



Environment as a Basic Human Right

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Abstract:

More than 2 million annual deaths and billions of cases of diseases are attributed to pollution. All over the world, people experience the negative effects of environmental degradation ecosystems decline, including water shortage, fisheries depletion, natural disasters due to deforestation and unsafe management and disposal of toxic and dangerous wastes and products. Indigenous peoples suffer directly from the degradation of the ecosystems that they rely upon for their livelihoods. Climate change is exacerbating many of these negative effects of environmental degradation on human health and wellbeing and is also causing new ones, including an increase in extreme weather events and an increase in spread of malaria and other vector born diseases. These facts clearly show the close linkages between the environment and the enjoyment of human rights, and justify an integrated approach to environment and human rights.

Key words: fisheries depletion, natural disasters

Introduction

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. 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. The international community has lined together through multilateral environmental agreements (MEAs) to prohibit illegal trade in wildlife, to preserve biodiversity and marine and terrestrial habitats, to reduce trans boundary 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.

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. (2)

Over the course of the last decade the international community has arrived at a clear consent on all of these issues. Yet, while United Nations agencies and national governments have explicitly acknowledged that climate change and responses to climate change can impair human rights.

The Human Rights Implications of Climate Change

Effects of Climate Change on Human Rights

Climate change poses an enormous threat to the lives and well-being of individuals and communities across the world. The Intergovernmental Panel on Climate Change (IPCC)'s Fifth Assessment Report (AR5) provides a detailed picture of how the observed and predicted climatic changes will adversely affect millions of people and the

ecosystems, natural resources, and physical infrastructure upon which they depend. (3)

Climate change will have a profound effect on the enjoyment of human rights for billions of people. This is not merely an abstract, future possibility. Climate change is already contributing to drought, ecosystem degradation, and food shortages across the world.(4) Some regions are hit harder than others, with more clearly attributable linkages to climate change—for example, sea level rise has adversely affected the safety and livelihoods of many coastal inhabitants,(5) and rising temperatures are causing significant changes in the Arctic ecosystems that support many indigenous communities(6).

Impacts on Ecosystems and Natural Resources

Freshwater Resources

According to IPCC projections, 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(7).

Climate change will also increase the frequency of droughts in presently dry areas. The primary drivers of these projected water shortages and droughts include: (i) reduced rainfall, (ii) reduced snowpack, resulting in less snowmelt supplying rivers and streams; (iii) higher temperatures, which increase evaporation from surface water and soils; and (iv) sea level rise, which contributes



to salt water inundation of freshwater resources.

Affected rights: right to water and sanitation, right to health, right to life, right to food, and right to an adequate standard of living.

Terrestrial Ecosystems

Even under the intermediate emissions scenarios there is a “high risk” that climate change will cause “abrupt and irreversible regional-scale change in the composition, structure, and function of terrestrial and freshwater ecosystems” in this century.

Many plant and animal species have already moved their ranges and changed their behavior in response to observed climate change over recent decades, but many others will be unable to move quickly enough or otherwise adapt to changing climactic conditions.

Affected rights: right to food, right to an adequate standard of living, right to health.

Coastal Systems and Low-lying Areas

Coastal systems and low-lying areas will increasingly experience adverse impacts such as submergence, flooding, erosion, and saltwater intrusion, primarily due to sea level rise.

Affected rights: Right to life, right to health, right to housing, right to an adequate standard of living, right to food, right to water, right to property, right to self-determination.

Ocean Systems

Climate change is altering the physical, chemical, and biological properties of the ocean; scientists have already observed large-scale distribution shifts of species and altered ecosystem

composition as a result of ocean warming e.g., the distribution of many fish and invertebrates have shifted poleward and/or to deeper, cooler waters.(8)

There might be a decrease in species richness at tropical latitudes and an increase of the same in the mid and high latitudes due to spatial shift of marine species.

Affected rights: right to food, right to an adequate standard of living, right to health

Food Security and Production Systems

The effects of climate change on crop and terrestrial food production are already evident in several regions of the world.

Climate change can result in extreme weather conditions like storms and flooding which impact food production and also the productivity of fisheries.

Impacts on Livelihoods, Health, and Security

Livelihoods and Poverty: Climate-related hazards, including gradual changes and extreme weather events, will affect peoples’ livelihoods directly through impacts such as losses in crop yields; the destruction of natural resources, homes, and properties; and displacement. They will also have indirect effects on livelihoods by exacerbating other stressors—for example, climate change can contribute to: (i) increases in the prices of food, energy, and other critical commodities; (ii) political instability and large-scale conflict; and (iii) individual and household-level disturbances.(9)

Affected rights: right to an adequate standard of living, right to health, right



to life, right to food, right to water, right to property.

Human Health:

In some regions, the combined effects of higher average temperatures and higher humidity will also create significant health risks especially those regions that already exceed the international standard for safe work activity during the hottest months of the year. Although there may be some positive health impacts, these will be increasingly outweighed by the magnitude and severity of negative health effects.

Affected rights: right to health, right to life.

Human Security

Climate change will threaten human security(10) by increasing the scarcity of key resources (e.g., water, food, land, and other natural resources), undermining livelihoods, compromising culture and identity, increasing displacement and migration, and challenging the ability of states to provide the conditions necessary for human security. Each of these impacts can directly affect human security, and can also contribute to political instability and violent conflict (11).

Affected rights: right to food, right to health, right to life, right to an adequate standard of living.

Discussion:

What all the actual and potential alternatives described above demonstrate is that Indian society, as indeed all countries of the world, need to move towards an integration of deep ecological sensitivity and human values, rights and responsibilities. Such integration will have to inform our choice of human

welfare and development strategies, and of economic and technological systems.

Decentralized decision-making, access to information, respect for communitybased and individual knowledge, recognition of the rights of other species, searching for local solutions to local problems, and educational systems that build ecological and human sensitivity...these are some of the major elements of a sustainable future for the human species.

The recognition of environment as a fundamental human right is one cornerstone of a strategy to reach towards such a future. We can all do our bits in making this happen. As students and young persons, you have a number of opportunities to act. For instance:

1. Investigate and study, or simply observe as keenly as possible, the status of the environment around you. Notice anything amiss. Talk about this with people in the society. Find out what action you can take.
2. Conduct a special study on critical environmental issues around you. Such a study could be used by the local authorities, or by some local NGOs and/or the local communities, to help them tackle the problem.
3. Form an environmental forum or club in your educational institution, and/or in your neighbourhood, so that you are not alone in taking up the relevant activities.
4. Obtain essential readings on environment (such as the ones listed in this Dossier), so that people have access to them in the library. If you have permission, you could even set up a special environment section.



5. Whatever you learn, make sure you spread it widely...through talking to others, through a bulletin board, through the school/college magazine, through columns meant for young people in local newspapers, through the internet, and whatever other means you find.

6. Volunteer in the environmental & human right organizations.(12)

Conclusion

Decentralized decision-making, access to information, respect for communitybased and individual knowledge, recognition of the rights of other species, searching for local solutions to local problems, and educational systems that build ecological and human sensitivity...these are some of the major elements of a sustainable future for the human species. We continue to fail to protect and conserve our environment in many respects, often with direct consequences for the enjoyment of human rights, despite great progress in some areas.

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7. IPCC (2014), *supra* note 4, at 232.

8. There is not yet consensus on whether climate change will affect the severity of extratropical cyclones. *Id.* at 368.

9. Studies have found an increase in gender-based violence within households following climate-related disasters as well as slow-onset climate events, owing to greater stress and tension, loss and grief, and disrupted safety nets. *Id.* at 809.

10. In the IPCC report, "human security" is defined as "a condition that exists when the vital core of human lives is protected, and when people have the freedom and capacity to live with dignity." *Id.* at 759.

11. In a report on Syria, the former Special Rapporteur on the Right to Food described how severe



droughts, exacerbated by climactic changes in the region, led to crop failures and food shortages, thus undermining the right to food. Olivier De Schutter, Special Rapporteur on the Right to Food, Addendum, Mission to the Syrian Arab Republic, U.N. Doc. A/HRC/16/49/Add.2 (Jan. 27, 2011). Since then, the drought and food shortages have contributed to political instability and violent conflict, resulting in deaths, injuries and displacement of millions of people. See also U.N. Secretary-General, Climate change and its possible security implications: Report of the Secretary-General, UN Doc. A/64/350 (Sept. 11, 2009).

12. Environment and Human Rights
An Introductory Essay and
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Violation of human rights and human rights education

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Abstract:

Human rights are universal, that is, they are the same for all human beings in every country. They are inalienable, indivisible and interdependent, that is, they cannot be taken away – ever; all rights are equally important and they are complementary, for instance the right to participate in government and in free elections depends on freedom of speech. Human trafficking is violation of human rights that occurs throughout the world. It may be solve only for awareness of rights so every person of the country in the world must be learn human rights education.

Key words: justice, tolerance, mutual respect, human dignity

Introduction

Today, human rights are a subject of global concern and the entire humanity needs to be given a positive direction. Human rights have been advocated by several law givers during the course of history. The universal declaration of Human rights was ratified by the General Assembly of the United Nations on the 10th December, 1948. It has secured freedom and dignity of the human society. Human rights are the articulation of the need for justice, tolerance, mutual respect, and human dignity in all of our activity. To protect human rights is to ensure that people receive some degree of decent, humane treatment. Without rights good life is not possible in society. In their absence no one can develop his best self no one can lead richer life. Therefore every modern state guarantees certain rights to its citizens. Human trafficking is violation of human rights that occurs throughout the world. It is a complex and multidimensional phenomenon and requires a multidisciplinary approach. Any analysis of the violation of human rights must take into socio-economic conditions and its poverty levels. It makes human beings, the objects of

financial transactions through the use of force or dishonesty for various purposes, chief among them being, commercial sexual exploitation, exploited labor, begging, forced marriages, adoption, transplantation of human organs, etc. The Government of India has implemented for removing of violation of human rights with several schemes and initiatives in partnership with civil society. So the problems is even today maximum in India, hence ,the paper is analysis violation of rights and human rights education should be need for practicing of rights effectively with the efforts of the Government, civil society organizations, international, bilateral and multilateral agencies, survivors groups, and dedicated individuals.

Research Methodology – In view of the objectives of the study has been followed exploratory research design. It has largely interprets the already available information, and it lays particular emphasis on analysis information and it makes use of secondary data.

Sources of Data – The study is based on secondary data. The data has been collected from various other reports like magazines, journals, published books and



official websites. These are also referred to for the present study.

Evolution of Human Rights - Man, Hammurabi, Moses, Buddha, Jesus Christ, Prophet Mohammed etc are preached the qualities of human beings, human behavior, human emotions etc. Jesus Christ said, "Love the neighbor, forgive the enemy, If you are slapped on one cheek, and offer the other" Buddha did preach the same and advocated ahimsa, respect for life, mercy, friendship and brotherhood. These are the fundamentals to establish an ideal socio-economic structure of the society. Socrates and other Greek thinkers advocated equality before law, equal respect for all and equal freedom of speech. All these rights are incorporated in human rights.

The concept of human rights started taking ground after French and American revolutions. These revolutions occurred owing to suppression of peoples political and civil rights for a long time. Russian revolution brought economic and social rights for the first time on the list of essential rights to be availed of by the individual. The universal declaration of Human rights was ratified by the General Assembly of the United Nations on the 10th December, 1948. It has secured freedom and dignity of the human society in the world.

Constitutional and Legal Support for Human Rights in India - Human rights are enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants human rights, but also empowers the State to adopt measures of positive discrimination in human rights. Within the framework of a democratic polity, our

laws, development policies, Plans and programmes have aimed at development of human rights in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights among the people.

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services.

Violation of human rights

Modern-day trafficking are clearly prohibited under international human rights law. Human rights law also prohibits forced labor, defined by Convention No. 29 concerning forced or compulsory labor of the International Labour Organization. Slavery, servitude, child sexual exploitation, forced marriage, servile forms of marriage, child marriage, enforced prostitution and the exploitation of prostitution are also trafficking-related practices that are prohibited under international human rights law. International human rights have implemented by the nature of a State's obligations and responsibilities. The United Nations General Assembly and the Human Rights Council have repeatedly affirmed that trafficking violates and impairs fundamental human rights, as have many of the international human rights mechanisms.

