling

All of you be united in thought, word and deed.

Lest there oneness in your resolutions, hearts and minds.

Let the strength to live with mutual co-operation be firm in you all.

(Rigveda, Mandala 10, Sukha 191, Mantra 4)

Atharvanaveda – Samajana Sukta

समानी प्रपा सह वोन्नभागः।

All have equal rights in articles of food and water. The yoke of the chariot of life is placed equally on the shoulders of all. All should live together with harmony supporting one another like the spokes of a wheel of the chariot connecting its rim and hub.



It is equally interesting to refer to the contents of article 1 and article 7 of the universal declaration of human rights. They read:

All human beings are born free and equal in dignity and rights. They are endowed with reasons and conscience and should act towards one another in a spirit of brotherhood.

All are equal before law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this discrimination and against any incitement to such discrimination.

This declaration, made in 1948, is similar to the declaration of equality made in Rigveda from times immemorial.

Duty of State to give Equal protection.

After the establishment of the state the obligation to protect the right to equality was cast on the rulers. It was made a part of the rules of Rajadharma, the constitutional law.

Just as the mother earth gives equal support to all the living beings, a king should give support to all without any discrimination (Manu IX-31).

Mahabharata declared that acquisition of knowledge and its dissemination to the next generation was one of the four pious obligations of an individual. This aspect was highlighted by the supreme court in Mohini Jain's case (A.I.R 1992 S.C 1858 at 1866). Holding that the right to education must be regarded as a fundamental right it said:

Indian civilization recognizes education as one of the pious obligations

of the human society. To establish and administer educational institutions is considered a religious and charitable object. Education in India has never been a commodity for sale". (Paraa – 18)

Again in the case of Unnikrishnan (A.I.R. 1993 S.C. 2178), the supreme court referred to the importance of education as emphasized in the Neethishatakam by Bhartruhari and held that the right to education is therefore part of the fundamental rights under article 21 of the constitution of India.

The said verse of Bhartruhari which is referred to in the judgment of the supreme court while coming to the conclusion that right to education is a fundamental right, reads as follows:

"Education is special attribute of man which is latent in him.

Education secures wealth, fame and happiness.

Education is the teacher of the teacher.

Education is the real friend when one goes abroad.

Education is god incarnate.

Education is honoured by the state and not money/wealth.

A man without education is equal to animal."

The real meaning of the verse is that as every individual has the right to live as human being and not as an animal, right to education is a basic human right of every individual.

Right to practice any Religion

Whether to believe in the existence of god or not, is another matter in respect of which there was absolute



freedom for every individual. Whatever that may be, those who believed in god, had the liberty to believe in any god by any name and to follow any religion of their choice and to adopt any method of worship. Though basically every one among Hindus believed that god is one, on account of the aforesaid liberal approach, several names are given to god, according to the desires and choice of individuals and their need, such as god for protection, goddess of knowledge, goddess of Shakti (Strength), goddess of wealth, god of removal of obstacles, god of nature in the form of elements, god in the form of air, water, earth, light and tree etc, as a result, the number of gods swelled, but without disturbing the belief that god is one.

This probable is the mark of distinction of Hindu culture and civilization in the whole world. This broad outlook is found expressed in the following popular verse:

Just as the rain water coming down to the earth from the sky reaches the same ocean, obeisance to god may be in any name, but the destination is the same, by whatever name the god is called.

Special Rights of Women

Undoubtedly the right to equality and all other human rights are all applicable to men and women equally. However, the ancient Bharatiya thinkers considered that having due regard to the special attributes of womanhood, they require special protection, for it is indisputable that women are vulnerable to attack by men with evil propensities. It is a matter of common knowledge that offences against women by men has been a problem throughout human history and not vice-versa. Even at present, when we boast of modern civilization and scientific

advancement, the rate of offences against women are on the increase every year. Men behave in inhuman against women. In particular sexual assault against women which is most heinous which ruins the whole life of a woman, is indulged in by many men who are nothing but demons in human form. The law enforcing agencies such as the police and the courts come into the picture only after a woman suffers an irreparable injury and consequently they are not adequate to protect the rights of women.

Hitopadesha of Narayana is a compilation of code of conduct. In that in his inimitable style, Narayana lays down the following directive.

A person who regards, every woman other than his wife as equal to his own mother, who regards wealth, which belongs to another as equal to a clod of earth and who regards every other individual, as his own-self, is an educated man in the real sense of the term.

This value appears to have been created and cultivated assiduously as an antidote to sexual propensity of man, for, once the value that every woman is mother is ingrained in the heart of an individual, sinful thoughts of committing any offence against woman get destroyed. There can be no doubt that inculcating of such a value is greatest safety against sexual propensity of man. The creation and maintaining of this value is really the most valuable contribution of Indian thinkers to humanity.

Apart from creating the value of respect for womanhood, there have been special provisions for protecting several human rights of women, in view of the disabilities and vulnerability of women to attack by men. Rules of dharma created an obligation on the part of the male



members of a family to afford protection to every woman at every age and stage to provide further, under Raja Dharma it was the duty of the state to provide protection to women. The rule of Dharma which made it the duty of male members of the family to afford protection to women reads:

Father protects the girl during her childhood, the husband protects her after marriage and her sons protect her in old age. At no stage a women should be left free (Manu IX-3)

i. Expection to women's property from law of adverse possession:

The provisions of ancient Indian law regarding perfecting title to an immovable property by adverse possession was very strict, but was made inapplicable in respect of property belonging to women, state and temple.

No plea of adverse possession is tenable in respect of property belonging to women, state and temple (Katyayana. 330)

ii. Death sentence for the Rape of Women in Custody:

Capital sentence should be imposed for offence of reape committed against a woman arrested by an officer of the state (Kautilya's Arthasastra; p.256)

iii. Protection to girls carried away by force:

If a damsel has been abducted and not given in marriage in accordance with law, she may lawfully be given to another man. She is as chaste as maiden (Vasishtha, p.72-73, Dharmakosha, p.1021)

References

Vasishtha, p.72-73, Dharmakosha, p.1021

Manu IX-3



Violence against Women: Human Rights Violation

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Abstract: The General Assembly of the United Nations adopted the Universal Declaration of Human Rights in 1948. Human rights inherent to all human beings irrespective of their nationality, race, colour, creed, gender, religion, place of birth, language. The United Nations General Assembly declared that "every one is entitled to rights and freedoms without distinction of any kind". It ensures that every human being fulfils on quality life, equality, dignity, respect and concern. Human rights are those rights are fundamental for the human life. Human rights are right to certain claims and freedoms for all human beings all over the world. These rights, besides being fundamental and universal in character, assumed international dimension. Violence strikes women from all kinds of backgrounds and of all ages. It can happen at work, on the street, or at home. Click on the topics below to learn about different types of violence and ways to stay safe. These are the different types of violence, dating violence, domestic and intimate partner violence, emotional abuse, same gender relationship violence, sexual assault and abuse and human trafficking. Sometimes, women are attacked by strangers, but most often they are hurt by people who are close to them, such as a husband or partner.

Keywords: Domestic Violence, Human Trafficking, Harassment, Aggression

Introduction

Human rights are important for every individual to lead his life happily, especially in the relationships that exist between individuals and the government that has power over them. Human rights limit the power of the state on the individuals. These rights are for everyone. They are internationally guaranteed and protected by law. Ex. Right to Life, Right to Education, Right to property and Right to Health Etc.,

In 1948 the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. Human rights inherent to all human beings irrespective of their nationality, race, colour, creed, gender, religion, place of

birth, language. The United Nations General Assembly declared that "everyone is entitled to rights and freedoms without distinction of any kind". It ensures that every human being fulfils on quality life, equality, dignity, respect and concern.

Human rights are those rights are fundamental for the human life. Human rights are right to certain claims and freedoms for all human beings all over the world. These rights, besides being fundamental and universal in character, assumed international dimension.

In our society women is exploited these rights by the both individual and the state. In this paper briefly we focused how a woman exploited?



Violence: The UN Declaration on the Elimination of Violence against women states that; “violence against women is a manifestation of historically unequal power relations between men and women” and that “violence against women is one of the crucial social mechanisms by which women are forced into subordinate position compared with men”. Violence against women can fit into different categories. These include violence carried out by “individuals” (rape, domestic violence, sexual harassment, honour killings, dowry violence, forced marriage Etc.).

Violence against women includes varied forms, such as domestic violence or violence by intimate partner, honour killings, dowry deaths and torture, rape and sexual assaults, child sexual abuse, sexual harassment etc. Some reasons for family violence identified by sociologists and feminist scholars are unequal distribution of power in society leading to women occupying positions inferior or subordinate to men.

State Violence is, some forms of violence re perpetrated or condoned by the state such as war rape, sexual violence and sexual slavery during conflict, forced sterilization, forced abortion, violence by the police and authoritative personnel, stoning and flogging.

Physical Abuse:Physical abuse basically involves a person using physical force which causes, or could cause, harm. It refers any intentional and unwanted contact with you or something close to your body, Examples are scratching, punching, biting, slapping, strangling or kicking, pulling the hair, throwing things, pushing or pulling, using weapon

etc. The following are types of physical abuse.

Sexual abuse: It means forcing undesired sexual behaviour by one person upon another. It refers to any action that pressures or coerces someone to do something sexually they don't want to do. It can also refer to behaviour that impacts a person's ability to control their sexual activity or the circumstances in which sexual activity occur, including oral sex, rape or restricting access to birth control and condoms. It refers any behaviour which results in touching of the sexual or other intimate parts of women for the purpose of sexual gratification of the victim. Some examples are, unwanted kissing or touching, unwanted rough or violent sexual activity, rape or attempted rape, threatening someone into unwanted sexually activity etc.,

Rape: Rape is an extreme form of sexual abuse. The main thing is here rape and all forms of sexual abuse, has more to do with an assertion of male power over women than a matter of men having the uncontrolled urge for sex. To rape a woman is to “loot”, “destroy”, “defile”, “shame” the man to whom she belongs. But the marital rape (husband had sex with his wife against her willing) is not a crime in India.

Financial abuse : It is what you can and cannot buy or requiring you to share control of your bank accounts. All your financial transactions is under some one's control.

Spousal sexual abuse: It is a form of domestic violence. When the abuse involves forced sex, it may constitute rape upon the other spouse, depending on the



jurisdiction, and may also constitute an assault.