Causes of Violation of Human Rights

- Lack of human rights education
- Poverty is a primary cause of violation of rights in India.
- low employment prospects
- low regard for women's rights,



- low levels of education,
- discrimination and marginalization of individuals,
- Cultural factors such as dowry issues.
- cheap labor and the lack of governance, which in turn facilitates trafficking in persons
- The large number of migrant labourers in certain regions of India, which increases the demand for commercial sex workers and also for trafficked brides.
- Low income people face dual and simultaneous discrimination on account of both their caste and gender.
- Societal lack of awareness about human trafficking combined with the absence of a strong legal framework.
- Genocide is commonly understood as the intentional extermination of a single racial or religious group. Killing group members, causing them serious bodily or mental harm, imposing measures to prevent birth, or forcibly transferring children are all ways to bring about the destruction of a group. Genocide is often regarded as the most offensive crime against humanity.
- The laws of armed conflict prohibit attacks on civilians and the use of weapons that cause unnecessary suffering or long-term environmental damage.
- Rather than simply killing off whole populations, government forces may carry out programs of torture. Torture can be either physical or psychological, and aims at the humiliation or annihilation of the dignity of the person.
- Torture is used in some cases as a way to carry out interrogations and extract confessions or information. Today, it is increasingly used as a means of suppressing political and ideological dissent, or for punishing political opponents who do not share the ideology of the ruling group.
- Mass groups of people may be denied the right to vote or disqualified from all forms of political participation.
- Political oppression may also take the form of discrimination. When this occurs, basic rights may be denied on the basis of religion, ethnicity, race, or gender. Apartheid, which denies political rights on the basis of race, is perhaps one of the most severe forms of discrimination.

Human rights education

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 the strengthening of respect



for human rights and fundamental freedoms, the full development of the human personality and the sense of its dignity, the promotion of understanding, respect, gender equality, and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups, the enabling of all persons to participate effectively in a free society, 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)

Human rights education improves human rights

-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]." Students of law and international relations or political science are only studied 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.

Peaceful societies through education of rights

- People who do not know their rights are more vulnerable to having them abused. 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.

Rights, Responsibilities, and Action

- Human rights education provides the knowledge and awareness needed to meet this responsibility. The responsibilities of all citizens in a democratic society are inseparable from the responsibility to promote human rights. To flourish, both democracy and human rights require people's active participation. Human rights education includes learning the skills of advocacy – to speak and act every day in the name of human rights.

Peaceful resolution of conflicts and the promotion of social order

- Human rights education also 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.

Promote participation

- Human rights education goal is to help people understand human rights, value human rights, and take responsibility for respecting, defending, and promoting human rights. An important outcome of human rights education is empowerment, a process through which people and communities increase their control of their own lives and the decisions that affect them. The ultimate goal of human rights education is people working together to bring about human rights,



justice, and dignity for all. Human rights promote participation in decision making.

Repeatedly 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 members of the legislature and public officials, elected and appointed, law enforcement personnel, including police and security forces, lawyers, judges, and prosecutors, social workers, health professionals and journalists, women's organizations, minority groups, members of the business community, trade unionists, religious leaders and others with a special interest in social justice issues, 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 etc.

Indian government mechanism for develop human rights education - These institutional mechanisms have existed at National and State level for the promotion and protection of human rights, safeguard the interests of people of India. These are active role for removing of violation of rights. These are

- The National Commission for Women 1992,
- The National Human Rights Commission 1993,
- The National Commission for Protection of Child Rights 2007,

- The Ministry of Women and Child Development has constituted a Central Advisory Committee for Preventing and Combating Trafficking of Women and Children for Commercial Sexual Exploitation,

- Other government departments

Human rights education develops through Government Programmes -

The Government of India is implementing a large number of programmes to protect vulnerable persons, and provide for economic and social rights. Some of these schemes are given below

- Integrated Plan of Action to Prevent and Combat Human Trafficking with special focus on Children and Women in collaboration with other government departments,
- National Plan of Action (NPA) to combat trafficking and commercial sexual exploitation of women and children in 1998, with the objective of mainstreaming and re-integrating women and child victims of commercial sexual exploitation in to the community.
- National Policy for Empowerment of Women, 2001.
- The National Plan of Action for Children, 2005.
- Protocol for Pre-rescue, Rescue and Post-rescue Operations of Child Victims of Trafficking for the Purpose of Commercial Sexual Exploitation. A special protocol developed by MWCD provides guidelines for enforcement agencies and NGOs involved in the rescue of victims.
- Integrated Child Protection Scheme (ICPS) - The Ministry of Women and



Child Development (MWCD) has formulated an umbrella scheme called Integrated Child Protection Scheme (ICPS) with a view to provide a safe and secure environment for the overall development of children who are in need of care and protection as well as children in conflict with law, including children in difficult circumstances. The Scheme aims to improve access to and enhancement in quality of child protection services.

- National Child Labour Project Scheme (NCLP) The Ministry of Labour and Employment is implementing the NCLP, which is a project-based action programme. They are provided with accelerated bridging education, human rights education, pre-vocational training, stipend, mid-day meal, and health care facilities etc. It has been observed that the social and economic status of the marginalized groups, especially those living in areas vulnerable to trafficking, needs to be ameliorated so that they are no longer prey to traffickers.
- Training and Capacity Building MWCD organizes a number of trainings and programmes to prevent combat trafficking and educate human rights. In addition, training programmes for international delegates are also organized. National Institute for Public Cooperation and Child Development NIPCCD has been declared the nodal training agency for SAARC Nations in 2007 and since then has been organizing a series of training and capacity building workshops for stakeholders from SAARC countries.
- The Government of India is implementing a number of poverty

alleviation programmes, which would also reduce vulnerabilities and improve human rights. These programmes include Swarnajayanti Gram Swarozgar Yojana (SGSY), Sampurna Gramin Rozgar Yojana (SGRY), National Rural Employment Guarantee Act (NREGA), mobilization of Self Help Groups (SHGs) and providing skill building training and linkage with micro-credit institutions, vocational training organizations, etc.

- Public Awareness Campaigns - The public awareness campaign should also highlight the penalties and punishment imposed for trafficking. This will serve a dual purpose, firstly by creating awareness of the problem among the vulnerable target group, and the same time awareness of their rights.

Human rights approach through Various Agencies

- Anti human trafficking are practicing effectively through the implementation of human rights with the efforts of the Government, civil society organizations, Nongovernmental organizations, international, bilateral and multilateral agencies, survivors groups, and dedicated individuals. All these agencies should be actively participated in the process. For example, these agencies are Action against Trafficking and Sexual Exploitation of Children, Anyay Rahit Zindagi, Prajwala is an anti-trafficking organization based in Hyderabad, Andhra Pradesh, Prerana, Saarthak, Sanlaap, Shakti Vahini, Save the Children India, Sthree in the Districts of Anantapur and Kadapa, in the State of Andhra Pradesh in South India etc nongovernmental organizations.

The Government and non-governmental actors must consciously ensure and



connect into meaningful child and youth partnership models as it ensures best results for the design and implementation of anti-trafficking programmes for improving human rights.

Recommendations

- Attempts should be made to improve working conditions. Labour standards should be regulated by way minimum wages, improvement in working conditions etc.
- Knowledge of human rights may be safeguarded or protected to the people. So every person must trained by human rights.
- Government must introduced compulsory syllabus of rights for every student.
- Promoting awareness education and action among young people on environment and sustainable development may be possible. So human rights education must be learn every person.
- Counseling services must be implemented strictly by government agencies and NGOs
- Need for supporting international co-operation and networks for human rights education
- Closely shall be linked human rights education activities with the realities of young people, youth work, youth policy and non-formal learning.
- Taking into account the protection of the freedom and security of human rights by activists, educators and officials.
- Raising awareness of the responsibility of states and public

authorities in promoting and supporting human rights education in the formal and non-formal education fields.

- Practice genuine gender equality in all spheres
- Show respect, understanding and appreciation of cultural diversity, particularly towards different national, ethnic, religious, linguistic and other minorities and communities
- Promote democracy, social justice, communal harmony, solidarity and friendship between people and nations
- Sensitization of the law enforcement agencies, judicial officers and specific government officers, specifically through training to be made mandatory for implementation of human rights.
- In response, public authorities must regain control of organized violence. This means a re-establishment of the rule of law.
- Essential for the promotion and achievement of stable and harmonious relations among communities in the society.
- Preparation of a rights based manual in consultation with NGOs for use by both CSW and law enforcing agencies.

Conclusion

Human rights are important because no individual can survive alone and injustices diminish the quality of life at a personal, local and global level. Human rights establish the basic standards



without which people cannot live in dignity. Human rights are held by all persons equally, universally and forever. Human rights are universal, that is, they are the same for all human beings in every country. They are inalienable, indivisible and interdependent, that is, they cannot be taken away – ever; all rights are equally important and they are complementary, for instance the right to participate in government and in free elections depends on freedom of speech. Human trafficking is violation of human rights that occurs throughout the world. It may be solve only for awareness of rights so every person of the country in the world must be learn human rights education. Every department of the central and state government of India has actively; creatively policies implemented with the support of International organizations, Non government organizations and other various agencies, then after improve the human rights among the people.

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World Program for Human Rights Education: A Perspective

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Abstract:

Human Rights Education can empower yourself and others to develop the skills and attitudes that promote equality, dignity and respect in your community, society and worldwide. Human Rights Education declares a commitment to those human rights expressed in the Universal Declaration of Human Rights of 1948, the UN Covenants, and the United States Bill of Rights. It asserts the responsibility to respect, protect, and promote the rights of all people. The World Program is structured in consecutive phases, in order to further focus national human rights education efforts on specific sectors/issues. The first phase focused on human rights education in the primary and secondary school systems. The second phase (2010-2014) focused on human rights education for higher education and on human rights training programs for teachers and educators, civil servants, law enforcement officials and military personnel. The third phase focuses on strengthening the implementation of the first two phases and promoting human rights training for media professionals and journalists.

Keywords: Significance, United Nations Decade, principles and methodologies, Phases of World Program,

Introduction

Human Rights Education can empower yourself and others to develop the skills and attitudes that promote equality, dignity and respect in your community, society and worldwide. Human Rights Education declares a commitment to those human rights expressed in the Universal Declaration of Human Rights of 1948, the UN Covenants, and the United States Bill of Rights. It asserts the responsibility to respect, protect, and promote the rights of all people.

First phase (2005-2009) of the World Program for Human Rights Education:

The first phase (2005-2009) of the World Program for Human Rights Education focused on human rights education in the

primary and secondary school systems. Although the first phase was initially launched for three years (until 2007), the Human Rights Council subsequently decided, in its resolution 6/24 (28 September 2007), to extend it until the end of 2009. Developed by a broad group of education and human rights practitioners from all continents, the **Plan of Action** for the first phase proposed a concrete strategy and practical ideas for implementing human rights education nationally. The Plan of Action was adopted by General Assembly ^[1]. The United Nations Inter-Agency Coordinating Committee on Human Rights Education in the School System (UNIACC) was established in September 2006 to facilitate coordinated United



Nations support to the national implementation of the Plan of Action during the World Program's first phase.

Conclusions and recommendations:

Member States were encouraged to undertake, as a minimum action in the first phase, the first two stages of national implementation of the World Program for Human Rights Education, i.e. a situation analysis (stage one) and the setting of priorities and development of a national implementation strategy (stage two). The majority of Member States have confirmed that they are now, by and large, implementing human rights education programs. Some Governments acknowledge that the World Program has played a role in facilitating progress at the national level. Several countries find it to be an important influence, including Algeria, Jordan and Venezuela (Bolivarian Republic of), which say that it was an important spur to national action. A few countries report activities specifically aimed at promoting the World Program, for instance Côte d'Ivoire held a seminar at the official launch of national activities on the World Program, and Greece reports featuring information about the World Program on the Ministry of Education's website. However, a number of countries report not to have used this international framework as an opportunity to increase implementation of human rights education in their school systems; national action appears to have been occurring somewhat independently of the proclamation of the World Program for Human Rights Education. There continue to be challenges in national implementation. Among the commonly identified gaps are the absence of explicit policies and detailed implementation strategies for human rights education and the lack of

systematic approaches to the production of materials, the training of teachers and the promotion of a learning environment which fosters human rights values.