Spiritual abuse: Activities to destroy an individual's cultural or religious beliefs through ridicule or punishment, forbidding practise of a personal religion or forcing women to adhere to religious practices that are not their own.

Digital dating abuse: Digital dating abuse is the use of technologies such as texting and social networking to bully, harass, stalk or intimidate a partner. Often this behaviour is a form of verbal or emotional abuse perpetrated online.

Stalking : It is unwanted or obsessive attention by an individual or group toward another person, often manifested through persistent harassment, intimidation, or following or monitoring of the victim.

Conclusion

Human rights are important for society to live human rights through its practices, behavior, and attitudes. To live human rights values means to support the oppressed, embrace the excluded, advocate for the voiceless, and celebrate the diversity of our community. After above discussed information we have an idea, how the women is suffering. It is the responsibility of the society and the state to aware, enforces and protects the liberties of the women.

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HUMAN RIGHTS Vs CONSUMER RIGHTS

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Abstract:

This chapter aims to present the interaction between the consumer acquis and post-socialist legal culture in Poland as exemplified by the rules on unfair terms in consumer contracts. It will focus on resistance towards Directive 93/13/EC among Polish legislators, scholars and judges, attempting to link this resistance to the background elements of the socialist legal tradition still present in Polish legal culture. The chapter will analyse two specific areas of resistance: the general test of unfairness and the abstract review of standard terms.

Key words: post-socialist, resistance, unfairness

Introduction

Over the last 20 years, consumer rights have increasingly appeared in certain constitutional acts, most often in provisions listing catalogues of human/fundamental rights and in EU primary law. In this chapter it is discussed whether consumer rights can be classified as human/fundamental rights, and look to the role they play in consumer protection. We go on to question the role of constitutional courts in this field and ask whether consumer protection can be achieved by other fundamental/human rights. Finally we turn to EU law, pointing out the similarities between national and EU developments in consumer rights, and discussing what the national constitutional experience means for establishing the level and means of consumer protection in the EU.

Consumer provisions in national constitutions

Rules on consumer protection are present in several national Constitutions of European and non-European countries. They usually appear in newly adopted

Constitutions (for example in Poland or Lithuania) or are introduced into the text of 'old' acts (for example in Mexico). It is sometimes unclear whether these rules will play an important role in consumer protection, or whether they are a mere declaration of the legislator's goodwill, words that look impressive but have little solid meaning. We take the view that the 'truth' is somewhere in the middle; on the one hand it is a kind of declaration, but on the other it represents the more general tendency of constituting social rights.

With the nomination of European private law as a 'multi-level system', including private law rules of national and of EU origin, the image was created that European private law could be regarded as a *system*. In other words, it was suggested that the continuous development of private law instruments by the EU had slowly reached a point where, in its interaction with national private laws, a new private law system had come to emerge. That system, if we consider the existing body of EU law in the area of private law, would encompass rules as diverse as contract law, company



law, property law and, prominently at its core, consumer law.

Systematic Approach

Even though the notion of a multi-level system does justice to the fact that EU private law has grown into an important regulatory layer for private transactions in Europe alongside and in interaction with national laws, the degree of 'systematisation' must at this point still be downplayed, as it must also in consumer law. Although consumer law appears to have become one of the most developed and most settled areas of European private law, even here significant inconsistencies remain. In particular, a tension can be observed between positive harmonisation through directives and negative harmonisation through the four freedoms of the EU Treaty (on which more below, see next section). There is, therefore, a lack of coherence in the standard of consumer protection that is applied throughout EU legislation in the field of consumer law. This has knock-on effects in national laws and therefore poses a threat to legal certainty.

There has been a transformation of the consumers' role in the EU since the 1980s: a transformation that has seen the consumer of the internal market evolve from the feeble agent of market economics requiring rights-based protection into the *potentially* confident, informed and empowered 'motor of economic change'. This chapter examines the developing notion of a consumer citizenship practice associated with this transformation. It draws attention to the institutional structures for individual and collective agency and reflects movements in decision-making power away from the Member States: upwards to the EU;

outwards to independent regulatory agencies and enforcement authorities; and downwards to individual consumers. It has been argued that the move to regulatory agencies has produced a weakening of the state-*qua*-central actor although at the same time it could be seen as a *strengthening of public action* and effective governance for the people'. Agencies and regulatory authorities are thus forming networks of self-supporting epistemic communities for the sharing of new ideas and best practices.

Enforcement of Empowerment

Specifically, this chapter discusses the normative influences that shape individual consumer behaviour and argues that, while the networks of self-supporting epistemic communities provide platforms for a *theoretical* application of consumer citizenship practice, individual and structural barriers limit its practical application. Normative orientations of consumer citizenship practice are located in the enforcement and empowerment aspects of consumer protection; state, civil society and market sources of consumer information; individual and structural aspects of capability; and the individualistic and solidaristic aspects of motivation. A model hierarchy of these normative orientations is introduced outlining the features or enablers of such a consumer citizenship practice. A practice that is capable of policy and market shaping through the transactional, post-transactional and extra-transactional consumer behaviours that are developing with the encouragement of the EU institutions but that are limited by the barriers that challenge the effectiveness of these normative influences.



For many years, auctions were the reserve of only a handful of specialists present in the auction room but they are now within the grasp of the general public via the television and the internet. In particular, online auctions have in recent years developed exponentially and eBay, born in the late 1990s, is now the largest online auction provider on the globe. The popularity of online auctions for the sale of consumer goods is unprecedented and is set to continue in years to come. Yet to this date in Europe there is no clear legal regime regulating the activities of businesses using auction processes to sell their products to consumers.

Indeed, Directive 97/7/EC of 20 May 1997 on the protection of consumers in respect of distance contracts (the Distance Selling Directive, DSD), which offers a right to information and a right to withdraw as its main features, excludes 'contracts concluded at an auction' from its scope. A literal and hasty interpretation of the DSD and in particular of its Article 3(1) could therefore lead to the conclusion that the DSD does not apply to online auctions organised on eBay and similar sites. Indeed, Article 3(1) DSD does not define 'auctions' and this lack of definition has undeniably been a contributing factor to the discrepancies between Member States' implementation of the directive.

In 2004 the European Union accepted ten new countries, which on 1 May became full members of the 'European family'. For most of the countries this meant a complete change in their national legal systems because the Member States had to introduce new legal measures in order to establish a European market along with a competitive environment.

The area of EU consumer law is mainly covered by the directives. Each Member State has an obligation to adopt, in its national legal system, all possible measures to ensure that the directives are fully effective in accordance with the objectives which they pursue. Member States may, in the area covered by the directives, adopt or retain stricter provisions which grant a higher degree of protection to consumers. The nature and the scope of the obligations imposed on the Member States by the EU are usually determined by the content, scope and characteristics of the directives (minimum or maximum harmonisation), which the Member States are required to transpose with their national legislation. The Member States may also implement some of them in some other way. Member States are obliged to establish for that purpose a specific legal framework in the area of consumer protection. The legal position of consumers under national law must be suitably precise and clear. Given that consumers are of various nationalities (especially in cross-border transactions) and are normally unfamiliar with the principles of legal orders other than that of their own country, it is important that the individuals affected are, for reasons of legal certainty, aware of all their rights and be able to assert them before the national courts. However as the ECJ held in several of its rulings:

The transposition of a directive into domestic law does not necessarily require that its provisions be incorporated formally and verbatim in express and specific legislation. Thus, the existence of general principles of constitutional or administrative law may render implementation by specific legislation superfluous. Depending on the content of



the directive, a general legal context may suffice provided that it effectively guarantees the full application of the directive in a sufficiently clear and precise manner. Should the directive be intended to create rights for individuals, the persons concerned must also be in a position to know the full extent of their rights in order that they may, if necessary, rely on them before the national courts.

Implementation of the provisions

It will be argued that the general test of unfairness has been implemented in Poland in a way which departs from the directive – ‘good faith’ was substituted by ‘good customs’ and ‘significant imbalance’ was substituted by a ‘gross violation of interests’ of the consumer. It will be submitted that the implementing provisions are actually more lenient towards the trader than the directive requires. The interpretation of the implementing provisions within scholarship and case law is very often detached from the text of the directive and leads to conclusions hard to reconcile with the intent of the Community legislator. Judges and scholars tend to assimilate the ‘good customs’ clause with the socialist general clause of ‘principles of social coexistence’, still present within the Polish Civil Code, rather than exploring the meaning of ‘good faith’ in the directive.

This volume has analysed European consumer protection law in its theoretical and practical dimensions: an analysis set in the broader context of consolidation and codification initiatives exemplified *inter alia* in the review of the consumer *acquis*, the publication of the Draft Common Frame of Reference and the proposal for an EU Consumer Rights

Directive. The issues explored by the contributors to this volume are even more relevant and important today given, for example, the revisions to the proposed Consumer Rights Directive, the Commission's appointment of an Expert Group on a Common Frame of Reference in the area of European contract law, and the Commission's 2010 Green Paper on policy options for progress towards a European Contract Law for consumers and businesses.

Conclusion

Norbert Reich provocatively set the scene for our analysis with his critique of the ‘new approach’ to targeted, ‘full’ harmonisation in EU consumer protection, initiatives aimed at preventing Member States from maintaining or adopting more protective provisions of consumer law in the harmonised field. While seeking to remedy the fragmentation of consumer protection attributed to minimum harmonisation, this approach is contradicted by the principle of ‘home country’ protection otherwise adopted under the new Regulation 593/2008 (Rome I). Reich argues that the ‘new approach’ is inappropriate for promoting consumer confidence, threatening unpredictable legal fragmentation in the patchwork of national private law systems, downgrading the importance of consumer protection and failing to respect the principle of proportionality in EU law-making. As a compromise Reich advocates a strategy of ‘half harmonisation’: allowing full harmonisation for imperative reasons relating to the internal market, yet otherwise respecting minimum harmonisation, in particular where constitutional traditions need to be respected in line with the principles of



proportionality and subsidiarity. Reich is critical of Commissioner Reding's proposal to limit full harmonisation to online transactions, but welcomes any softening of the 'new approach' that this may represent, a development which may allow a broader role for the optional instrument (blue button) in cross-border transactions.

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World Programme for Human Rights Education

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Abstract

Human rights education is a lifelong process that builds knowledge and skills, as well as attitudes and behaviours, to promote and uphold human rights. This definition guides the World Programme for Human Rights Education, a global initiative of the United Nations which, since 2005, has encouraged concrete measures to integrate human rights education in all sectors. Human rights education contributes to protecting the dignity of all human beings and to building societies where human rights are valued and respected. Human rights education can be defined as any learning, education, training and information efforts aimed at building a universal culture of human rights, including: (a) The strengthening of respect for human rights and fundamental freedoms; (b) The full development of the human personality and the sense of its dignity; (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and minorities; d) The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law; e) The building and maintenance of peace and (f) The promotion of people-centred sustainable development and social justice.

Key Words: Coordination mechanism, National Implementation Learning Environment.

What is human rights education?

Human rights education can be defined as education, training and information aimed at building a universal culture of human rights. Effective human rights education not only provides knowledge about human rights and the mechanisms that protect them, but also develops the skills needed to promote, defend and apply human rights in daily life. Human rights education also fosters the attitudes and behaviours needed to uphold human rights for all members of society. Human rights education

activities should convey fundamental human rights principles, such as equality and non-discrimination, while affirming their interdependence, indivisibility and universality. At the same time, activities should be practical—relating human rights to learners' real-life experience and enabling them to build on human rights principles found in their own cultural context. Through such activities, learners are empowered to identify and address their human rights needs and to seek solutions consistent with human rights standards. Moreover, for those who have the responsibility for respecting, protecting and fulfilling the rights of others, human rights education develops



their capacity to do so. Both what is learned and the way in which it is learned should reflect human rights values, encourage participation and foster a learning environment free from want and fear.

World Programme for Human Rights Education

On 10 December 2004, the General Assembly of the United Nations proclaimed the World Programme for Human Rights Education (2005–ongoing) to advance the implementation of human rights education programmes in all sectors. Building on the foundations laid during the United Nations Decade for Human Rights Education (1995–2004), the World Programme, which has been complemented by a new specific standard-setting effort, namely the development of the United Nations Declaration on Human Rights Education and Training, reflects the international community's increasing recognition that human rights education can produce far-reaching results. By promoting respect for human dignity and equality and participation in democratic decision-making, human rights education contributes to the long-term prevention of abuses and violent conflicts. To help make human rights a reality in every community, the World Programme seeks to promote a common understanding of the basic principles and methodologies of human rights education, to provide a concrete framework for action, and to strengthen partnerships and cooperation from the international level down to the grass roots.

A plan of action for human rights education in higher education and for human rights training for civil servants, law enforcement officials and the

military. The plan of action for the second phase (2010–2014) of the World Programme, which benefited from the input and review of governmental and non-governmental experts and practitioners, proposes a concrete strategy and practical ideas for implementing human rights education in the above-mentioned areas at the national level. Its key elements are highlighted below.

Human rights education in higher education

Higher education is all education taking place at the post-secondary level in universities or other establishments approved by the State authorities, including institutions for the training and certification of professionals such as teachers, social workers, medical and legal personnel. In this context, human rights education promotes a holistic, rights-based approach to education that includes both "human rights through education," ensuring that all the components and processes of education—including curricula, materials, methods and training—are conducive to the learning of human rights, and "human rights in education," ensuring that the human rights of all members of the education community are respected. The effective integration of this approach in higher education requires action in at least the following five areas:

1. Policies and related implementation measures.

Higher educational policies—legislation, plans of action, curricula, training policies and so on—should explicitly promote human rights education and infuse human rights throughout the higher education system. Policies are to be developed in a participatory manner in cooperation with all stakeholders



and fulfil a country's international obligations to provide and promote the right to quality education. To be effective, policies need a consistent implementation strategy, including the allocation of adequate resources and the setting-up of coordination mechanisms to ensure coherence, monitoring and accountability.

2. Teaching and learning processes and tools. Introducing or improving human rights education requires a holistic approach to teaching and learning that reflects human rights values. Human rights are infused as a cross-cutting issue into all disciplines, and specific human rights courses and programmes—in particular, multidisciplinary and interdisciplinary human rights programmes—are introduced. Practices and methodologies are democratic and participatory. Materials and textbooks promote human rights values. Relevant support and resources are in place.

3. Research. Higher education institutions develop new knowledge and advance critical reflection in the area of human rights, which in turn inform policies and practices in human rights and in human rights education. Through an assessment of existing experiences and comparative studies, research can support the identification and dissemination of good practices as well as the development of innovative methodologies and tools based on those practices; research can also guide lesson-learning and evaluation exercises. Research can be furthered through exchanges, scholarships and fellowships.

4. The learning environment. Academic freedom informs the environment of higher education institutions, where

human rights education promotes the daily practice of human rights by fostering mutual understanding, respect and responsibility. Explicit and shared policy statements protect the human rights of all actors. Teaching personnel have a mandate to pursue human rights education, and students can express their views freely, participate in academic life and have extensive opportunities for interacting with the wider community.

5. Education and professional development of higher education teaching personnel. For higher education institutions to serve as a model of human rights learning and practice, all teaching personnel and other staff need to be able to both transmit and model human rights values. Education and professional development must foster educators' knowledge about, commitment to and motivation for human rights. Furthermore, as rights-holder themselves, teaching personnel need to work and learn in a context of respect for their dignity and rights.

Human rights training for civil servants, law enforcement officials and the military:

United Nations instruments provide detailed guidance to civil servants, law enforcement officials and the military—who have a specific responsibility, as State actors, for respecting, protecting and fulfilling the human rights of those under their jurisdiction—on the performance of their duties. General strategies to promote human rights training for these professional groups effectively require action in at least the following areas:



1. Training policies and other related policies. Training policies provide that human rights training is mandatory for professional qualification and promotion, and specialized training is required for officials dealing with particularly vulnerable groups. Human rights training is integrated into pre-service and in-service training curricula. It is delivered by specialized staff, and a mechanism for evaluation and impact assessment is in place. As training is not an isolated effort but rather part of an overall capacity-building strategy, all policies and regulations concerning the profession are reviewed to make sure that they are not inconsistent with human rights standards but rather promote the profession's contribution to human rights.

2. Training processes and tools. Training content is relevant to the audience and reflects its role and responsibilities, the institutional and organizational culture, and specific applicable standards. Training methodologies and practices are practical; participatory and sensitizing techniques are used, and training builds on peer learning and professional self-esteem. Training materials and textbooks promote human rights values.

3. The learning and working environment. Policy statements such as codes of conduct and professional ethics promote the profession's contribution to human rights and incorporate human rights with regard to all areas of work; good practices are promoted, recognized and rewarded; and interaction and collaboration with the wider community are enhanced.

A concrete strategy for national action

Infusing human rights education in higher education and human rights

training in the training of professionals requires a comprehensive strategy which builds on the national context, priorities and capacity. This plan of action proposes four steps for the national process of planning, implementing and evaluating human rights education in higher education and in the training of civil servants, law enforcement officials and the military:

Step 1: Analysis of the current situation of human rights education in the above-mentioned areas: This first step calls for a national study on the current situation, which would cover existing policies and practices, resources and tools, the historical and cultural context as well as the actors involved. With wide dissemination and discussion, this document can serve as a basis for developing a national implementation .

Step 2: Setting priorities and developing a national implementation strategy:

The strategy addresses all the areas mentioned in the plan of action for the respective target audiences (e.g. policies, teaching and learning processes and tools, the learning environment) and focuses on actions that can have a sustainable impact. It sets realistic objectives and priorities, and anticipates at least some implementation during 2010–2014. Step 3: Implementing and monitoring. Once developed, the national implementation strategy is widely disseminated and put into practice, and its progress is monitored using fixed milestones.

Step 4: Evaluating.

Self-evaluation and independent evaluation of the national



implementation strategy enable learning for the future. Evaluation results are recorded in a report with the recommendations for future action based on lessons learned.

Who should be involved?

With regard to human rights education in higher education, the main responsibility for implementation rests with ministries (or equivalent institutions) of education or of higher education, working in cooperation with other parts of the Government, as well as higher education institutions and relevant training colleges. Other key actors are teaching personnel and students' unions and associations, education and human rights research and training institutions and resource centres, relevant parliamentary committees, national human rights institutions, non-governmental organizations, and so on.

With regard to human rights training for civil servants, law enforcement officials and the military, the main responsibility for implementation rests with ministries (or equivalent institutions) concerned by the functions covered by those professional groups—for instance, depending on the country, these may be the ministry of public administration, of the interior, of justice or defence—working in cooperation with other parts of the Government, as well as local government. Other key actors are professional training colleges, unions and associations of civil servants and law enforcement officials, relevant parliamentary committees, municipalities, human rights training institutions and resource centres, national human rights institutions, non-

governmental organizations, and so on.

What are the coordination mechanisms?

At the national level, States should identify a relevant department as a focal point for coordinating the development, implementation, monitoring and evaluation of the national implementation strategy. This department should engage with the relevant units, ministries and other national actors. It should also cooperate with the national agencies responsible for drawing up country reports to the United Nations human rights mechanisms (treaty bodies, special procedures and the universal periodic review) to ensure that progress in human rights education under the plan of action is included in those reports. Finally, it will liaise with the Office of the United Nations High Commissioner for Human Rights (OHCHR), which coordinates the second phase of the World Programme in cooperation with relevant entities of the United Nations system (in particular the United Nations Educational, Scientific and Cultural Organization (UNESCO) with regard to higher education), and share information on national progress.

At the conclusion of the second phase, in early 2015, each country will evaluate its actions and submit a final national evaluation report to OHCHR. On the basis of these reports, OHCHR will prepare a final report for the Human Rights Council in 2015.

What kind of support is available for national implementation?



The development of a national implementation strategy and the implementation of related activities by Member States can be supported by international cooperation from the United Nations system and other international and regional intergovernmental organizations; professional networks and associations; human rights resource, training and documentation centres; non-governmental organizations and financial institutions. The close collaboration of these actors is indispensable to maximize resources, avoid duplication and ensure coherence. These entities may assist in a variety of ways, for instance, by:

- Supporting States in the development, implementation and monitoring of the national implementation strategy and of related activities;
- Facilitating information-sharing at all levels, including through the identification, collection and dissemination of good practices as well as information about available materials, institutions and programmes
- Encouraging the development of human rights education networks;
- Supporting training and research.

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Human rights in India

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Abstract

Human rights in India is an issue complicated by the country's large size, its tremendous diversity, its status as a developing country and a sovereign, secular, democratic republic. The Constitution of India provides for Fundamental rights, which include freedom of religion. Clauses also provide for freedom of speech, as well as separation of executive and judiciary and freedom of movement within the country and abroad. The country also has an independent judiciary and well as bodies to look into issues of human rights.