The decentralization of political structures and/or education provision in a number of countries further complicates the implementation of a centralized model. The Coordinating Committee makes the following recommendations to Governments wishing to take further steps to implement human rights education in the school system: (a) Take stock of national progress as measured against the detailed guidance provided in the plan of action in order to identify gaps, possible strategies and good practice; (b) Review the following issues which have been identified in the present report to see if they are relevant to the national context and require attention: (i) Overall review of the status of human rights education in the primary and secondary school system and development of a comprehensive implementation strategy, taking into consideration the guidance proposed by the plan of action; (ii) And specifically, among other issues, the need for educational policy commitments explicitly referring to the human rights framework; development and implementation of policies on teacher training which make human rights education part of mandatory teacher qualification requirements; review of the national curricula to clarify how and to what extent human rights education is dealt with, including through integration of human rights in other subjects which are assumed to address them; and allocation of funding to human rights education as an identifiable item in the context of national education budgets; (c) Make greater use of the human rights



education materials and tools developed by national, regional and international institutions and organizations within or beyond the context of the World Program, including information technology platforms, as a way of addressing resource issues at the national level such as the lack of funding, education and learning materials and specifically teacher-training materials, and in order to draw inspiration from other national practices; Human Rights Education in Asia-Pacific (d) Take steps to ensure that private education providers are also integrating human rights education into their services; (e) Participate in international and regional initiatives with regard to policy and program development in the area of human rights education. By establishing the open-ended World Program for Human Rights Education, and more recently by launching a new international initiative concerning the development of a United Nations declaration on human rights education and training, the international community has reaffirmed its long-term commitment to pursue human rights education, which was already embodied in many international instruments. Although significant steps have been taken, progress remains uneven when considered from a global perspective.

While the World Program now transitions to its second phase (2010-2014) with a new focus on a variety of different sectors (i.e. higher education, teachers and educators, civil servants, law enforcement officials and military personnel), work on primary and secondary-level education needs to continue. Governments are encouraged to build on existing achievements, consolidate them and exert sustained

efforts to advance human rights education in the school system as a holistic process concerning many areas of action, including educational policies, policy implementation measures, the learning environment, teaching and learning processes and tools and education and professional development of teachers and other education personnel. The plan of action for the first phase of the World Program continues to constitute a significant guidance tool in this area, and the open-ended World Program remains a common collective framework for action as well as a platform for cooperation between Governments and all other relevant stakeholders; its potential, in terms of enhancing national action towards the building of a universal culture of human rights, needs to be further exploited.

Although the first phase of the World Program was initially launched for three years, until 2007, the Human Rights Council subsequently decided, in its resolution 6/24 (28 September 2007), to extend the first phase by two more years until the end of 2009. For ease of reference, OHCHR and UNESCO jointly published the Plan of Action in a booklet, which can be accessed in all six official languages of the United Nations. ^[2] The Coordinating Committee is composed of 12 entities: the Office of the United Nations High Commissioner for Human Rights, the Joint United Nations Program on HIV/AIDS, the United Nations Development Group, the United Nations Development Program, the Department of Public Information, the United Nations Educational, Scientific and Cultural Organization, the United Nations Population Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations



Children's Fund, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and the World Bank. The Council of Europe has participated as an observer. 4. The text of the questionnaire can be consulted. ^[3, 4]

Second phase (2010-2014) of the World Program for Human Rights Education:

The Human Rights Council, in its resolution 12/4 (1 October 2009), decided to focus the World Program's second phase (2010-2014) on human rights education for higher education and on human rights training programs for teachers and educators, civil servants, law enforcement officials and military personnel. This resolution was adopted following the OHCHR consultation on the focus of the second phase of the World Program, as presented in the High Commissioner's report A/HRC/12/36 in accordance with Council resolution 10/3 (25 March 2009). OHCHR, in consultation with UNESCO, elaborated a draft plan of action for the second phase (2010-2014) of the World Program (document A/HRC/15/28). ^[5]

Evaluation of the implementation of the second phase:

The present report is submitted in response to Human Rights Council resolution 27/12, in which the Council requested the Office of the United Nations High Commissioner for Human Rights to submit to it at its thirtieth session an evaluation report on the implementation of the second phase (2010-2014) of the World Program, based on national evaluation reports.

The report provides an overview of action undertaken at the national level, as reported by States, with regard to human rights education in higher education and human rights training for civil servants,

law enforcement officials and the military. It draws conclusions from all the information reviewed and provides recommendations for furthering human rights education and training, building on the progress made during the second phase.

Third phase (2015-2019) of the World Program for Human Rights Education:

The Human Rights Council decided to focus the World Program's third phase (2015-2019) ^[6] on strengthening the implementation of the first two phases and promoting human rights training for media professionals and journalists. This resolution was adopted following the OHCHR consultation on the focus of the third phase, as presented in the High Commissioner's report A/HRC/24/24. OHCHR, in consultation with States, intergovernmental organizations, national human rights institutions and civil society, elaborated a plan of action for the third phase (2015-2019) of the World Program (document A/HRC/27/28).

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Education for human rights

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Abstract:

The University Grants Commission has constituted a high level committee to suggest ways to introduce the study of human rights as a subject at college and university level. The Institution of Higher Education has been advised to hold seminars and workshops to discuss the issue threadbare with a view to make this study on integral part of teaching and research. The reasons for this action of the UGC are not far to seek Human Rights violations have become the order of the day. News papers are replete with reports of such violations taking place frequently. These violations occur not only when political actions are involved, but these also happen in the social and domestic life of peace loving individuals. Even agencies like the police, para-military forces and other such organisations which are supposed to protect the rights of citizens, are at times accused of infringing their basic freedom. Knowledge about human rights can be imparted through education. Education can also empower individuals with the capacity and motivation for action.

Key words: Knowledge, human rights, free thought & expression, work, security

Introduction

Before we suggest steps for human rights education, it is imperative to review briefly the concept of human rights. According to the well known British political philosopher and commentator for Laski, "Rights are those conditions of social life without which no man can seek to be himself at his best." Political analysis have classified rights into four main categories : Natural Rights, Fundamental Rights, Moral Rights and Legal Rights of there the most important are the basic human rights of life, freedom, equality, justice, religion, education, free thought & expression, work, security etc.,

There rights are integral to the ethos of any civilized society. The adoption of the Universal Declaration of Human Rights on 10th December, 1948,

by the General Assembly of United Nations proved to be a Land mark in this direction.

Objectives of Human Rights Education :

The main objects of Human Rights Education can be summarised as under :

- ❖ To impart to the learners the knowledge of human rights and to sensitize them to these rights.
- ❖ To identify curriculum elements where human rights education can be incorporated.
- ❖ To improve the academic environment of educational institutions so that they provide an ideal setting for enhancement of tolerance, respect for rights of others and practice of democratic values.



- ❖ To encourage the development of important strategies of technology.
- ❖ To suggest activities for human rights education at all levels.

Activities:

Education on human rights cannot be really effective unless its theoretical knowledge is synthesized with actual practice. For this purpose a number of activities can be under taken which can help imbibe a sense of human rights and cultivate understanding for others. These activities include debates, lectures, projects, NCC, NSS, adventurous outings, celebration of days related to human rights etc.

Role of Teacher – Educators :

The role of teacher – educators is pivotal in implementing these objectives and carrying out the requisite activities. Moreover, a teacher presents a model to his students. A teacher's personal conduct has far reaching consequences in shaping the ideas, attitudes and behaviour pattern of his pupils.

Conclusion :

With the turmoil that our nation is acting in terms of human relations both at the individual and societal level, human rights education has acquired great significance. However, the aspect of human duties should also not be overlooked, for rights and duties are two sides of the same coin. Stress should be laid on imparting education for human duties and values as well. Modern education should also inculcate in its recipients moral values and virtues it should foster national unity and integrity and a spirit of universal brotherhood.

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The role of teachers in human rights education

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Abstract

Role of the teacher is progressively being broadened from that of the expert who imparts knowledge to one that includes a mentor or guide, one who extends students' deep understandings & facilitates the acquisition of higher order thinking skills & creative problem solving skills – skills that are critical for the development of an innovative culture for tomorrow. Our commitment to secure full and universal enjoyment of the human rights imposes on us a duty to work and struggle for human rights culture. In the establishment of such a human rights culture the role of teachers is undoubtedly illustrious. Teachers occupy a crucial position in the educational process and substantially influence the shaping of the future. The purpose of this paper is to analyze the role of teachers in schools in the Human Rights Education.

Key Words: Human Rights, Teacher, Education

Introduction

"A teacher affects eternity; no one can tell where his / her influence stops" – Henry Adams

The human race has always been witnessing struggles for certain basic rights. Every part of the world has met with suppression & oppression & struggles & resistances against such onslaughts on basic rights & liberties. The expression 'Human Rights' has become popular after the formation of United Nations in 1945. The preamble of the UN Charter reaffirms faith in fundamental human rights. One of the purposes of the United Nations is to achieve international cooperation in promoting & encouraging respect for human rights & for fundamental freedom for all without distinction as to race, sex, language & religion. UN has a duty to

promote universal respect for & observance of human rights. The term 'human rights' denotes all rights which are inherent in our nature & without which we cannot live as human beings. Human rights are those basic, inherent, fundamental, natural & inalienable rights of human beings. They are considered indispensable for dignified human life. The purposes of securing human rights as such are to provide protection to these rights against the abuses of power by state organs; to establish institutions for the promotion of living condition of human beings and for the development of their personality; and at the same time, to provide effective remedial measures for obtaining redress in the event of violation of those rights.



Human Rights Education

The global task of promoting & protecting all human rights & fundamental freedoms so as 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. People's participation is a must in resolving human rights conflicts. This matured participation can be a possibility only with human rights education.

Human Rights Education in Indian Context

Article 51A(1) of Indian Constitution 1950, imposes a duty on all citizens to develop scientific temper , humanism and the spirit of inquiry & reform. The effective discharge of this duty will require HRE to give people enhanced awareness & greater openness. Right to education has also been incorporated. The Constitution mandates the state to direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom & dignity and that childhood and youth are protected against exploitation and against moral & material abandonment. HRE of the children as well as the other people is indispensable to the full realization of the responsibility under this constitutional directive.

Role of Teachers

The teachers relate to administrators, parents, community members, to teachers, other staff and students. In relationship with students, teachers are clearly super ordinate. The

recognition of the power of the teacher is the predominant feature of the relationship between the teacher and the student. The teacher plays the roles of diagnostician & prognostician of student behaviour, planner, initiator & supervisor of classroom learning activities, evaluator, model, counsellor & guide.

Even before we embark on HRE, the teachers should know the rights of children and respect them. As teachers, it is not just what we teach matters, but it is also what we do that matters. Equality, the principle that the best interests of the child shall be the primary consideration in actions concerning children, respect for the views of the child are the general principles of the Convention on the Rights of a Child. Children have right to leisure, play, recreational & cultural activities, apart from civil rights, liberties, right to health, right to family environment & educational right . While devising class room activities, disciplining, and evaluating, the interests of the child shall be borne in mind. 'Student Welfare' shall be the beacon light guiding all actions.

Teachers and human rights education

As indicated earlier, the Indian education system relies heavily on its teachers who are central to the process of teaching and learning. The country has more than five million teachers working at different levels of school education and an equally huge network of teacher education institutions to meet the needs of teacher preparation for the country. The Curriculum Framework prescribed for various teacher preparation programs of the country promotes the inclusion of themes related to various human rights that the teachers are expected to integrate at the school level. For



instance, the 1998 Framework of Teacher Education Curriculum developed by the National Council of Teacher Education (NCTE) is anchored firmly on the view that the teachers themselves should internalize the values of justice, liberty, equality and secularism so that they can interpret them effectively to the students. It strongly believes that the education of teachers should equip them with competencies needed to deal with discrimination, disparities, inequalities, etc. Consequently, it spells out certain competencies, commitments, and performance areas for the teachers to achieve that help them develop a humanistic perspective that is necessary in promoting consciousness towards human rights and their practice inside classroom.

The curriculum planners tried to handle this challenge to a considerable extent by introducing themes on human rights and duties, values and their broad features, perspectives on educational, social, economic and political development in the country, etc. It also addresses issues like secularism, democracy, socialism, social and cultural traditions of India, issues of discrimination, caste, class, gender, religion, and rural-urban stratification in the country with the objective of enabling prospective teachers to understand and internalize the expectations of society from them vis-à-vis their own roles. As the result of the global challenges and the pressures on teacher education programs to prepare teachers to meet these challenges, a more focused attempt in recent past has been made to incorporate issues like human rights, peace education, international education, India's role in non-aligned movement, regional cooperation, South Asian

Association for Regional Cooperation (SAARC), nuclear arms race, disarmament, emerging international economic order, globalization, environmental pollution and conservation and sustainable development, etc. in pre-service teacher education curriculums. These issues now find place in almost all teacher education programs at the primary and secondary levels as well as in the Master in Education courses.