Key words: Muslim and Christian minorities, sovereign, secular, democratic republic

Introduction

Human rights in India is an issue complicated by the country's large size, its tremendous diversity, its status as a developing country and a sovereign, secular, democratic republic. The Constitution of India provides for Fundamental rights, which include freedom of religion. Clauses also provide for freedom of speech, as well as separation of executive and judiciary and freedom of movement within the country and abroad. The country also has an independent judiciary and well as bodies to look into issues of human rights.

The 2016 report of Human Rights Watch accepts the above mentioned faculties but goes to state that India has "serious human rights concerns. Civil society groups face harassment and government critics face intimidation and lawsuits. Free speech has come under attack both from the state and by interest groups. Muslim and Christian minorities accuse authorities of not doing enough to protect their rights. The government is

yet to repeal laws that grant public officials and security forces immunity from prosecution for abuses.

Chronology of events regarding human rights in India

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|------|---|
| 1829 | The practice of sati was formally abolished by Governor General William Bentick after years of campaigning by Hindu reform movements such as the Brahmo Samaj of Ram Mohan Roy against this orthodox Hindu funeral custom of self-immolation of widows after the death of their husbands. |
| 1929 | <i>Child Marriage Restraint Act</i> , prohibiting marriage of minors under 14 years of age is passed. |
| 1947 | India achieves political independence from the British Raj. |
| 1950 | The Constitution of India establishes a sovereign democratic |



	republic with universal adult franchise. Part 3 of the Constitution contains a Bill of Fundamental Rights enforceable by the Supreme Court and the High Courts. It also provides for reservations for previously disadvantaged sections in education, employment and political representation.		
1952	Criminal Tribes Acts repealed by government, former "criminal tribes" categorized as "denotified" and Habitual Offenders Act (1952) enacted.	1985-86	in Punjab by the police The Shah Bano case, where the Supreme Court recognised the Muslim woman's right to maintenance upon divorce, sparks protests from Muslim clergy. To nullify the decision of the Supreme Court, the Rajiv Gandhi government enacted The Muslim Women (Protection of Rights on Divorce) Act 1986
1955	Reform of family law concerning Hindus gives more rights to Hindu women.	1987	Hashimpura massacre during communal riots in Meerut.
1958	Armed Forces (Special Powers) Act, 1958	1989	<i>Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989</i> is passed.
1973	Supreme Court of India rules in <i>Kesavananda Bharati case</i> that the basic structure of the Constitution (including many fundamental rights) is unalterable by a constitutional amendment.	1989-present	Kashmiri insurgency sees ethnic cleansing of Kashmiri Pandits, desecrating Hindu temples, killing of Hindus and Sikhs, and abductions of foreign tourists and government functionaries.
1975-77	State of Emergency in India extensive rights violations take place.	1992	A constitutional amendment establishes Local Self-Government (Panchayati Raj) as a third tier of governance at the village level, with one-third of the seats reserved for women. Reservations were provided for scheduled castes and tribes as well.
1978	SC rules in <i>Menaka Gandhi v. Union of India</i> that the right to life under Article 21 of the Constitution cannot be suspended even in an emergency.	1992	Babri Masjid demolished by Hindu mobs, resulting in riots across the country.
1978	Jammu and Kashmir Public Safety Act, 1978	1993	National Human Rights Commission is established under the <i>Protection of Human Rights Act</i> .
1984	Operation Blue Star and the subsequent 1984 Anti-Sikh riots	2001	Supreme Court passes extensive orders to implement the right to
1984	2006 Extrajudicial disappearances		



- food.
- 2002 2002 Gujarat riots which claimed several thousand lives of Indian Muslims.
- 2005 A powerful *Right to Information Act* is passed to give citizen's access to information held by public authorities.[[]
- 2005 *National Rural Employment Guarantee Act (NREGA)* guarantees universal right to employment.
- 2005 Disappearance of Jaswant Singh Khalra by the Punjab Police (Khalra brought to light the extrajudicial disappearances in Punjab)
- 2009 Delhi High Court declares that Section 377 of the Indian Penal Code, which outlaws a range of unspecified "unnatural" sex acts, is unconstitutional when applied to homosexual acts between private consenting individuals, effectively decriminalising homosexual relationships in India. See also: Homosexuality in India.

Use of torture by police

The Asian Centre for Human Rights estimated that from 2002 to 2008, over four people per day died while in police custody, with "hundreds" of those deaths being due to police use of torture. According to a report written by the Institute of Correctional Administration in Punjab, up to 50% of police officers in the country have used physical or mental abuse on prisoners. Instances of torture, such as through a lack of sanitation,

space, or water have been documented in West Bengal as well.

Sexual violence

India is home to the largest number of sexually abused children in the world. About 53% of children have been subjected to some form of sexual abuse. In 2012, India introduced the Protection of Children from Sexual Offences Act (POCSO) to deal with cases of child sexual abuse. However, it took two years to record the first cases under the law and there are huge gaps in its implementation with the conviction rate under the act being only 2.4%.[[] It is argued that the prevalence is driven by reluctance to expose relatives, who are often the abusers. As a result, more than 50% of adults who were abused surveyed wanted the matter to stay within the family and only 17% wanted harsh punishments for offenders.

Forced Labor

India has the highest number of people living in conditions of slavery, 18.3 million, three times more than the next highest nation.

Debt Bondage

Most of those in India living in slavery are in bonded labour, where a person pledges himself or herself against a loan. Debt bondage can be passed on from generation to generation, with children required to pay off their parents' debt.

Child labor

India has the largest number of child labourers under the age of 14 in the world with an estimated 12.6 million children engaged in hazardous occupations.



Human trafficking

Human trafficking is a \$8 million illegal business in India. Around 10,000 Nepali women are brought to India annually for commercial sexual exploitation. Each year 20,000–25,000 women and children are trafficked from Bangladesh.

Religious violence

Communal conflicts between religious groups (mostly between Hindus and Muslims) have been prevalent in India since around the time of its independence from British Rule. Among the oldest incidences of communal violence in India was the Moplah rebellion, when Militant Islamists massacred Hindus in Kerala. Communal riots took place during the partition of India between Hindus/Sikhs and Muslims where large numbers of people were killed in large-scale violence.

The 1984 Anti-Sikh Riots was a four-day period during which Sikhs were massacred by members of the secular-centrist Congress Party of India; some estimates state that more than 2,000 were killed. Other incidents include the 1987 Hashimpura massacre during communal riots in Meerut, 1992 Bombay Riots.

2002 Gujarat riots

On the morning of 27 February 2002, the Sabarmati Express, returning from Ayodhya to Ahmedabad, was stopped near the Godhra railway station. Several of the passengers were Hindu pilgrims, returning from Ayodhya after a religious ceremony at the site of the demolished Babri Masjid. Under controversial circumstances, four coaches of the train caught on fire, trapping many people inside. In the resulting

conflagration, 59 people, including 25 women and 25 children, were burned to death.

The 2002 Gujarat violence—in the latter, more than 100 Muslims^[27] were killed, 2,500 people were injured non-fatally, and 223 more were reported missing. Other sources estimate that up to 2,000 Muslims died.^[28] There were instances of rape, children being burned alive, and widespread looting and destruction of property. The Chief Minister at that time, Narendra Modi, has been accused of initiating and condoning the violence, as have police and government officials who allegedly directed the rioters and gave lists of Muslim-owned properties to them. The reason for the attack considered by some a Muslim mob attack on a train full of Hindu pilgrims in the Godhra Train Burning, where 58 Hindus were killed.^[29] Some commentators, however, hold the view that the attacks had been planned, were well orchestrated, and that the attack on the train was a "staged trigger" for what was actually premeditated violence.

Lesser incidents plague many towns and villages; representative was the killing of five people in Mau, Uttar Pradesh during Hindu-Muslim rioting, which was triggered by the proposed celebration of a Hindu festival. Other such communal incidents include the 2002 Marad massacre, which was carried out by the militant Islamist group National Development Front, as well as communal riots in Tamil Nadu executed by the Islamist Tamil Nadu Muslim Munnetra Kazagham against Hindus.

Caste related issues

According to a report by Human Rights Watch, "Dalits and indigenous



peoples (known as Scheduled Tribes or adivasis) continue to face discrimination, exclusion, and acts of communal violence. Laws and policies adopted by the Indian government provide a strong basis for protection, but are not being faithfully implemented by local authorities." The UN stated in 2011 that the caste system of India will be declared a human rights abuse. The UN's Human Rights Council, meeting in Geneva, is expected to ratify draft principles which recognises the scale of persecution suffered by 65 million 'untouchables' or 'Dalits' who carry out the most menial and degrading work. Amnesty International says "it is the responsibility of the Indian government to fully enact and apply its legal provisions against discrimination on the basis of caste and descent.

Denotified tribes of India, along with many nomadic tribes collectively 60 million in population, continue to face social stigma and economic hardships, despite the fact Criminal Tribes Act 1871, was repealed by the government in 1952 and replaced by Habitual Offenders Act (HOA) (1952), as effectively it only created a new list out of the old list of so-called "criminal tribes. These tribes even today face the consequences of the 'Prevention of Anti-Social Activity Act' (PASA), which only adds to their everyday struggle for existence as most of them live below poverty line. National Human Rights Commission and UN's anti-discrimination body Committee on the Elimination of Racial Discrimination (CERD) have asked the government to repeal this law as well, as these former "criminalised" tribes continue to suffer oppression and social ostracization at large and many have been denied SC, ST or OBC status, denying them access to

reservations which would elevated their economic and social status.

Freedom of expression

According to the estimates of Reporters Without Borders, India ranks 122nd worldwide in 2010 on the press freedom index (down from 105th in 2009). The press freedom index for India is 38.75 in 2010 (29.33 for 2009) on a scale that runs from 0 (most free) to 105 (least free). In 2014 India was down ranked to 140th worldwide (score of 40.34 out of 105) but despite this remains one of the best scores in the region.