This brief description of teacher education curriculums in India suggests that Indian teachers are expected to be well-equipped with the 3As (Awareness, Analysis and Action) of human rights once they come out of teacher education institutions and have the necessary skills to identify and translate into action the values and concerns related to human rights hidden in the text using the integration approach. But are they actually aware of the human rights issues and equipped to practice human rights in classroom situations? The growing incidence of violation of the rights of children by the teachers themselves in the form of caste/ class/religion-based discrimination, corporal punishment, and even violation of the modesty of children, etc. is a cause of serious concern for all education officials, and calls for some urgent remedial measures. Ironically, hardly any study has been conducted in the country to ascertain the basic awareness level of teachers about human rights, who are supposed to practice them inside their classrooms. Recently, though, some scholars doing doctorate courses show some interest on this very crucial issue. This study is an attempt at measuring the awareness of teachers of various issues and concepts related to human rights.



Conclusion

Teachers need to be prepared through pre-service and continuous in-service teacher education programs on the skills of analyzing the forces that violate the rights of individuals and be trained on relevant pedagogical techniques to utilize multiple models and transactional strategies in their classrooms for effective human rights education. In-service teacher education programs exclusively focused on human rights education and its transactional modalities are urgently required to create necessary awareness and develop skills required by the teachers to ensure human rights education in schools. To sum up, a more aggressive and effective human rights education program is necessary to ensure proper dissemination and education of human rights among teachers; to generate awareness among teachers about the concept and concerns related to human rights; and to equip them with the transactional skills to practice them within the four walls of classroom as well as in out-of school activities.

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The Right to Information Act – An Instrument for Promotion of Public Welfare

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Abstract:

The Right to Information can be regarded as a fundamental human right. It is because lack of access to proper and correct information to the people denies opportunity to develop their potential to the maximum extent and realise their human rights. The right to access information also underpins all other human rights. The role of government in good olden days is confined to only policing i.e., to protect the life and property of its people by maintaining law and order. But, over the course of time, the role of government has been changed from policing to welfare state. Thus, in a welfare state, a government in a country is bound to fulfil the aspirations, ambitions and expectations of its people. Hence, the government is expected to perform wide range of functions and there by accelerate the pace of economic development. Thus, the government is expected to protect the life and property of its people by maintaining the law and order. The government should ensure equitable distribution of income and wealth by providing employment avenues. The government should provide food security and establish the necessary health machinery to its poor people. The government should develop the industry and built up the necessary infrastructure. The government is also expected to provide essential commodities through public distribution system.

Key words: government, public distribution, Right to Information

Introduction:

Sweden is the first country in the World to adopt the Right to Information Act as early as in 1976. Since then, nearly 57 countries have followed Sweden. Since then, nearly 57 countries have followed Sweden. Commonwealth countries like Canada, Australia, and New Zealand have passed laws providing for the right of access to administrative information. However, it has become popular in 2000, when the European Union Charter of Fundamental Rights indoctrinated the "right to freedom of expression and information (Article 11) and right to access documents".¹ In India, Tamil Nadu

was the first state to introduce its Right to Information Act in the year 1996 followed by Goa (1997), Rajasthan (2000), Karnataka (2000), Maharashtra (2000), Delhi (2001), Assam (2001), Madhya Pradesh (2002) and Jammu and Kashmir (2004). At national level the Parliament had enacted the "Right to Information Bill, 2005" and "The Right to Information Act" was notified in the Gazette of India on 21st June, 2005. This new law empowers Indian citizens to seek any accessible information from a public authority and makes the Government and its functionaries more accountable and responsible.



The Right to Information Act (2005):

The Act will be in force throughout India except the state of Jammu and Kashmir. The important features of the Act are:

- All citizens possess the right to information.
- The term information includes any mode of information in any form of record, document, email, circular, press release, contract sample or electronic data etc.
- Rights to information covers inspection of work, document, record and its certified copy and information in form of diskettes, floppies, tapes, video cassettes in any electronic mode or stored information in computer etc.
- Applicant can obtain Information within 30 days from the date of request in a normal case.
- Information can be obtained within 48 hours from time of request, if it is a matter of life or liberty of a person.
- Every public authority is under obligation to provide information on written request or request by electronic means.
- Certain information may be prohibited.
- Restrictions made for third party information appeal against the decision of the Central Information Commission or State Information Commission can be made to an officer who is senior in rank.
- Penalty for refusal to receive an application for information or for not providing information is Rs. 250/- per

day, but the total amount of penalty should not exceed Rs. 25,000/-

- Central Information Commission and State Information Commission are to be constituted by the Central Government and the respective State Governments.
- No Court can entertain any suit, application or other proceedings in respect of any order made under the Act².

The Right to Information can be regarded as a fundamental human right. It is because lack of access to proper and correct information to the people denies opportunity to develop their potential to the maximum extent and realise their human rights. The right to access information also underpins all other human rights. For example, freedom of expression and thought inherently rely on the availability of adequate information to form opinions. The realisation of the right to personal safety also requires that people have sufficient information to protect themselves. Personality development, political affinity, social identity and economic capability of an individual depend on access to information both at individual as well as society level. Hence, denying access to information or keeping information away from public can be regarded as a violation of their rights. This was recognised by the United Nations at its very inception in 1946, when the General Assembly resolved that "Freedom of Information is a fundamental human right and the touchstone for all freedoms to which the United Nations is consecrated".

Access to information is recognised as a right because:



- The Act can be regarded as being inherent to democratic functioning and a pre-condition to good governance and the realisation of all other human rights.
- The Act becomes part of the accepted international obligations of the state. This means that the right to access information attracts the guarantee of protection by the state.
- The Act distances it from being merely an administrative measure by which information is gifted by governments to their people at their discretion since a legally enforceable right cannot be narrowed or ignored at the whim of government.
- The Act creates a duty-holder on the one hand and a beneficiary of a legal entitlement on the other. Non-disclosure of information is therefore a violation and the beneficiary can seek legal remedy.
- The Act signals that information belongs to the public and not government. The idea that everything is secret unless there is a strong reason for releasing it is replaced by the idea that all information is available unless there are strong reasons for denying it. The onus is on the duty-holder to prove its case for refusing to disclose documents.
- The Act sets a higher standard of accountability.
- The Act bestows on citizens, the legal power to attack the legal and institutional impediments to

openness and accountability that still dominate the operations of many governments. It moves the locus of control from the state to the citizen, reinstating the citizen as sovereign.

Thus, the right to information holds within it the right to seek information, as well as the duty to give information, to store, organise, and make it easily available, and to withhold it only when it is proven that this is in the best public interest.

The major objectives of the Act are as follows:

- Greater Transparency in functioning of public authorities.
- Informed citizenry for promotion of partnership between citizens and the government in decision making process.
- Improvement in accountability and performance of the government and
- Reduction in corruption in the Government departments.

All these parameters are critical elements of good governance. Hence, the citizens armed with information obtained through their exercise of right to know, would be able to protect life and liberty as well as secure equity and justice before the law.

Thus, the Right to information (RTI) can be described as a weapon in the hands of the people for promoting participatory development, strengthening democratic governance and facilitating effective delivery of socio-economic services. People, who have access to information and who understand how to make use of the acquired information in



the processes of exercising their political, economic and legal rights become empowered which, in turn, enable them to build their strengths and assets, so as to improve the quality of life⁴.

Right to Information Act in the Promotion of Public Welfare:

The role of government in good olden days is confined to only policing i.e., to protect the life and property of its people by maintaining law and order. But, over the course of time, the role of government has been changed from policing to welfare state. Thus, in a welfare state, a government in a country is bound to fulfil the aspirations, ambitions and expectations of its people. Hence, the government is expected to perform wide range of functions and there by accelerate the pace of economic development. Thus, the government is expected to protect the life and property of its people by maintaining the law and order. The government should ensure equitable distribution of income and wealth by providing employment avenues. The government should provide food security and establish the necessary health machinery to its poor people. The government should develop the industry and built up the necessary infrastructure. The government is also expected to provide essential commodities through public distribution system. Thus, modern governments are implementing various welfare schemes, so as to uplift the standard of living of masses. In order to perform all such functions effectively and efficiently, a good delivery system should be developed by the government and any lapse in such a system will dearly cost the public welfare. Further, in a country like India with a vast population and illiteracy, information relating to various government programmes and schemes

should be known to the public for better utilisation. Hence, Right to Information Act can aptly be regarded as tool in the promotion of public welfare. The following are some important issues which have seen light on account of the information obtained through Right to Information Act⁵.

- RTI Act ensured the workers in getting the entitled wages as per rules of Mahatma Gandhi National Rural Employment Guarantee Scheme. Muster rolls and beneficiary of employment guarantee schemes has exposed corruption and ensured effective delivery of services to the poor who are entitled for wage employment on demand for at least 100 days in a year @ Rs.60 – 80 per day, which means additional income of Rs.6000 – 8000 per year.
- RTI Act helps thousands of Railway pensioners to get their dues. Indian Railway Pensioners Association Bhavnagar Division of Western Railway, over the years, submitted hundreds of representations to GM, Western Railway and DRM, Bhavnagar for payment of interest on arrears due on account of re computation of pension and other retirement benefits as a result of implementation of Supreme Court's Judgment, dated 25-07-1997 in CA No 4174/88 of 1995. However, a request under RTI ACT 2005 was submitted to CPIO Western Railway for disclosing the reasons for not implementing the judgment of the Apex court, things started moving and



ultimately resulted in initiating immediate steps for making payment.

- RTI Act enabled an NRI to beat corruption and get his income tax refund without bribing. After waiting for five years without any reply from the income tax office, 60-year-old Tushar Dalvi, an NRI living in Mumbai, filed an application under the Right to information (RTI) Act and got his refund within a week.

Right to Information Act brought many scams to light in the country through which the Act itself proved as weapon in breaking out the corrupt practices of government machinery and political leaders. The following are some important scams/news brought to the light through right to information⁵.

- The charges of corruption relating to 2G – Spectrum case against the former Telecom Minister Mr. Raja who was arrested brought to the light and investigation is the outcome of information obtained through right to information. The case is related to grant of license in 2G-spectrum to business houses and said to be resulted in revenue loss of the country to the tune of one lakh seventy six thousand seven hundred crores.
- Adarsh Cooperative Society Scam is yet other scam which came in to light through RTI filed by RTI activists. The information revealed the links between politicians and military officials. The 31floor flats building, which had permission for six floors

only, was constructed to house war widows of Kargil. However, the flats were allotted to several politicians, bureaucrats and their relatives. Ashok Chavan the then chief minister of Maharashtra resigned following burst of facts through RTI.

- Misuse of huge amount of money in Common Wealth Games is yet other big scam brought to the light by the RTI. The hiring charge of a single chair was more than the price of at least three to four new chairs. The Government of India had to spend about twenty-six thousand crores of rupees and the exact amount that was really utilized for this purpose is yet to be ascertained. The matter is under investigation and the person at the helm of affairs stands removed.
- RTI is instrumental in tracing the huge Kerosene scam in Odisha. Every year large number of devotees used to gather at Chandrabhaga beach near Sun Temple at Konark as a part of religious celebrations. As the area has lack of access to electricity, the government used to supply kerosene at subsidy price to the devotees through the Food Supplies and Consumer Welfare Department. Even after the area was electrified and no need of supply of kerosene, yet the Department continued to supply the kerosene by wasting lakhs of rupees. RTI Queries by a local activist revealed that this kerosene, instead of supplying to the devotees was



misappropriated. On inspection of the distribution register, it was found that the signatures and thumb impressions were all fake.

- Scam relating to public distribution system in Assam was unearthed by a voluntary organisation through RTI. RTI filed by Krishak Mukti Sangram Samiti an anti-corruption non-governmental organization in 2007, revealed irregularities in the distribution of food meant for people below the poverty line. The allegations of corruption were probed and several government officials arrested.
- Another success story relates Karnataka state where rural masses combined the campaigns for the Right to Information and the Right to Food to fight hunger. Poor villagers have successfully participated in social audits and public hearings to demand that the ration due to them should be allotted to them at correct prices. Following the public hearing, marked improvement took place with regard to quality of food grain supply and correct price.
- Misappropriation of relief funds by officials looking after local branches of Indian Red Cross Society came into light by the RTI application failed by the NGO based in Punjab during 2008. Instead of spending the relief fund for victims of the Kargil war and natural disasters, the officials spent the money for purchasing cars, air-conditioners

and also spent for clearing hotel bills etc. Local courts charged the officials found responsible with fraud and the funds were transferred to the Prime Minister's Relief Fund.

- Overcrowding in UP jails became hard core news in response to an RTI query by national working committee member, NCPRI. The facts revealed that the total number of prisoners lodged in state jails is more than the maximum population of prisoners that each of the jail can support and more than 60% of them are under trials. The honourable Supreme Court issued the notice to the National Crime Records Bureau (NCRB) as well and 'urged it to intervene and direct government to frame a policy to grant bail to prisoners facing trial for offences in which punishment ranges between three and seven years.'

Apart from above facts, under the RTI regime, there is unprecedented transparency in the working of public departments is observed. According to The Transparency International (TI) perceived corruption in India has declined, mainly due to the implementation of the RTI Act. This is evident from corruption reduction score of 3.8 (out of 10) in 2014, compared to 2.99 in 2006, which indicate a decline in corruption to the extent of 27%.

The above cases clearly indicate the importance of Right to Information Act in ventilating various scams and issues. Had there is no Right to Information provision, such issues might have continued still for a long time



causing heavy loss to government exchequer. Apart from those national/state level general issues, there are many cases where individuals benefitted through Right to Information provision. There are instances where individuals also secured posts, positions and promotions challenging in court of law/tribunals through the information secured as per the right bestowed. Hence, the Right to Information Act can be regarded as an instrument in the promotion of public welfare.

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Human Rights Education: Challenges and Suggestions

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Abstract

Human rights education (HRE) has gained increasing support as a tool for promoting social responsibility and global respect for international human rights standards. Many schools and universities include HRE in their curricula in an attempt to foster a sense of global citizenship among students, yet educators still grapple with how to most effectively include human rights in undergraduate programs. In an attempt to provide resources and to promote effective HRE, this article examines the rise of human rights education and analyzes its potential for positive change. In particular, high impact learning practices (such as community partnerships and short-term study abroad trips) and service learning offer tools for effective HRE. The article also considers inherent challenges facing HRE educators, especially within higher education. It argues that the future of HRE requires critical consideration of core human rights values and practices that are often taken for granted. While growing support for HRE has built a solid foundation for undergraduate education, we must critically consider opportunities, challenges, and future possibilities for effective and widely-available human rights education.

Keywords: Human Rights, Education, challenges

Introduction

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

Human Rights Education

A history lesson on the women's suffrage movement, the civil rights movement, or the Holocaust can be a human rights lesson if the teacher encourages students to see universal principles of dignity and equality at stake in these events. An advocacy group's efforts to address hunger in the community through outreach and legislation can become human rights lessons. A shelter's provision of protection to the homeless or victims of domestic violence can also educate both those who offer services and those who need them. Any day care facility, classroom, or nonprofit organization that promotes respect, fairness, and dignity is instilling human rights values, even if they are not identified as such. Efforts to define



human rights education in the 1950s and 60s emphasized cognitive learning for young people in a formal school setting. By the 1970s, most educators had extended the concept to include critical thinking skills and concern or empathy for those who have experienced violation of their rights. However, the focus remained on school-based education for youth with little or no attention to personal responsibility or action to promote and defend rights or effect social change.

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.

Today the most influential document used to determine what qualifies as human rights and how to implement these ideas and rights into everyday life is the Universal Declaration. This declaration was adopted by the General Assembly in 1948, making December 10 annual Human Rights Day ever since. To this day the 30 article compilation is seen as "a common standard of achievement for all peoples and all nations".

Human Rights Education Models

1. Values and awareness: The Values and Awareness Model focuses on transmitting "basic knowledge of human rights issues and to foster its integration into public values" based on its philosophical-historical approach. This model is what people commonly think of when human rights are concerned with the target audience being the general public with topics including global human rights and more cultural based matters.



2. Accountability: The Accountability Model is associated with the legal and political approach to human rights in which the learners which the model targets are already involved via professional roles. The model is incorporated by means of training and networking, covering topics such as court cases, codes of ethics, and how to deal with the media.

3. Transformational: This model of education focuses on the psychological and sociological aspects of human rights. The topics towards which this model is effective are those including vulnerable populations and people with personal experiences affected by the topic, such as women and minorities. The model aims to empower the individual, such as those victims of abuse and trauma. The model is geared towards recognizing the abuse of human rights but is also committed to preventing these abuses.

Challenges

Although service and high-impact learning strategies offer opportunities for effective HRE, educators must face a variety of challenges associated with teaching the subject of international human rights. Inherent obstacles for HRE models that emphasize the ideal of global citizenship, for example, relate to issues of identity and nationalism. In the West, education is closely linked to citizenship and national identity formation; educators often lack the full vocabulary and images necessary for teaching world mindedness (Richardson 2008: 57- 58). Mainstream political philosophers in the English-speaking world have only begun to question the assumption that justice and responsibility apply only within bounded political communities during the last twenty years

(Kahane 2009: 50). John Willinsky (1998) warns that the West's comprehension of the world is directly tied to conquest, and that educators must uncover the global prejudices perpetuated in the classroom. He argues that teachers owe their students some account, if always partial, of what they are taught about the world. Lack of proper value education in school and society we are facing human rights problem.

Violation of human rights is a regular feature by persons in power or persons belonging to the under-world. Police violation of human rights is a recurring phenomenon. Judiciary takes a long time in deciding the cases of human rights violation. Woman and children are abused in every place. Moral and ethical values exist in name only. No practices of values. Materialism is causing the violation of human rights. Enforcement machinery is dilatory and lacks the desired powers. Some problems like lack of knowledge and implications of Human rights, machinery designed to ensure the protection of Human rights is not adequate to tackle large number of personnel and people are unaware of the structure and functions of such machinery. Universities, colleges and other institutions not involved in the education of Human rights. Politicians of whatever political parties they belong do not adhere to Human rights and Duties.

Suggestions

Human Rights education is a difficult and challenging task. Teachers have to create in students a student's a spirit of providing extension education to the people. That is why Kothari Commission (1964-66) has forcefully stated that the destiny of a Nation is shaped in her class rooms. Rights and duties must be pursued simultaneously.



Need of Genuine leadership to support rights of common men. Need of sensitizing police personnel through education and training. Need to inculcate ethical and moral value. Emphasis on Human rights Education in Universities. Need to research and documentation in Human rights. Strive to introducing human rights topics in school education. Conducting seminars on Human Rights with experts. Discussion with opinion leaders in cities. Student's involvement is must.

Conclusion

In 1985, the UGC prepared a blueprint for promotion of Human Rights teaching and research at all levels of education. This blueprint contained proposals for restructuring of existing syllabi, and introduction of new courses and/ or foundation courses in Human Rights. This was for students of all faculties at the under-graduate, graduate and post-graduate levels for both professional and non-professional education. The UGC has been promoting and supporting Human Rights and Duties Education in universities and colleges since the Ninth Plan and the UGC would continue to strengthen this programme in the Tenth Plan, also. The relationship between education, value and human rights has a close relationship. So, values through education can generate consciousness about human rights among student i.e. our future generation.

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Women legal rights and their challenges in India

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Abstract

Presently, Indian women are facing several challenges including violation of Fundamental Rights and Legal Rights. At the policy level, the Indian legal rights are very good but in the process of implementation were very bad. The most of the Indian women's and girls are facing mental and physical violence in the different parts of the country. This article deals with women legal rights and their challenges in India. Most importantly, what are the major challenges have been faced by the women? And what are the major causes for legal rights violations against the women?

Key words: Millennium Summit, women's right, Gender Equality

Introduction

United Nation in its Millennium Summit in 2000 declared 'Gender Equality and ladies Empowerment' collectively among the eight 'Millennium Development Goal' to be achieved by the year 2015. But these goals area unit off from being completed in an exceedingly country like Asian nation. Infect typically ladies in Asian nation area unit bereft of their basic right to dignity also; leave the question of gender parity. The current paper explores the queries central to women's right in Asian nation that's basically patricentric in nature. The article tries to grapple with the few challenges visaged by the ladies in Asian nation just like the dower, feminine foeticide, denial of inheritance rights, sale and trafficking of ladies etc. the target of the paper is to evolve methods to empower ladies uniformly just like the men.

Constitutional and Legal Rights for Women

In India, there are two kinds of women rights are enforced by the law which was based on their protection and empowerment (Constitutional Provisions). The constitutional rights are

those which are provided in the various provisions of the constitution. The legal rights, on the other hand, are those which are provided in the various laws (acts) of the Parliament and the State Legislatures.(Parliamentary Provisions) After Independence uncountable provisions are introduced to enhance the social condition of ladies and to present them a platform wherever they'll utilize their potential for his or her betterment and contribute completely towards the expansion of their country. it's proven fact that the within the gift era position and development of any country relies on the socio-economic position of its girls. The provisions that increased the worth of gift girls will be divided into 2 parts: It's a proven fact that awareness concerning constitutional and Parliamentary provisions to enhance the condition of ladies is lacking. to make sure and unfold the notice of those provisions we'll discuss them intimately. Constitutional provisions to make sure dignity of ladies

Lots of provisions are introduced through constitution to make sure dignity and self relation to the ladies at massive. As mentioned earlier Dr. B. R. Ambedkarⁱ, author of Indian constitution, checks that



those constitutions of Asian country safeguard the social and legal rights of ladies. Please notice below a number of the provisions created in favour of Indian girls, in constitution of India:

1. Article 14:- Article 14 of constitution of India ensures equality before the law or the equal protection of the laws within the territory of India. This is a very important provision which provides equal legal protection to women against any women based crime. This provision also paves way for the introduction of various laws and acts to ensure protection and enforcement of legal rights of women in India.

2. Article 15:- Article 15 of constitution of India ensures that no one should create any sort of discrimination only on the grounds of religion, race, caste, sex or place of birth or any of them within the territory of India. At the time of Independence there was lots of discrimination in India against women which gradually abolished after introduction of article 15. As per article 15(3) of the constitution state has the authority to make any special provision for women and children.

3. Article 16:- Article 16 of constitution of India ensures equal employment opportunity to every citizen of India. As per article 16 there should not be any discrimination in respect of employment opportunity under the State only on grounds of religion, race, caste, sex, descent, and place of birth, residence or any of them. Now we can see women are doing really good work in politics and in corporate sector. Presently they are holding responsible positions in Government and Government run institutions. Let me share few good names from political and corporate field.

These names are Chanda kochhar, Indira nooyi, Sonia Gandhi, Sushma Swaraj and this never ending list goes on.

4. Article 39:- Article 39 of constitution of India ensures the benefit of the directive principles of state policy to the women. Directive principles of state policy mean guiding principles for the framing of laws by the government at state level. Article 39(a) of directive principles of state policy ensures and directs a state to apply policies which focus on men and women have an equal right of adequate means of livelihood and article 39(c) ensures equal pay for equal work for both men and women.

5. Article 42:- Article 42 of constitution of India caste a duty on every employer to ensure just and humane conditions of work and for maternity relief. In reality the position and treatment of women in corporate offices is really bad and in fact they are exploited by their seniors and bosses. In this scenario the provisions of article 42 are very important and now it is duty of employer to provide good working conditions to all the employees.

6. Article 243:- Article 243 of constitution of India ensures reservation of seats in gram panchayat for women. This opportunity of being a part of local level arbitration process has improved the social conditions of women in village areas.

These are few rights which are given by our constitution to the Indian women in order to ensure their dignity and social respect. Further to protect these constitutional rights there are numerous legal steps that have been taken by the



state Governments which we will discuss in detail through this article.

Legal rights for women protection & dignity:

After Independence there was have to be compelled to introduce some statutory laws to confirm safety and protection of girls. Keeping visible this demand, similar to constitutional provisions, numerous parliamentary steps have conjointly been taken by the law of Asian nation so as to confirm dignified life to the Indian ladies. Parliamentary steps suggest that and include the enactment of varied laws and statutory acts to shield the interest and to prevent the crime against women. These acts have tried very helpful towards progress and safety of girls in society. Let Pine Tree State conjointly shares the name of a number of the legislative acts that square measure offered in Asian nation to shield women's rights against harassment. These acts square measure sort of a boon to ladies at giant to shield their dignity in society.

- 1) Dowry Prohibition Act, 1961
- 2) The Protection Of Women From Domestic Violence Act, 2005
- 3) The Commission Of Sati (Prevention) Act, 1987
- 4) The Immoral Traffic Prevention Act, 1956
- 5) Civil Procedure Code, 1973
- 6) Indian Penal Code, 1960
- 7) Hindu Marriage Act, 1955
- 8) Child Marriage Restraint Act, 1929
- 9) The Medical Termination Of Pregnancy Act, 1971
- 10) National Commission Of Women Act, 1990
- 11) The Minimum Wages Act, 1948
- 12) Bonded Labor System Abolition Act,

1976

- 13) The Special Marriage Act, 1954
- 14) Foreign Marriage Act, 1969
- 15) Indian Divorce Act, 1969
- 16) The Indecent Representation of Women Prohibition Act, 1986
- 17) Guardians & Wards Act, 1869
- 18) Equal Remuneration Act, 1976

The above list is not conclusive but inclusive. These acts have given ample provisions to ensure the protection of women rights like minimum wages, protection from domestic violence, right of equal remuneration, prevention from immoral trafficking, prevention from indecent representation of women etc. So there is no doubt that our judiciary and legislature has taken various effective steps to ensure the dignity of women.