The Indian Constitution, while not mentioning the word "press", provides for "*the right to freedom of speech and expression*" (Article 19(1) a). However this right is subject to restrictions under subclause (2), whereby this freedom can be restricted for reasons of "sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, preserving decency, preserving morality, in relation to contempt of court, defamation, or incitement to an offence". Laws such as the Official Secrets Act and Prevention of Terrorism Act (POTA) have been used to limit press freedom. Under POTA, person could be detained for up to six months before the police were required to bring charges on allegations for terrorism-related offenses. POTA was repealed in 2004, but was replaced by amendments to UAPA. The Official Secrets Act 1923 is abolished after right to information act 2005

For the first half-century of independence, media control by the state was the major constraint on press freedom. Indira Gandhi famously stated in 1975 that All India Radio is "a Government organ, it is going to remain



a Government organ..." With the liberalisation starting in the 1990s, private control of media has burgeoned, leading to increasing independence and greater scrutiny of government. Organisations like Tehelka and NDTV have been particularly influential, e.g. in bringing about the resignation of powerful Haryana minister Venod Sharma. In addition, laws like Prasar Bharati act passed in recent years contribute significantly to reducing the control of the press by the government.

LGBT rights

Until the Delhi High Court decriminalised consensual private sexual acts between consenting adults on 2 July 2009, homosexuality was considered criminal as per interpretations of the ambiguous Section 377 of the 150-year-old Indian Penal Code (IPC), a law passed by the colonial British authorities. However, this law was very rarely enforced. In its ruling decriminalising homosexuality, the Delhi High Court noted that existed law conflicted with the fundamental rights guaranteed by the Constitution of India, and such criminalising is violative of Articles 21, 14 and 15 of the Constitution.

On 11 December 2013, homosexuality was again criminalized by a Supreme Court ruling.

By state Punjab

From 1984 to 1994, the state of Punjab in northern India was engaged in a power struggle between the militant secessionist Khalistan movement and Indian security forces. The Indian government responded to the escalating Punjab insurgency by launching Operation Blue Star in 1984, storming the Harmandir Sahib, or Golden Temple

complex in Amritsar—the center of Sikh religious and spiritual life, where some militant groups had retreated. The Operation was controversial and resulted in death of hundreds of civilians, militants and soldiers. After Sikh bodyguards assassinated Prime Minister Indira Gandhi, further violence ensued.

The aftermath of these events were felt for more than a decade. According to a Human Rights Watch report, state security forces adopted "increasingly brutal methods to stem the insurgency, including arbitrary arrests, torture, prolonged detention without trial, disappearances and summary killings of civilians and suspected militants". Militant organizations responded with increased violence aimed at civilians, state security forces, and Sikh political leaders deemed to be negotiating with the government.

Jammu and Kashmir



A soldier guards the roadside checkpoint outside Srinagar International Airport in January 2006.

Several international agencies and the UN have reported human rights violations in Indian-administered Kashmir. In a press release the OHCHR spokesmen stated "The Office of the High Commissioner for Human Rights is



concerned about the recent violent protests in Indian-administered Kashmir that have reportedly led to civilian casualties as well as restrictions to the right to freedom of assembly and expression.". A 1996 Human Rights Watch report accuses the Indian military and Indian-government backed paramilitaries of "committ[ing] serious and widespread human rights violations in Kashmir." One such alleged massacre occurred on 6 January 1993 in the town of Sopore. The Human Rights Watch also wrote of other regular human rights abuses being committed by the Indian forces including "using rape as a means to punish and humiliate communities". *TIME Magazine* described the incident as such: "In retaliation for the killing of one soldier, paramilitary forces rampaged through Sopore's market setting buildings ablaze and shooting bystanders. The Indian government pronounced the event 'unfortunate' and claimed that an ammunition dump had been hit by gunfire, setting off fires that killed most of the victims." In addition to this, there have been claims of disappearances by the police or the army in Kashmir by several human rights organisations.

Many human rights organisations such as Amnesty International and the Human Rights Watch (HRW) have condemned human rights abuses in Kashmir by Indians such as "extra-judicial executions", "disappearances", and torture; the "Armed Forces Special Powers Act", (AFSPA) which "provides impunity for human rights abuses and fuels cycles of violence. The AFSPA grants the military wide powers of arrest, the right to shoot to kill, and to occupy or destroy property in counterinsurgency operations. Indian officials claim that troops need such powers because the

army is only deployed when national security is at serious risk from armed combatants. Such circumstances, they say, call for extraordinary measures." Human rights organisations have also asked Indian government to repeal^[6] the Public Safety Act, since "a detainee may be held in administrative detention for a maximum of two years without a court order.". One 2008 report determined that Indian Administered Kashmir, was 'partly Free',

Other Human Rights Violations

Conflicts such as Anti-Bihari sentiment have sometimes escalated to violence between communal groups, despite government and police efforts to mediate the situation.

Invasive methods like 'narcoanalysis' (controlled anaesthesia), Brain mapping, and lie detector tests were once commonly permitted by Indian courts for crime investigation. Even though according to Indian constitution "nobody may be made a witness against himself".

Concerns regarding human rights violations in conducting deception detection tests (DDT)s were raised long back and the National Human Rights Commission of India had published Guidelines in 2000 for the Administration of Polygraph tests. However, only few of the investigating agencies were seen to follow these guidelines.

However, on May 5, 2010 the Supreme Court in India (Smt. Selvi vs. State of Karnataka) declared brain mapping, lie detector tests and narcoanalysis to be unconstitutional, violating Article 20 (3) of Fundamental Rights. These techniques cannot be



conducted forcefully on any individual and requires consent for the same. When they are conducted with consent, the material so obtained is regarded as evidence during trial of cases according to Section 27 of the Evidence Act.

Inadequate investigation and hasty rulings by courts have caused some wrongful convictions of innocent people causing them to languish in jail for many years. For instance, the Bombay high court in September 2009 asked the Maharashtra government to pay ₹ 100,000 as compensation to a 40-year-old man who languished in prison for over 10 years for a crime he didn't commit.

Muslim Woman's Rights in India

One of the vital concerns in India is the non-discrimination between genders. Muslim Woman in India are one of the major groups deprived of their equality within the Human rights framework. Their hardship has derived from cultural and religious reasons. This includes being negatively stereotyped within religion, incorporating both Muslim and even Judaic-Christian beliefs. This also includes male interpretations of the Quran. Where the functions of a woman concerning family matters are seen as less than half, according to hijab, then that of their male counterparts.

Brief history of Muslim Law in India

Muslim law in South Asia is different from Islamic law of Sharia. Shariat law (shari'a or fiqh) law is seen as a body of religious rules that are set out to manage the lives, in all aspects, of every Muslim. However, in India there are only a few of these laws that are enforced. This is due to India's laws having been modified by traditional

English common law and equitable principles since the beginning of the British imperialist regime. It is now called *Anglo-Muhammadan law*. Although Islamic law is sacred, due to modern political and social developments sacred interpretation of classic Islamic law's in India have changed in response to societal requirements.

The Constitution of India outlines the Fundamental rights in India to equality under Article 14. Article 15 covers freedom from discrimination which includes that of gender equality. However, Article 25 justifies the freedom of religion which safeguards the religious rights of Muslim communities, in turn Muslim Personal Law, which is discriminatory between Muslim men and woman. The continuance of discrimination within Muslim personal law contravenes that set out in India's constitution, notably articles 14 and 15.

Personal law and inequality

Even though there is formal recognition of rights within the constitution, Muslim women experience gender in-equalities in practice within the sphere of personal law. Personal law enables the continuing practice of giving a lower status to Muslim women in India. Which raises the need for legal reform. This is hard to achieve because often uniformity of family laws are often upheld by staunch supporters of religious traditions, who will ensure that all efforts to keep traditional Muslim practices within the conformity of Islamic ideals. The courts will also favor to not let constitutional rights intrude in personal law. In the High Court case *Harvinder Kaur v. Harmander Singh Choudhary*, it was rejected that personal law was discriminatory towards Gender



inequality in India and stated that the "...introduction of Constitutional law into the home is most inappropriate". Essentially depriving all woman in India the fundamental rights within the constitution. Personal law discrimination was on the other hand was positively recognized in the case of *Amina*, here the court noted that Muslim personal law is discriminatory towards Muslim women, and as such is unconstitutional.

Islamic law does however provide for certain rights. One example can be seen within a matrimonial deed, or *Nikahnama*. A *Nikahnama* can cover certain rights which pertain to polygamy and the woman's right to enforce a divorce proceeding. This could even include shares in property rights. Muslim law for financial support due to divorce has been codified in the Muslim Women's (Protection of Rights on Divorce) Act 1986. Nevertheless, these rights remain minimal. For example, the divorced wife can only receive three months of financial support. Also the husband of the divorced wife only has to pay child support for 3 months if that child is born within the three-month period, but if they had a child before that then the husband is not obligated to pay any support. Woman's rights in these matters are often not practiced due to Muslim women's lack of education toward their rights within the Islamic community. Also Muslim woman in India are not protected when it comes to monogamous marriages, but Muslim men are, protected under the Indian Penal Code.

The Human Rights Commission (HRC) under the International Covenant on Civil and Political Rights (ICPPR) highlighted religious based personal laws. In India's report in 1997 It was informed

that the Human Rights framework towards multiculturalism should be a remedy when addressing clearly biased provisions and practices towards Muslim women in Islamic legal community.

Muslim woman and Education

Muslim women are often discriminated against due to their lower achievements within the sphere of education, employment and their general economic position. This is because traditionally Muslim woman are discriminately excluded from participating within the public and private sector.

Conclusion

Any education to be effective needs to be contextualized too. Thus it is not enough to teach abstract principles of human rights taken from United Nations' documents or our Constitutions. Our historical context as nation as well as local contexts need to be reflected in human rights education. The contextualizing of human rights is essential for nurturing of peace. Creative reflections on local situations from a human rights perspective would help the schools greatly, to become the societies' most important peace makers. Some say that we Indians should have less rights than people living in Western countries. They say, the human rights concepts are Western. Only people who have all the rights could say this to people who have much less rights. We keep masses of humanity without rights and condemn the growing

consciousness of rights as a Western one. This would mean that to be Indian one has to put up with one's bondage, one must remain submissive, one must eat



less and work more. Is that what our women, and our children need to believe. Is that what our workers and peasants need to believe while multinational companies with the help of our elite take away the fruit of their labours, and the fruit of our lands. The relativist theory, though couched in nationalist terms is not nationalist at all. It work for the benefit of big companies Western or otherwise.