Challenges faced by women in India

In everyday, the women have been facing different kinds of harassment in various parts of the country. Even though, the Government of India has enacted several legal provisions for the protection and empowering the women community, but still the ill-treatment of women has been continuing in our society. The most of the women are facing the problems including sexual assault, domestic and family violence, mental and physical harassment. These are the few atrocities are given below related to the women legal rights violations.

1. Girls Child Missing: The idiom "missing women" was for the first time used by Prof. Amartya Sen when he showed that in many developing countries the proportion of women as compared to men in the population is suspiciously low. The lopsided sex ratio in



many states in India is one of the main reasons because of which women, and girls, go 'missing'. The girls from the poor families in India are sold off by the brokers to the men's in particularly in Northern India where the problem of imbalanced sex ratio is very much evident. Apart from these there are cases of women going missing from their marital homes.

2. Dowry related deaths: In India the unusual dowry deaths of the women at their matrimonial home has been increasing at a startling rate. Dowry disputes are quite a serious problem. The National Crime Records Bureau in India in its report had disclosed that in 2012 around 8233 newly wedded brides were killed for dowry². "The role of husband's reaction to dowry brought at the time of marriage on subsequent experience of marital violence. The substantially reduced risk of experiencing physical and sexual violence among women whose husbands were satisfied with the dowry reflects the strong influence of dowry in determining women's position within the household"³. In spite of the fact that Section 498A of the Indian Penal code strongly deals with the person responsible for marital cruelty and has declared taking and giving of dowry as a crime it is still been widely practised in India. Infact 'The Dowry Prohibition Act' has not been adequately put into operation in India. It has been discovered that mostly a number of states neither have a Dowry Prohibition Officers nor do they made it obligatory to keep the record of things given and received.

3. House based violence: In spite of the fact that in India we have 'Protection of Women from Domestic Violence Act 2005', domestic violence still remains a

serious problem. Infact a major scale of violence that a woman is subjected to in India is linked to the domain of domesticity. The reasons for Domestic aggression are primarily ingrained in the patriarchal nature of the Indian society which supports such violence at home. Besides this the problem of alcoholics of husband or desire for endowments or a male child are some of the other factors liable for household brutalities in India. The domestic violence had taken the form of psychological and physical abuse against women like slapping, hitting, public humiliation, etc. In India the 'Dowry Prohibition Act and the Protection of Women from Domestic Violence Act and cruelty under Section 498 A of the Indian Penal Code in 1983'⁴ declares brutality to a woman in her conjugal house a punishable and non bailable offence that can lead to a sentence of up to three years and fine.

4. Child marriage: In India although there exist a law barring the marriages of children at primitive age, but it is still being practised in different parts of India. Child Marriage Act 2006 prohibits child marriage and declares 18 years and 21 years as the marrigable age for the girls and boys. According to the National Population Policy, "over 50% of the girls marry below the age of 18, resulting in a typical reproductive pattern of 'too early, too frequent, too many', resulting in a high IMR⁵." Child marriage takes away from a girl child the innocence of her formative years of life necessary for physical, emotional and psychological development. Spousal violence especially sexual violence perpetrated by husbands has severe effect on the innocent mind and body of the child. Even today in India a number of children's are married off on



the auspicious day of Akas Teej in Rajasthan.

5. Illiteracy: illiteracy is one of the most critical areas of empowerment for women. Although the right to education under Article 21 of the Indian Constitution have made it compulsory for the government to provide free education to everybody, the high rate of women's education is still a distant dream. In spite of the fact that Sarva Shiksha Abhiyan to an extent has been successful in bringing the girl child back to the schools, yet their retention rate in the school is lower as compared to their male counterpart. In fact it has been found that there is a gradual drop out of the girl students as they move up to the higher classes. This is particularly true in the rural areas in India. The main reasons associated with this is that the parents expects girls to look after the siblings while they are at work, working with the parents as seasonal labour during the cultivation period and managing the household work while the parents are at work, the parents take more interest in boys.

6. Physical Harassment at Workplace: The initiative on a discourse on sexual harassment of women at their workplace in India started with Supreme Court's Vishaka guidelines in 1997. However it was the passage of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Bill 2013' that helped in translating these guidelines into concrete rules that are to be implemented. But even today "the issue of sexual harassment has largely been swept under the carpet in India. The provisions have never been successfully invoked because of social taboos still associated with sexual

harassment". In India the women are discriminated against in terms payment of remuneration for their jobs. This is true for both urban as well as rural areas. Women entrepreneurs often have to deal with more complications in getting credits to start their independent business.

7. Rape and violence by the society: In India there has been a significant increase in the numbers of rape cases in the last 10 years. According to National Crime Records Bureau, in 2012, 25000 rape cases were reported¹³. In India in the rural areas, particularly in Northern India, the upper caste people use mass rapes as a strategy to have power over the members of the lower caste groups. The brutal gang rape case in Delhi had led to the passage of a stricter Law i.e. The Criminal Law (Amendment) Act 2013 to deal with the rape cases in India. The communities and societies in India in most of the places are bound up with patriarchal normative universe from which women could hardly get true justice. The religious communities, village communities or the artificial communities like professional bodies are hardly epitome of equality between men and women. Quite often the religious communities have made the life of the women worse by forcing them to adopt conservative practices that are harmful to women.

8. Forced to prostitution & trafficking : Trafficking means import and export of humans for sex business. It is indeed very sad to learn that in India, where women are recognized as Devi and prayed by all Indian's as Devi Shakti, they are also treated as a source of earning by unethical means. Prostitution



is one of the biggest problems in this world which is damaging the women in many ways. In general, the term prostitution means offer of sexual services for earning money. Prostitution is a problem which exists across the world. There are quite a few laws in India in order to prevent the crime of prostitution like Suppression of Immoral Traffic in Women and Girl Act 1956 and Immoral Traffic (Prevention) Act 1956. There are few commissions are made by state Government to save women and specially girls to protect them from this practice.

9. Eve Teasing: It is a general perception that eve teasing is not a big crime like rape or murder and may be because of that we don't take it seriously. But from a women's point of view eve teasing is also a very big crime as this activity does make her feel uncomfortable most of the times. Eve teasing usually involves teasing women, passing comments on women and making vulgar signs (eshare). A woman has to face this kind of irritating behaviour and deal with this on daily basis. She can't even fight back due to fear of disrespect by others as everyone will blame her and say that you must have done something to invite them. In case of eve teasing girl should not remain silent and raise her voice. She should inform her family members and simultaneously file a complaint in the nearest police station. In this case family should also support the women instead of locking her at home.

10. Attacking With Acid: Recently the issue of acid throwing on girls has also become a big issue. There are few types of acids and all are very dangerous for human flash and burn. This acid attack sometimes is so dangerous that

even bones and eyes are also got damaged due to acid. Few victims are forced to leave their education or occupation due to the results of acid throwing. Now a days this has become very easy for people to get these acids and the cases of acid throwing has become very regular in daily life.

The violation of women's elementary rights through physical, mental, emotional, and sexual violence against ladies has become virtually commonplace within the Indian context. Violence against ladies has taken significantly acute forms in circumstances wherever population's area unit already marginalized, like in areas full of armed conflict, areas undergoing mass displacement. Ladies within the social group belts and amongst Dalit populations area unit already vulnerable, and become even a lot of therefore in areas full of conflict. There's thus a pressing want for the judiciary to acknowledge and address the actual kinds of violence levied against ladies United Nations agency area unit 'doubly marginalized' by caste, class, religion, or in things conflict. Customary habitually laws discriminate against ladies, each by denying justice to victims of violence and by dispossessing ladies from their shares in land and property. The variety of laws that defend ladies from discrimination have conjointly either inadequate, or haven't been properly enforced.

Key issues of women legal rights violence

- Rape and sexual assault
- Domestic violence
- Sexual harassment in the workplace and in educational institutions
- Matrimonial disputes, custody, divorce



- Women's property and inheritance rights
- Reproductive and sexual health rights of women/ adolescent girls
- Pre-birth sex-selection and elimination of female foetuses
- Trafficking for commercial sexual exploitation, domestic work, marriage, etc.
- Child marriage
- Child Sexual Abuse
- Witch hunting
- Acid attacks
- 'Honour' based crimes against women/ 'honour killings'
- Equal employment opportunities for women and labour rights.
- Rights of doubly marginalized sections of women like HIV+ women, dalit and tribal women, women prisoners, lesbians, bisexuals, disabled women.
- Any other gender based discrimination/exploitation.

Conclusion

Women square measure one amongst the pillars of the society and it might be terribly tough to imagine society while

References:

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- ¹. Constitution of India, Articles 14-43 and 243.

not the presence of ladies. Currently it's time for all folks to grasp the ability of ladies. Even our judiciary and law-makers has conjointly accepted the very fact that girl's square measure one amongst the foremost vital components of society and their exploitation wouldn't be accepted at any value. There's one oral communication that behind each fortunate man there's a lady. This oral communication is enough to prove that man and ladies each square measure necessary part of society. Ladies plays totally different role in her life that isn't a simple task. Throughout her life she acts as female offspring, wife, sister and mother at totally different stages of life. Thus we have a tendency to should provide them care and respect and perceive their efforts towards welfare of the society at giant. I hope this text can facilitate America to grasp those rights of ladies square measure terribly necessary and Indian law is robust enough to safeguard her from any reasonably harassment and torture.



Right to education for the disabled in India

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Abstract: *The right to education has been internationally recognized as an overarching right: it is a human right in itself and is indispensable for the exercise of other human rights. People with disabilities face specific challenges in the pursuit of their right to education resulting in a reduced access to mainstream education, specific provisions guarantee their right to education and encourage countries to adopt an approach that is inclusive to all, including those with disabilities. Education is the right of every child because it equips him with an ability to meet the challenges of life. The children with disabilities (CWD) need this all the more, to supplement their differential talents so that they can prepare themselves for a useful life. An attempt has been made to examine the policies for educating the children with disabilities in India.*

Keywords: *Human Rights, Education, Disabilities*

Introduction

Persons With Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act 1995 (PWD Act) in India is giving stress on equal rights for all. Integrated Education for Disabled Children has also been introduced. There are mandates in Constitution to provide education to all. The National Policy of Education, 1986; Unnikrishnan Judgement, 1993, Education Ministers' resolve, 1998, Right to Education Bill 2005, Right to Information Act 2005 are all demanding for fulfilling the citizens' right to education and information. India is the largest democracy in the world. According to Census 2001, the total population of India is 1,028,610,328. The total disabled population is 21,906,769, i.e. 2.1 per cent. According to Census 2011, there are 1.2 billion people in the country, out of which, about 833 million people live in rural areas. Census 2011 data on disability has not been announced yet. The UNO observes that 10 per cent of population suffer disability

out of which 120 million people with disabilities are in India.

What is disability?

Disability is difficult to define since it varies in type, form and intensity. Understanding disability will require understanding of these differences. As per the World Health Organization; Disability is an umbrella term, covering impairments, activity limitations, and participation restrictions, impairment is a problem in body function of structure; an activity limitation is difficult being encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations. Thus disability is a complex phenomenon, reflecting an interaction between features of a person's body and features of the society in which he or she lives.

In India, different definitions of disability conditions have been introduced for various purposes,



essentially following the medical model and, as such, they have based on various criteria of ascertaining abnormality or pathologic conditions of persons. In the absence of a conceptual framework based on the social model in the Indian context, no standardisation for evaluating disability across methods has been achieved. In common parlance, different terms such as disabled, handicapped, crippled, physically challenged, are used inter-changeably, indicating noticeably the emphasis on pathologic conditions. In India Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 defined as a person suffering from not less than forty percent of any disability as certified by a medical authority. The disabilities identified are, blindness, low vision, cerebral palsy, leprosy, leprosy cured, hearing impairment, loco motor disability, mental illness and mental retardation as well as multiple disabilities.

Role of the Government

Education is a human right with immense power to transform. Education of children with disabilities (CWD) has been a part of policy developments in India for the past few decades. The policies of the government of India towards the education of children with disabilities have been reflected in the enactments, schemes and through institutions established for various relevant activities.