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Human right and Environment Pollution in India & Judiciary Contribution

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Abstract:

"Human right and Environment Pollution in India & Judiciary Contribution" Human rights and environment are inter-related, inter-connected, mutually responsive and crucial issues. Both are concerned with development and promotion of human welfare. Everyone likes to live in a healthy environment, which is basic human right. Environment pollution is a worldwide problem and India, too, is facing the menace. These are inherent in all individuals irrespective of their caste, creed, religion sex etc. On the other hand, meaning of the term environment is very wide in the sense that it takes into account all those factors which directly or indirectly have bearing upon the natural surroundings of human beings. Thus, the link between the concept of human right and healthy environment is indisputable and indispensable. The present paper is a modest attempt to highlight the linkage between human right and environment.

Key words: Environment, Development, Human Rights

Introduction:

Human rights and environment are inter-related, inter-connected, mutually responsive and crucial issues. Both are concerned with development and promotion of human welfare. Everyone likes to live in a healthy environment, which is basic human right. Environment pollution is a worldwide problem and India, too, is facing the menace. While human rights are necessary to promote the personality development of human beings, material comfort and healthy environment are necessary to safeguard conditions conducive to such a personality development. Without

hygienic good nobody can strive towards his goal. That is why there is a natural link between Environment, Development and Human Rights. Principle of 1 of the declaration of the Nation Conference on Human Environment also emphasis on this fact, it states."Man has the fundamental right to freedom, equality and adequate conditions of life, in an environmental of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations."Again, para 1 of the preamble of the same declaration states:"Man is both creative and molder



of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral social and spiritual growth. To begin with Human Rights are those essential conditions of life without which man cannot be at his best. These are inherent in all individuals irrespective of their caste, creed, religion sex etc. On the other hand, meaning of the term environment is very wide in the sense that it takes into account all those factors which directly or indirectly have bearing upon the natural surroundings of human beings. The Encyclopedia Britannica defines Environment, as the entire range of external influences acting on organism, both the physical and biological i.e. other organisms, forces of nature surrounding an individual." Change the physical, chemical and biological condition in the environment is called pollution of the environment. In the long and tortuous evolution of the human race on the planet a stage has been reached when, through rapid acceleration of science and technology, man has required the power of transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment, the nature and the man-made are essential to his well-being and to the enjoyment of basic human rights. Thus, the link between the concept of human right and healthy environment is indisputable and indispensable. The present paper is a modest attempt to highlight the linkage between human right and environment. The present study emphasizes that both are mutually responsive and necessary for human welfare. The equitable development and promotion of both is desirable and feasible for welfare of humanity.

HISTORICAL BACKGROUND

Human rights and environmental concerns have been matter of concern for all civilizations, as far as, human rights are concerned, the roots of the human rights and fundamental freedoms of individuals can be traced out from humanitarian traditions, the unclosing in all parts of the world and the historic pronouncements of philosophers, political leaders and statesman in different centuries, in general and twentieth century, in particular. Basic rights and liberties of man were recognized by all the major religions of the world. Human rights really emerged as a subject of international relation, though, in the United Nations created in 1945. The covenant of league of Nations, the predecessor of the United Nations, had not even mentioned Human Right. In sharp contrast the Preamble of the United Nations Charter includes a determination " to reaffirm faith in fundamental Human Right and Article 1 list " encouraging respect for human right and for fundamental freedoms for all " as one of the Organization's principal purposes. In 1948, United Nations General Assembly adopted without dissent the "United Nations Declaration of statements of Human Right" which even today provides the most authoritative statement of International Human Right norms. Its 30 articles encompass a board range of civil, political, economic, social and cultural right and subsequently United Nations General Assembly adopted two covenants of right in 1966 i.e. on Civil and Political Right and Economic, and Cultural Right.

The United Nations Declaration on Human Right provides that Economic, Social and Cultural Rights includes the Right to Health, including healthy living conditions and available, accessible and



acceptable quality health services. Human Rights are broadly of two kinds – negative and positive. Negative rights are those that prohibit actions that are harmful to the physical, mental or emotional aspects of a human being. Every human being has the right to live a dignified life as a human. Right to life, privacy, human punishments etc. are examples of negative rights. Positive rights are usually political and economic rights, like the right to food, education and so on. Similarly the protection of the Environment has been integral to the cultural and religious ethos of most of the human communities. Nature has been venerated by ancient Hindus, Greeks, Native Americans and other religions around the world. They worshipped all forms of nature believing that it emanated the spirit of god. Hinduism declared in its dictum that the Earth is our mother and we are all her children." The ancient Greeks worshipped Gaea or the Earth Goddess. Islamic law regard man as having inherited "all the resources of life and nature" and having certain religious duties to God in using them. In the Judeo – Christian tradition, God gave the earth to his people and their offspring as an everlasting possession, to be cared for and passed on to each generation. Stockholm Declaration adopted by the International Conference on Human Environment in June, 1972 to which India was a party is called the „Magna Carta“ of Environment. After this Conference, there have been a number of important international conferences & declarations on the specific problems of environment. Like second United Nations conference on Human Settlements (HABITAT –II) 1996, Nairobi declaration, Vienna convention for the protection of Ozone Layer 1985, Basel Convention on the

control of Transboundary Movements of Hazardous Wastes and Other disposal 1989, United Nations Conference on Environment and development (UNCED) known as Earth summit 1992, RIO declaration on Environment and development, climate change Convention 1992, convention on Biological Diversity 1992.

Enviro-Human Right

The normative abundance of international environment law appears to be quite considerable still the desideratum of human right approach to ecological sustainability and planetary viability among municipal legislatures are well discernable and documented. The prolixity of national enactments on environment mostly gravitate around technocentric approaches where in the inherent tendency of looking at environment from technological and developmental paradigm dominates over the scene. In contrast to it ethnocentric approach i.e., „all human being have the fundamental right to an environmental adequate for their health and well being“ has either suffered a serious setback or not brought to fruition environmental legal ordering. While, entering into the third generation of human right, It is nothing but imperative to grapple the complementarity of economic growth and environmental sustainability in human right discourse. This becomes germane on the matrix of complexity of poverty, population, depleting resources, food, insecurity, energy, crisis, urban gloom, industrial catastrophe and other related problems. Because of marine pollution eutrophication of lakes, denudation of forests, soil acidification, acid raining global climate change, ozone hole, extinction of tropical rain forests in the next millennium the rapid depletion of



natural resources will culminate into some planetary catastrophe or irreversible character. Therefore, it is important to understand the extent to which environmental warfare is linked to overall tactics of high technology counter insurgency warfare carried on against people to the land itself. Just as counter insurgency warfare tends towards genocide with respect to people, so it tends towards ecocide with respect to environment. In such a deseperating atmosphere it is high time to come out of traditional doctrinaire limits to the domain of pragmatic discourse so that global and national careful „public ordering“ of ecological sustainability can be seriously undertaken. This goes without saying that a resilient legal regime always endeavors for development with social and human face. Under this legitimate presumption the ontological status of environmental law both international and national level summons for a close scrutiny from human right perspective. In the context of theoretical and conceptual postulates of human right approaches to environmental protection the present paper scans the imperatives and viabilities of nascent enviro-human right jurisprudence in Indian perspective. This remains say able at this juncture that enlightened opinion making of NGO community along with judicial articulation led to the proliferation of human right jurisprudence to appraise the promise and pitfalls of human right approach ad submits for the exploration of traditional environmentalism and indigenious human right ingrained in the historical roots of the country.

Human Right to Environment: Judicial

This national extension to right to life was recognized even without specific reference to actual and specific violations

of fundamental right. A critical survey to catena of cases exhibits two broad tendencies. The first approach seems heavily concerned with perillous consequences of environmental pollution and immediate threat to sustenance and survival. Whereas the second approach strives to enhance the quality of environment health and sanitation safety and security from hazardous process, ecological balance, preservation of ecosystem and bio-diversity. Sustainable development and inter-generational equity. This often resulted in the closure of environmentally malign industries such as time stone and stone quarrying in Doon and Saproon valleys, tanneries at Kanpur, Vellore and Calcutta, hazardous industries in Delhi Rajasthan and elsewhere, banning of aqua culture, prawn framing and other. Most often than not the Supreme court and High Courts have recognized these rights without an attendant fundamental right by issuing set of directives under their writ jurisdictions under article 32 and 226 of the constitution respectively. In Dehradun Quarrying case where the illegal limestone mining in the Mussorie-Dehradun region was devastating the fragile ecosystems, the supreme court in an activist tone and tenor held: We are not oblivious of the fact that natural resources has got to be for the purposes of social development but one can not forget at the same time the tapping of resources have to be done with requisite attention and care so that ecologically and environment may not be affected in any serious way... it has always to be remembered that these are permanent assets of mankind are not intended to be exhausted on the generation. The Supreme Court passed at least five comprehensive interim orders recognizing right to ecological balance as



fundamental right. But none of these orders, articulate the actual fundamental right infringed in spite of the copious reference to articles 21 and 32 of the constitution. Since the exercise of jurisdiction under article 32 presupposes the violation of the fundamental right, it becomes necessary to reasonable. Drive the fundamental right that the supreme court had in view when it used orders. This reasoning finds a peripheral mention in justice K.N. Singh's concluding observation justifying the closures of polluting tanneries in Ganga Pollution (Tanneries) case: We are conscious that closure of tanneries may bring unemployed, loss of revenue, but life, health and ecology have greater importance to the people .

Dealing with the environment ramification of haphazard urban planning the Andhra Pradesh High Court construed the right to ecological balance as under:

It would be reasonable to hold that the enjoyment and fulfillment guaranteed by art 21 of the constitution embraces the protection and preservation of nature's gifts without (which) life can not be enjoyed. There can be no reason why practice of violent extinguishment of life alone should be regarded a violence of article of 21 of the constitution. The slow poisoning by the polluted atmosphere caused by environmental pollution and spoliation should be regarded as amounting to violation of art 21 of the constitution.