1. Indian Constitution: The Constitution of India clearly states in the preamble that everyone has the right to equality of status and opportunity. It ensures for all its citizens equality before the law, nondiscrimination and the right to life and liberty. Indian Constitution supports

the right to work, to education and to public assistance in certain cases including disablement. Further, commits to the provision of free and compulsory education for all children up to the age of 14 years. The Constitution has been enacted by the Parliament making education a fundamental right of all children in the age group of 6 - 14 years.

2. Kothari Commission (1964–66): The Kothari Commission officially first addressed issues of access and participation by all. It stressed a common school system open to all children irrespective of caste, creed, community, religion, economic condition and social status. In 1968, the National Education Policy followed the commission's recommendations and suggested the expansion of educational facilities for physically and mentally handicapped children, and the development of an 'integrated programme' enabling handicapped children to study in regular schools.

3. National Policy on Education (NPE) – 1986: The NPE brought the fundamental issue of equality centre stage. The policy clearly focuses on the needs of the children with disabilities. "The objective should be to integrate the physically and mentally handicapped with the general community as equal partners, to prepare them for normal growth and to enable them to face life with courage and confidence.

4. Integrated Education of Disabled Children (IEDC): The Union Ministry of Welfare launched the centrally sponsored scheme of Integrated Education of Disabled Children (IEDC). In 1982, this scheme was transferred over to the then Department of Education of the Ministry of Human Resource Development. The



centrally sponsored scheme of Integrated Education of the Disabled Children provides educational opportunities for the disabled children in common schools, to facilitate their retention in the school system, and also to place in common schools, such children already placed in special schools after they acquire the communication and the daily living skills at the functional level.

5. Plan of Action (POA) – 1992: The POA suggested a pragmatic principle for children with special needs. It postulated that a child with disability who can be educated in a general school should be educated in a general school only and not in a special school. Even those children who are initially admitted to special schools for training in plus curriculum skills should be transferred to general schools once they acquire daily living skills, communication skills and basic academic skills.

6. Rehabilitation Council of India Act (RCI-1992): The Parliament of India enacted the RCI Act, subsequently amended in 2000, to establish a statutory mechanism for monitoring and standardizing courses for the training of 16 categories of professionals required in the field of special education and rehabilitation of persons with disability. Training of special educators and resource teachers that can offer support services to children with disabilities in regular schools is the responsibility of RCI.

7. Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995: The most landmark legislation in the history of special education in India is the Persons with Disabilities (Equal opportunities, protection of rights & full participation)

Act, 1995. This comprehensive Act covers seven disabilities namely blindness, low vision, hearing impaired, loco motor impaired, mental retardation, leprosy cured and mental illness.

9. Project for Integrated Education for the Disabled (PIED): To fulfill the provisions for disabled children the government launched the Project for Integrated Education for the Disabled (PIED). It was a joint venture of MHRD and UNICEF. It states wherever feasible, the education of children with motor handicaps and other mild handicaps will be in common with that of others.

10. District Primary Education Programme (DPEP): DPEP is a scheme launched by the Government of India for the development of elementary education. At present, IED in DPEP is going on in 242 districts of 18 states. In these states, approximately 6.21 lakh children with special needs have been enrolled in regular schools with adequate support services.

11. The Sarva Shiksha Abhiyan (SSA): SSA has been operational since 2000-01 in collaboration with state governments to achieve the goal of Universalisation of Elementary Education. It covers the components under education for children with disability are early detection and identification, functional and formal assessment, education placement, aids and appliances, support services, teacher training, resource support, Individual Educational Plan (IEP), parental training and community mobilization, planning and management, strengthening of special schools, removal of architectural barriers, research, monitoring and evaluation and girls with disability.

12. The RTE Act, 2009: The Right of Children to Free and Compulsory



Education Act, 2009, commonly known as RTE Act, 2009 puts the responsibility of ensuring enrolment, attendance and completion on the government. It tries to safeguard the rights of the children belonging to the disadvantaged groups and the weaker sections, protect them from any kind of discrimination and ensure their completion of elementary education.

13. University Grant Commission: Most Central universities and, at least one State University in each state should have a Department of Disability Studies, which should address all issues relating to persons with disabilities, especially human rights, rehabilitation, education, etc. University Grant Commission (UGC) has mentioned the facilities like to extend facilities of cassette recorders for blind students, to provide facilities to persons with disability, to strictly follow the directions mentioned in PWD Act., to introduce the Department of Disability Studies and to take steps to make the institutions barrier free.

Conclusion

Most important change has to come in our minds, in our thinking and attitude towards the disabled. Other than the government there are more than one million NGOs working in India. Although, not all of them are working in the education sector, a large number still provide educational services to children with disability. These organizations can play a significant role in implementing integrated education because they are widely located in India and can serve both urban and rural school communities. Removing barriers to accessing education and to learning for children with disabilities are prerequisites for the realization of

Education for All. To ensure that all children have access to quality education, education policies and practices must be inclusive of all learners, encourage the full participation of all, and diversity as a resource, rather as an obstacle. Inclusive education will pave the way to prosperity for individuals and for the society.

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Review of the protection of the human rights of women under international law

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Abstract

Attaining equality between women and men and eliminating all forms of discrimination against women are fundamental human rights and United Nations values. Women around the world nevertheless regularly suffer violations of their human rights throughout their lives, and realising women's human rights has not always been a priority. Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination. The United Nations has a long history of addressing women's human rights and much progress has been made in securing women's rights across the world in recent decades. However, important gaps remain and women's realities are constantly changing, with new manifestations of discrimination against them regularly emerging. Some groups of women face additional forms of discrimination based on their age, ethnicity, nationality, religion, health status, marital status, education, disability and socioeconomic status, among other grounds. These intersecting forms of discrimination must be taken into account when developing measures and responses to combat discrimination against women. The main objective of this paper is to analyse the provisions in international human rights law and information on the work of United Nations human rights mechanisms.

Key words: *ethnicity, nationality, religion, health status, marital status, education*

1. Introduction:

Since the founding of the United Nations, equality between men and women has been among the most fundamental guarantees of human rights. Adopted in 1945, the Charter of the United Nations sets out as one of its goals "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women". Furthermore, Article 1 of the Charter stipulates that one of the purposes of the United Nations is to promote respect for human rights and fundamental freedoms "without

distinction as to race, sex, language or religion". This prohibition of discrimination based on sex is repeated in its Articles 13 (mandate of the General Assembly) and 55 (promotion of universal human rights). In 1948, the Universal Declaration of Human Rights was adopted. It, too, proclaimed the equal entitlements of women and men to the rights contained in it, "without distinction of any kind, such as ...sex...." In drafting the Declaration, there was considerable discussion about the use of the term "all men" rather than a gender-neutral term. The Declaration was eventually adopted using the terms "all



human beings" and "everyone" in order to leave no doubt that the Universal Declaration was intended for everyone, men and women alike.

2. International Human Rights Instruments:

After the adoption of the Universal Declaration, the Commission on Human Rights began drafting two human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Together with the Universal Declaration, these make up the International Bill of Human Rights. The provisions of the two Covenants, as well as other human rights treaties, are legally binding on the States that ratify or accede to them. States that ratify these treaties periodically report to bodies of experts, which issue recommendations on the steps required to meet the obligations laid out in the treaties. These treaty-monitoring bodies also provide authoritative interpretations of the treaties and, if States have agreed, they also consider individual complaints of alleged violations.

Both Covenants use the same wording to prohibit discrimination based on, inter alia, sex, as well as to ensure the equal right of men and women to the enjoyment of all rights contained in them. The International Covenant on Civil and Political Rights guarantees, among other rights, the right to life, freedom from torture, freedom from slavery, the right to liberty and security of the person, rights relating to due process in criminal and legal proceedings, equality before the law, freedom of movement, freedom of thought, conscience and religion, freedom of association, rights relating to family life

and children, rights relating to citizenship and political participation, and minority groups' rights to their culture, religion and language. The International Covenant on Economic, Social and Cultural Rights guarantees, for instance, the right to work, the right to form trade unions, rights relating to marriage, maternity and child protection, the right to an adequate standard of living, the right to health, the right to education, and rights relating to culture and science.

In 1967, United Nations Member States adopted the Declaration on the Elimination of Discrimination against Women, which states that discrimination against women is an offence against human dignity and calls on States to "abolish existing laws, customs, regulations and practices which are discriminatory against women, and to establish adequate legal protection for equal rights of men and women". Less than a year later a proposal for a legally binding treaty on women's rights was made. The Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in 1979. Its preamble explains that, despite the existence of other instruments, women still do not enjoy equal rights with men. The Convention articulates the nature and meaning of sex-based discrimination, and lays out State obligations to eliminate discrimination and achieve substantive equality. As with all human rights treaties, only States incur obligations through ratification. However, the Convention articulates State obligations to address not only discriminatory laws, but also practices and customs, and discrimination against women by private actors.



With these general principles as an overarching framework, the specific obligations of States to eliminate discrimination against women in political, social, economic and cultural fields are laid out in 16 substantive articles. The Convention covers both civil and political rights (rights to vote, to participate in public life, to acquire, change or retain one's nationality, equality before the law and freedom of movement) and economic, social and cultural rights (rights to education, work, health and financial credit). The Convention also pays specific attention to particular phenomena such as trafficking, to certain groups of women, for instance rural women, and to specific matters where there are special risks to women's full enjoyment of their human rights, for example marriage and the family. The Convention defines discrimination in its article 1 as "... any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field." Such discrimination encompasses any difference in treatment on the grounds of sex which:

- Intentionally or unintentionally disadvantages women;
- Prevents society as a whole from recognising women's rights in both the private and the public spheres;
- Prevents women from exercising the human rights and

fundamental freedoms to which they are entitled.

The Convention also specifies the different ways in which State parties are to eliminate discrimination, such as through appropriate legislation prohibiting discrimination, ensuring the legal protection of women's rights, refraining from discriminatory actions, protecting women against discrimination by any person, organisation or enterprise, and modifying or abolishing discriminatory legislation, regulations and penal provisions. The Convention foresees that achieving equality may require positive action on the part of the State to improve the status of women. To accelerate women's actual equality in all spheres of life, States are permitted to use temporary special measures for as long as inequalities continue to exist. The Convention thus reaches beyond the narrow concept of formal equality and aims for equality of opportunity and equality of outcome. Temporary special measures are both lawful and necessary to achieve these goals. In principle, these measures should be removed once equal status has been achieved.

Importantly, the Convention adds new, substantive provisions to the other instruments which also deal with equality and non-discrimination. Article 5 establishes that in addition to recognising women's legal equality and promoting their de facto equality, States should also strive to eliminate the social, cultural and traditional patterns that perpetuate harmful gender stereotypes and to create an overall framework in society that promotes the realisation of women's full rights.

The Convention on the Rights of the Child (Art.2) and the Convention on



the Protection of the Rights of All Migrant Workers and Members of Their Families (Art.7) also prohibit discrimination based on sex. The Convention on the Rights of Persons with Disabilities recognises the multiple discrimination that women with disabilities are subjected to, and requires State parties to address this by taking "all appropriate measures to ensure the full development, advancement and empowerment of women" in the enjoyment of their human rights. In its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee on the Elimination of Racial Discrimination, which oversees compliance with the International Convention on the Elimination of All Forms of Racial Discrimination, also recognised the gender dimensions of racial discrimination and said it would "endeavour in its work to take into account gender factors or issues which may be interlinked with racial discrimination." The Committee against Torture, which monitors the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, also regularly addresses issues of violence against women and girls.

3. Regional Instruments:

In addition to international human rights standards, regional human rights treaties, too, include crucial provisions aimed at promoting and protecting women's human rights. The African (Banjul) Charter on Human and Peoples' Rights was adopted in 1981 by the Organisation of African Unity. Its Article 2 prohibits discrimination on any grounds, including sex, in the enjoyment

of the rights guaranteed by the Charter. Article 18 specifically mentions the obligation of African States to "ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions". The Charter's Protocol on the Rights of Women in Africa (Maputo Protocol) was adopted in 2003. The Charter of the Organisation of American States includes a non-discrimination provision in its chapter II, article 3(1), and the American Convention on Human Rights in its article 1. Moreover, in 1994 the Organisation adopted the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Belém do Pará Convention).