The Human Right to decent environment was recognized on Ratlam Municipality case where neither the writ jurisdiction was involved nor any branch of fundamental right was alleged. While hearing a appeal under special leave

petition from the municipality against High Court's approval of magisterial order under section 133 CrPC to remove fibth, menacing state of public health, malodorous fluids from the discharge of alcohol plant, breeding of mosquitoes, snakes and scorpions, the supreme court speaking through Justice Krishna Iyer in an unmistakable terms developed an alternative ratio: A responsible municipal council constituted for the precise purpose of preserving health and providing better facilities can not run away from its principal duty, by pleading the financial inability. Decency and dignity are non-negotiable facts of human right and are a first charge on local self governing bodies. The judgments invigorated fresh stamina into the seemingly dull legislation of public nuisance having wider ramifications in controlling enviro health derogation at grass root level. None the less it is quite astonishing to note the plea for human right was developed without any specific reference to Articles 21, 48-A and 51A (g). Rather the court preferred to be guided by the notion of social justice and public health. Giving a clarion call to rejuvenate public law glossed with human right values Justice Krishna Iyer further held: There is an urgent needs to focus on ordinary man and a radical change in the hierarchy of values served by civil procedure. The municipality should not come to terms of paramount principle of governance by improving public health provisions. In Bayer India Ltd. V. State of Maharashta, a human habitation proximate to hazardous chemical process was thoughts to be confronted with perilous dimensions of chemical exposure and consequential threat to life. The court formulated the view that: Nothing can be more fundamental than the issue of public safety and right to life and



where these are infringed upon, the courts will have to act in a general interest of the citizen and not the Government and public bodies.

Another quantum leap in the arena of promotion of enviro-human right is the enforcement of these entitlements not only against state, instrumentality of state, statutory bodies but also to private entities. Cases are not rare where the courts have issued against many major industries in private sector. Even where the cause of environmental harm emanates from a private entity, a writ petition against the state may be successful if the court finds that a designated governmental authorities has not taken sufficient action to protect a healthy environment for the people. In Ganga Pollution (Tanneries) case the Supreme Court issued orders under article 32 of the Constitution to a number of private tanneries although the legal basis for issuing order against private entities was not explained. Under the pretext of lack of time the Supreme Court in Sri Ram case postponed the subtle delineation of applicability of writ jurisdiction against private entities. The position however, firmly crystallized in Consumer Education and Research Centre case. The Supreme Court issued orders against thirty asbestos mines and seventy four asbestos related industries relating to occupational health and safety measures under Art. 32, Justified on the ground of right to life approach the constitutional bench clarified that „even private persons or industries are bound by the direction issued by this court under Article 32’. A concurrent justification for such an approach derived from the judicial obligation underpinned under article 142.

The zealously guarded attitude of the court has not only cut short the want of proof, specific infringement of fundamental right, non-existence of statutory remedies but also given effect to international environmental law to promote enviro-human right. In the absence of specific treaty law commitment, such an approach led to filling of gap of municipal environmental and constitutional statutes with that of international standard. Calcutta Wetland case is a pointer to this effect. Since the court believed that „environmental degradation is a social problem having far reaching ramification on society it is nothing but incumbent on law court to discharge social duty to preserve wetland as per Ramsar Convention This line of thinking has percolated down deeply in numerous recent rulings of Supreme Court .

Conclusion

Placed in nutshell the human right culture has percolated down to Indian human right regime within short period of time. With an active working partnership with an enlightened NGO community, and public spirited movements, sweeping judicial innovations were put forth. This emerging enviro- human right scenario has almost set at naught the paternalistic, authoritarian and repressive legal regimes. In the wake of country’s extinctive ecosystem and endangered bio-diversity the well thought and conscientized judicial intervention left a mark of wisdom in overall planning, policy and legal discourse. Right to healthy environment is also a human right. There is need to create awareness about the promotion and protection of human rights and healthy environment. This can be done through education.



Strategies should be made for creating mass awareness. State can also play an important role in this direction. However, it is seen that legislative and judicial bodies have generally taken the lead in protecting Human Rights. Although, the right to a healthy and clean environment as envisaged under the existing constitutional environmental scheme is adequate in many respect, its adequate and efficacy depends upon the conditional judicial co-operation. It is not appropriate to leave such an important and vital right to judicial vagaries. Therefore, it is imperative that this right finds an express mention in part III of the construction.

Suggestion

[1]. Equating directive principles with fundamental right through a Constitutional amendment.

[2]. Development of a strategy for paying all financial resources displayed in the environmental sector.

[3]. It is necessary to eradicate public environment care system which provides selective care through a multiplicity a scheme and programmes discriminates on the basis of residence (Rural-Urban) in providing for entitlements for environmental care.

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Poverty and Human Rights

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Abstract: *One-third of all human lives end in early death from poverty-related causes. Most of these premature deaths are avoidable through global institutional reforms that would eradicate extreme poverty. Many are also avoidable through global health-system reform that would make medical knowledge freely available as a global public good. Poverty and health have sometimes viewed equity and human rights as a concept with practical application, and relationship between health, equity and human rights has been examined. Examination of the concepts of poverty, equity, and human rights in relation to health and to each other demonstrates that they are closed.*

Keywords: *Human Rights, Poverty, Health, Equity.*

Introduction

Approaches focusing on poverty, equity, or human rights in relation to health have sometimes been viewed as conflicting or competing, and champions of the poverty–health relationship have sometimes viewed equity and human rights concerns as too abstract or insufficiently relevant. In addition, links between health, equity and human rights have not previously been examined rigorously. We explore the concepts of poverty, equity, and human rights in relation to health and to each other, suggesting operational implications and opportunities for effective action by health institutions.

Poverty and Health

Given the strong and pervasive links between poverty and health, a commitment to health necessarily implies a commitment to reducing poverty. For many poor people, the health-damaging effects of economic poverty are compounded by inequality related to sex, racial or ethnic group, disability, HIV infection, or other factors associated with

social position. Thus, efforts that focus exclusively on economic poverty may have limited effectiveness for promoting health.

Equity and Health

Equity is an ethical concept grounded in the principle of distributive justice. Equity in health reflects a concern to reduce unequal opportunities to be healthy associated with membership in less privileged social groups, such as poor people; disenfranchised racial, ethnic or religious groups; women; and rural residents. In operational terms, pursuing equity in health means eliminating health disparities that are systematically associated with underlying social disadvantage or marginalization. An equity framework systematically focuses attention on socially disadvantaged, marginalized, or disenfranchised groups within and between countries, including but not limited to the poor.

Human Rights and Health

Human rights refer to internationally recognized norms



applying equally to all people everywhere in the world. International human rights law is a set of legal standards to which governments have agreed with the purpose of promoting and protecting these rights. International treaties not only prohibit direct violations of human rights but also hold governments responsible for progressively ensuring conditions enabling individuals to realize their rights as fully as possible.

Relationship between Health and Human Rights

The relationship between the concepts of poverty, equity, and human rights in relation to health are many and profound. Both equity and human rights principles dictate striving for equal opportunity for health for groups of people who have historically suffered discrimination or social marginalization. Achieving equal opportunity for health entails not only buffering the health-damaging effects of poverty and marginalization: it requires reducing disparities between populations in the underlying conditions such as education, living standards, and environmental exposures necessary to be healthy. Thus, both human rights and equity perspectives require that health institutions deal with poverty and health not only by providing care to improve the health of the poor but also by helping to alter the conditions that create, exacerbate, and perpetuate poverty and marginalization. Governments are accountable, as parties to human rights treaties, for setting benchmarks and targets towards progressive achievement of full realization of human rights: "progressive realization" requires that they should show movement in good faith towards full realization of all rights.

Poverty is not, in itself, a violation of human rights. However, government action or inaction leading to poverty, or government failure to respond adequately to the conditions that create, exacerbate, and perpetuate poverty and marginalization, often reflect or are closely connected with violations or denials of human rights. For example, lack of access to education, especially primary education, is increasingly recognized both as the denial of a right and as inextricably connected with poverty and ill-health. Education fosters empowerment and participation in informed decisions about health-related behaviours and is therefore key to breaking the poverty and ill-health cycle.

A human rights perspective can provide a universal frame of reference for identifying inequitable conditions. For example, human rights norms assert rights to the living standards that are prerequisites for optimal health, and they prohibit discrimination on the basis of gender, racial or ethnic group, national origin, religion or disability. Particularly where certain groups are systematically excluded from decision-making, human rights standards can play a crucial role in agenda-setting by strengthening consensus about the existence of inequitable health disparities and the need to reduce them.

A human rights perspective removes actions to relieve poverty and ensure equity from the voluntary realms of charity, ethics and solidarity to the domain of law. Furthermore, the internationally recognized human rights mechanisms for legal accountability could be used by the health sector to provide processes and forums for engagement and



to suggest concrete approaches to reducing poverty and health inequity. International human rights instruments thus provide not only a framework but also a legal obligation for policies towards achieving equal opportunity to be healthy, an obligation that necessarily requires consideration of poverty and social disadvantage.

Conclusion

Just as the equity and human rights frameworks can strengthen work focused on poverty, efforts to reduce poverty are essential aspects of fulfilling commitments to equity and human rights. Throughout most of the world, material poverty and its associated disadvantages play a central role in creating, exacerbating, and perpetuating ill-health (34). Equity and human rights perspectives can highlight the responsibility of wealthier countries to seek out the causes and consequences of poverty within and beyond their borders. A commitment to equity or to human rights calls for major action on poverty and health, as an ethical and legal imperative.

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Role of Media in the protection of Human Rights

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Abstract: In India, media especially the print has played an important role in educating and informing citizens of their right as well as the violations of such rights. One cannot forget that the origin of newspapers in India itself lay in challenging the denial of rights. In South India, The Hindu, we are given to understand, constantly attracted the wrath of the then British government, because it drew attention of the readers to the gross violation of people's dignity and rights. In the post- independence India newspapers have constantly attracted the anger of and harassment by the governments for trying to take the truth to the people.

Key Words: Human Rights, race, color, sex, language, religion

Introduction:

Human Rights are commonly understood as those rights which are inherent to all human beings. Every human being is entitled to enjoy his or her human rights without distinction of race, color, sex, language, religion or any other status. These rights are interrelated, interdependent and indivisible. These are created with his berth and destroyed only with the death. Human Rights are legally guaranteed under various human rights laws. This protects individuals and groups against action which interfere with fundamental freedom and human dignity. They are defined in Sec 2 of the protection of human rights act, 1993 as, "the rights relating to life, liberty, equality and dignity of the individual guaranteed under the construction or embodied in the international covenants and enforceable by courts in India". The statements one by Thomas Sawell another by Laura Alber are worth mentioning as an introduction to this

write up. Thomas Sawell says, "When your case is weak, take it to the media instead of to the courts", Laura Alber says, "If O.J. Simpson was guilty, the media was responsible for his acquittal". Both these statements could be true. Media, therefore, is required to be not only responsive but also responsible.

Role of Media:

Media has been entrusted with the responsibility of guarding the rights of the people in a democratic political system. The point towards the pivotal role that media can play in ensuring that the people who make a political system enjoy its positive outcome. However, it's important to come out of visionary discourse of media and critically look at its role and function in our present socio-political context. Founding fathers of our Constitution attached great importance to freedom of speech and expression and freedom of the press. They believed that central to the concept of a free press is a freedom of political opinion and at the core of the freedom lies in the right to



criticize the government, because it is only through free debate and free exchange of ideas that government remains responsive to the will of the people and orderly change is affected.

Media as the Promoter of Human Rights in India:

Since media are the eyes and ears of any democratic society, their existence becomes detrimental to the sustenance of all democratic societies. Unless a society knows what is happening to it and its members, the question of protecting or promoting rights does not emerge. Hence, it is in fulfilling this function that media justifies its existence.

No doubt in India, media especially the print, has played an important role in educating and informing citizens of their right as well as the violations of such rights. One cannot forget that the origin of newspapers in India itself lay in challenging the denial of rights. In South India, The Hindu, we are given to understand, constantly attracted the wrath of the then British government, because it drew attention of the readers to the gross violation of people's dignity and rights. In the post-independence India to the newspapers have constantly attracted the anger of and harassment by the governments for trying to take the truth to the people. Significant section of the national press has dared to oppose events that have changed the course of history in India – Emergency, Babri Masjid demolition. Murder of Graham Steins and his children, the Godhra carnage and recently Nandigram.

However, one cannot forget that for much of the press, the rights of the Dalits, Women, rural poor, urban poor and workers in the unorganized sector

increasingly remained outside the purview of human rights. Further, only the human rights violations by the state against the middle class became violations of human rights for media.

True Stories of Media Role:

Media has played very important role in our country in ensuring human rights. Some true examples can be quoted here.

Emergency in 1975: Dare Devil journalist like Arun Shorie mounted scathing attack on the scuttling of human rights by imposition of emergency in 1975. People waited with anxiety to buy the Indian Express to read the write ups opposing the emergency. The movement against emergency gained momentum and resulted in restoration of human rights.

Anti- Defamation Bill 1980: An attempt was made by the legislature to suppress arbitrarily on important facet of liberty namely freedom of speech and expression. The Anti Defamation bill was cast in the guise of an attempt to protect the reputation of public figures by preventing the abuse of freedom of speech by their critiques. In reality those bold press persons were doing a commendable job by conveying embarrassing truth to people about the men in public life. It's to be proudly remembered that in this rare occasion the media powerfully articulated latent public outrage. The public pressure forced the withdrawal of the bill.

Public Interest Litigation (Regulation) Bill 1996: The bill attempted to provide for the deposit of an exorbitant amount at the time of filing of the PIL, which shall be forfeited in case the petition is dismissed and the petitioner be put behind bars and pay damages, if the PIL



is filed with mala fide intention. The bill was withdrawn owing to severe criticisms in the press and media.

These are only some examples of the success story of the media in the saga of human rights protection in our country. But there are many more milestones to be achieved by the media by taking up human rights issues of the common man on the street, the depressed, the oppressed, displaced, disorganized exploited, sick out castes, women, children etc., and play a positive role by constructing a new agenda of human rights to be fulfilled by all layers in the construction of India as developed nation.

Conclusion:

Alexander Soizhenitsyn says "we have to condemn the very idea that some people have the right to repress others". To attack a journalist is to target the pursuit of truth and freedom. Media has time and again proved to be an effective instrument in presenting the human rights. It has to be promoted in the right direction. The media also has to play its role more responsibly to realize the goal of establishing a human rights savvy society. I would like to conclude by quoting John Milton, "Give me the liberty to know to utter and to argue freely according to conscience, above all liberties."

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Human Rights and the Environmental Change

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Abstract

All human beings depend on the environment in which we live. A safe, clean, healthy and sustainable environment is integral to the full enjoyment of a wide range of human rights, including the rights to life, health, food, water and sanitation. Without a healthy environment, we are unable to fulfill our aspirations or even live at a level commensurate with minimum standards of human dignity. At the same time, protecting human rights helps to protect the environment. When people are able to learn about, and participate in, the decisions that affect them, they can help to ensure that those decisions respect their need for a sustainable environment.

Keywords: Human Rights, Environment, Health, Safety. Protecting.

Introduction

In recent years, the recognition of the links between human rights and the environment has greatly increased. The number and scope of international and domestic laws, judicial decisions, and academic studies on the relationship between human rights and the environment have grown rapidly. Many States now incorporate a right to a healthy environment in their constitutions. Many questions about the relationship of human rights and the environment remain unresolved, however, and require further examination.

As the world urbanizes and industrializes, and as effects of climate change intensify, environmental crises will increasingly devastate the lives, health, and livelihoods of people around the globe. A lack of legal regulation and enforcement of industrial and artisanal mining, large-scale dams, deforestation, domestic water and sanitation systems, and heavily polluting industries can lead to host of human rights violations. Activists and ordinary citizens defending their rights to land

and the environment may face intimidation, legal harassment and deadly violence. The primary victims of environmental harm are often impoverished and marginalized communities with limited opportunity to meaningfully participate in decision-making and public debate on environmental issues, and have little access to independent courts to achieve accountability and redress.

The Human Rights Implications of Environmental Change

The natural environment provides human beings and the communities in which we live with the resources we need to achieve lives of dignity and well-being – clean air to breathe; clean water to drink; food to eat; fuels for energy; protection from storms, floods, fires and drought; climate regulation and disease control; and places to congregate for aesthetic, recreational and spiritual enjoyment. These environmental endowments—often referred to as ecosystem services—are at once essential to core survival and vital to human flourishing. As the nations of the world declared in The Future We Want,



the outcome document of the 2012 Rio+20 conference, sustainable development requires that we angle toward “harmony with nature.”¹ To achieve this idea, we must balance economic, social and human development with “ecosystem conservation, regeneration and restoration and resilience in the face of new and emerging challenges.

The nature of the linkages between the environment and human rights has been debated for years. However, it has long been recognized that a clean, healthy and functional environment is integral to the enjoyment of human rights, such as the rights to life, health, food and an adequate standard of living. This recognition offers one reason the international community has banded together through multilateral environmental agreements (MEAs) to prohibit illegal trade in wildlife, to preserve biodiversity and marine and terrestrial habitats, to reduce transboundary pollution, and to prevent other behaviors that harm the planet and its residents. In short: Environmental protection protects human rights. At the same time, adherence to human rights—such as those that ensure public access to information and participation in decision making—contributes to more just decisions about the utilization and protection of environmental resources, and protects against the potential for abuse under the auspices of environmental action. Thus, domestic environmental laws and MEAs can both be strengthened through the incorporation of human rights principles, even as they contribute to the ongoing realization of human rights.

Anthropogenic climate change is the largest, most pervasive threat to the natural environment and human rights

of our time. Climate change has already begun to have far-reaching environmental impacts, including many adverse effects on wildlife, natural resources and the ecological processes that support access to clean water, food, and other basic human needs. These impacts, combined with direct harms to people, property, and physical infrastructure, pose a serious threat to the enjoyment and exercise of human rights across the world.³ The mandate to take immediate action to both reduce the greenhouse gas emissions that contribute to global climate change and enact measures that reduce vulnerability and increase resilience to climate change impacts is clear. Yet, certain responses to climate change—including both mitigation and adaptation activities—can also interfere with human rights, as has been the case for a number of hydroelectric and biofuel projects undertaken, in part, to reduce global greenhouse gas emissions. It is critical that as the world endeavors to address the “super wicked” problem of climate change it do so with full respect for human rights.

Effects of Environmental Change on Human Rights

Environmental change poses an enormous threat to the lives and well-being of individuals and communities across the world. predicted climactic changes will adversely affect millions of people and the ecosystems, natural resources, and physical infrastructure upon which they depend. These harmful impacts include sudden-onset events that pose a direct threat to human lives and safety, as well as more gradual forms of environmental degradation that will undermine access to clean water, food,



and other key resources that support human life.

Impacts on Ecosystems and Natural Resources:

Climate change will significantly reduce surface water and groundwater resources in most dry subtropical regions, thus intensifying competition for water among agriculture, ecosystems, settlements, industry, and energy production, and affecting regional water, energy, and food security.

Impacts on Physical Infrastructure and Human Settlements:

Climate-related phenomena such as rising sea levels, coastal storms, heat stress, extreme precipitation, inland and coastal flooding, landslides, drought, increased aridity, water scarcity, and air pollution "will have profound impacts on a broad spectrum of city functions, infrastructures, and services and will interact with and may exacerbate many existing stresses." Urban climate change-related risks are increasing, with widespread negative impacts on people and their health, livelihoods, and assets, as well as local and national economies and ecosystems.³⁰ These risks are amplified for those who live in informal settlements and hazardous areas, which often lack essential infrastructure and adaptive capacity, as well as individuals that are more vulnerable as a result of age, income, disability, or other factors.

Effects of Mitigation And Adaptation on Human Rights

The manner in which governments and other actors respond to the challenges of climate change can also affect the enjoyment of human rights. This is true for actions undertaken to mitigate the greenhouse gas (GHG)

emissions that contribute to climate change.

Mitigation: There are numerous examples of how certain kinds of mitigation projects undertaken to reduce or sequester GHG emissions can adversely affect the rights of certain groups.

Adaptation: Both the failure to adapt and the implementation of adaptation measures can interfere with human rights, particularly for the most vulnerable. One concern is that some adaptation programs, may benefit one group to the detriment of another—as might be the case for coastal fortifications that protect one community while exposing another to greater risk of erosion and/or flooding.

Geo-engineering:

Geo-engineering refers to the deliberate and large-scale manipulation of natural systems through measures aimed at preventing or mitigating the effects of climate change, such as solar radiation management and ocean iron fertilization.

Conclusion

Environmental change and responses to climate change will have a profound effect on the exercise of human rights for millions and perhaps billions of people across the world. This will occur through both direct impacts on humans and settlements, as well as through the degradation of the ecosystems and environmental resources upon which many lives and livelihoods depend. States have obligations to respect, protect, and fulfill human rights, and this includes obligations to mitigate domestic GHG emissions, protect citizens against the harmful effects of climate change, and ensure that responses to climate change do not result in human rights violations.



Although states have taken important steps towards fulfilling these obligations, there is more to be done. In particular, states need to increase their ambition with respect to both climate change mitigation and adaptation, and work cooperatively to ensure the protection of human rights for all citizens across the world.

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