The European Convention on Human Rights and Fundamental Freedoms prohibits discrimination on any grounds, including sex, in the enjoyment of rights contained in the Convention (Art. 14). Since 1998 individuals can bring complaints to the European Court of Human Rights based on allegations of violations of the Convention. In 2011 the Council of Europe adopted a new Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). Regional political organisations, including the Association of Southeast Asian Nations, the South Asian Association for Regional Cooperation, the Economic Community of West African States and the Southern African Development Community, have also adopted protocols and resolutions and issued declarations pertaining to women's human rights.

4. Global Commitments:



Women's rights have been at the heart of a series of international conferences that have produced significant political commitments to women's human rights and equality. Starting in 1975, which was also International Women's Year, Mexico City hosted the World Conference on the International Women's Year, which resulted in the World Plan of Action and the designation of 1975–85 as the United Nations Decade for Women. In 1980, another international conference on women was held in Copenhagen and the Convention on the Elimination of All Forms of Discrimination against Women was opened for signature. The third World Conference on Women was held in Nairobi, with the Committee on the Elimination of Discrimination against Women having begun its work in 1982. These three world conferences witnessed extraordinary activism on the part of women from around the world and laid the groundwork for the world conferences in the 1990s to address women's rights, including the Fourth World Conference on Women held in Beijing in 1995. In addition, the rights of women belonging to particular groups, such as older women, ethnic minority women or women with disabilities, have been also addressed in various other international policy documents such as the International Plans of Action on Ageing (Vienna, 1982 and Madrid, 2002), the Durban Declaration and Programme of Action (2001) and the World Programme of Action concerning Disabled Persons (1982).

5. Vienna Declaration and Programme of Action:

In 1993, the World Conference on Human Rights was held in Vienna. It

sought to review the status of the human rights machinery in place at the time. Women's rights activists mobilised to ensure that woman's human rights were fully on the agenda of the international community under the rallying cry "Women's Rights are Human Rights." Particularly around the issue of violence against women, civil society activists organised tribunals to put the spotlight on violations of women's rights, previously unaddressed because they were considered part of the private sphere, taboo or simply accepted as an inevitable part of women's lives. The Conference was successful in adopting the Vienna Declaration and Programme of Action, which stated that "the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights" (para18) and placed particularly heavy emphasis on eliminating all forms of gender-based violence. Importantly, the Programme of Action also called for "the eradication of any conflicts which may arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism" (para38).

6. International Conference on Population and Development:

The International Conference on Population and Development, which was held in 1994, represented a milestone for women's rights. While the Conference was focused on population issues, the delegates meeting in Cairo agreed that population was not only about demographics but, more importantly, about people. The issues taken up in its Programme of Action are fundamentally related to women's human rights,



including gender equality, the family, reproductive health, birth control and family planning, women's health, as well as immigration and education of women. Importantly, the Programme of Action is explicitly grounded in human rights and proclaims that "advancing gender equality and equity and the empowerment of women, and the elimination of all kinds of violence against women, and ensuring women's ability to control their own fertility, are cornerstones of population and development-related programmes." The Conference was also important for its clear statement of reproductive rights, explaining that these "rest on the recognition of the basic right of all couples and individuals to decide freely and responsibly the number, spacing and timing of their children and to have the information and means to do so, and the right to attain the highest standard of sexual and reproductive health. **and platform for action:**

Adopted during the Fourth World Conference on Women in September 1995, the Beijing Declaration and Platform for Action focused on 12 areas concerning the implementation of women's human rights and set out an agenda for women's empowerment. It builds on the results of the previous three world conferences on women, but is considered a significant achievement in explicitly articulating women's rights as human rights. The Platform for Action includes a series of strategic objectives to eliminate discrimination against women and achieve equality between women and men. It involves political and legal strategies on a global scale based on a human rights framework.

8. The human rights council and its mechanisms:

The Human Rights Council is the main intergovernmental body of the United Nations to promote and protect human rights. With 47 States elected by the General Assembly, the Human Rights Council has regularly held special panels on women's rights and the integration of a gender perspective since its creation in 2006. There are also many resolutions by the Council and its predecessor, the Commission on Human Rights that call on States to implement their obligations relating to women's rights. These discussions and resolutions are important to keep women's rights on the international agenda. The universal periodic review (UPR), a procedure established at the creation of the Council, also presents important opportunities for assessing States' compliance with their international obligations related to the human rights of women. Under this mechanism, the human rights situation in all United Nations Member States is reviewed every four and a half years. Women's rights are among the most frequently raised issues in the UPR recommendations.

Special procedures mandate holders are appointed by the Human Rights Council to examine particular thematic issues or the human rights situation in a certain country. They undertake thematic research, conduct country missions, engage in dialogue with Governments about individual cases or broader structural concerns, engage in advocacy and contribute to the development of international human rights law. Certain special procedures mandates are specifically concerned with women's rights, such as the Special Rapporteur on violence against women,



its causes and consequences, the Special Rapporteur on trafficking in persons, especially women and children, and the Working Group on the issue of discrimination against women in law and in practice. Other mandates have devoted attention to women's rights and gender in their work, particularly in undertaking thematic research on women and specific human rights, ensuring attention to women's rights in their country visits, and communicating with Governments on specific cases of alleged violations of women's human rights. The work of special procedures mandate holders helps to improve understanding of international human rights law, reflecting evolving interpretations to better take account of women's experience and denials of their human rights.

9. Conclusion:

Ensuring women's access to justice requires that women enjoy their right to equality before the law, that procedures are in place to guarantee non-discriminatory access to justice and that women have effective access to remedies when their rights have been violated. Significant progress has been made globally with regard to revising laws that discriminate against women and drafting constitutions that incorporate guarantees of equality and non-discrimination. A legal and constitutional framework which guarantees women's rights at the national level is fundamental for women to access justice. However, discriminatory laws remain an issue in several countries and the implementation of laws even more so. Laws that are seemingly gender-neutral can have discriminatory effects in practice, and laws that guarantee equality between women and men or women's rights may not be applied,

which means they do little for the advancement of women. In addition, women who suffer violence or who work in the informal sector are in many cases not protected by the law. Extending the protection of the law to include sexual and gender-based violence, work in the informal sector and migrant women is essential. The obligation of States to ensure that laws are applied and have an actual impact on women's lives is also important to emphasize.

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Good Governance Is a Human Right – As a Controller of NHRC

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Abstract

“Poverty is the worst form of violence – Mahatma Gandhi “

Human rights are fundamental to the stability and development of countries all around the world. Human right belong to everyone, everywhere, regardless of nationality, sexuality, gender, race, religion, and age. The foundation of human rights is the universal declaration of human rights (UDHR). The 30 articles of the declaration were adopted in 1948 by the United Nations general assembly, and overtime these have been integrated into national laws and international treaties. The core values of the universal declaration of human rights - human dignity, fairness, equality, non-discrimination – apply to everyone, everywhere. The Paper is emphasizes various issues of Human rights and the Role of National Human Rights Commission in India.

Key words: Human Rights, human dignity, fairness, equality, non-discrimination

Introduction:

Human rights are fundamental to the stability and development of countries all around the world. Human right belong to everyone, everywhere, regardless of nationality, sexuality, gender, race, religion, and age. The foundation of human rights is the universal declaration of human rights (UDHR). The 30 articles of the declaration were adopted in 1948 by the United Nations general assembly, and overtime these have been integrated into national laws and international treaties. The core values of the universal declaration of human rights - human dignity, fairness, equality, non-

discrimination – apply to everyone, everywhere.

What are Human Rights

According to Section 2(1) (d) of the protection of human rights Act, “human rights means the rights relating to life , liberty, equality and dignity of the individual guaranteed by the Constitution or embedded in the International Covenants and enforceable by courts in India”. Human rights include all the rights necessary for an individual to lead a life with dignity.

Civil and Political rights such as:

- The right to freedom of expression



- The right to freedom of religion or conscience
- The right to property
- The right to freedom of assembly
- The right to privacy
- The right to vote

Human rights also cover economic and social rights, such as

- The right to an adequate standard of living
- The right to adequate food, housing, water and sanitation
- The rights to have at work
- The right to education.

India at Human Rights :

In India, protection of human rights is a constitutional value and a constitutional goal . In view of the Articles contained in Parts III and IV of the constitution of India, protection of human rights is an obligation of the state. Protection of human rights is also a duty of the citizen in view of the citizens fundamental duty under Article 51A(a), to abide by the constitution and respect its ideals and institutions.

National Human rights Commission:

The National Human rights commission was constituted under the provisions of the Protection of Human Rights Act, 1993. The mandate of the commission is better protection of human rights. The role of the national human rights commission is to motivate and persuade the state to discharge this obligation and the citizen to discharge his duty .

The Commission shall consist of:

- (a) A chairperson who has been a Chief Justice of the Supreme Court,
- (b) One Member who is or has been, a Judge of the Supreme Court,
- (c) One Member who is, or has been , the chief Justice of High Court,
- (d) 2 members to be appointed from amongst persons having knowledge of , or practical experience in , matters relating to human rights.
- (e) The Chairperson of the National Commission for minorities (the National Commission for the Scheduled Caste, the National Commission for the Scheduled Tribes) and the National Commission for Women shall be deemed to be members of the commission for the discharge of functions specified in clauses (b) to (j) of section 12.
- (f) There shall be a secretary-General who shall be the Chief Executive Officer of the Commission and shall exercise such powers discharge such functions of the commission.
- (g) The Head- quarters of the commission shall be at Delhi and the Commission may, with the previous approval of the Central Government, Establish Offices at other places in India.

Functions Of NHRC :



Section 12 of the protection of Human rights act mentions the functions

Include

- (1) inquire, suomotu or on a petition presented to it by a victim or any person on his belief or on a direction or order of any court , into complaint of (i) violation of human rights or abetment thereof; or (ii) negligence in the prevention of such violation , by a public servant.
- (2) Visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or ledged for purpose of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government.
- (3) 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, seminars and other available means.

Right to Good Governance is a human right of a citizen:

Since the Commission is also required to monitor the implementation of whereas programmes and schemes of the government for the welfare of the

people in general and the poor, the marginals section of the society in particular. To enable the commissions Officers and Special Rapporteurs to conduct effective monitoring and make effective evaluation based on definite data and common norms, it was found necessary to provide them up to date knowledge about the contents and details of the programmes , schemes being implemented by the central as well as state governments and also to make available to them specific questionnaires , inspection formats for eliciting necessary information and collecting required data on the schemes not only from the implementing authorities but also from the field workers.

Schemes and Programmes of Government of India:

1. Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)
2. Indira Awas Yojana (IRY)
3. Schemes and Programmes for Protection, Welfare and Development of children
4. Schemes and Programmes for Protection, Development, Empowerment and Welfare of Women.
5. Schemes and Programmes for Welfare of Senior Citizens
6. Schemes and Programmes for Protection, Welfare and Empowerment of Scheduled Caste and Scheduled Tribes
7. Education Schemes and Programmes for Human Resource Development and Empowerment of children.



8. Schemes and Programmes to Ensure Food Security for Vulnerable Groups of People
 9. National Health Mission (NHM)
 10. Rural Drinking Water and Sanitation Programmes
 11. Schemes, Programmes, and Disability Act for Welfare and Rehabilitation of Persons with Disabilities
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Conclusion:

The present status and position of Human rights is very depressing. People are deprived from their basic rights. Rules are violated frequently and the overall picture of in terms of all rights civil, social, economic, political etc., is very gloomy. The accountability for the implementation and control over the rules and laws must be reviewed time to time.

Legislation, Rules and regulations for everything do not always solve problems, the general good of the people is decided by the minimum basic needs and amenities available to them as the absence thereof because a reason for violation of their fundamental and human rights. So proper steps must be taken from all corners to improve the position of human rights.

References:



Consumer Protection in India: Some Issues & Trends

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Abstract

Indian market today is dominated by the consumerism, particularly after a decade from economic reforms process. It is gradually being transformed from a predominantly sellers market to a buyers market where exercised choice by the consumers depends on their awareness level. Consumer rights could be protected in a competitive economy only when right standards for goods and services for which one makes payment are ensured by evolving a network of institutions and legal protection system. Ensuring consumer welfare is the responsibility of the government as every citizen of the country is a consumer in one way or the other. The present paper attempts an analytical, critical and synthetic examination of "consumer protection in India"

Key words: Goods, Consumer, Consumer protection, Unfair Trade Practice.

Introduction

By the nineteenth century consumer came to be used as a counterpoint to the term producer. The nineteenth century view of the consumer has survived in most capitalist democracies. In fact, consumers have a 'secondary relationship' with goods and services, because they are forced to live with and through services and goods that they themselves did not create. Thus, the consumer still remains as a 'marginal group' in today's dominant market economy of the world. India is fast being recognized as a major hub for all consumer and businesses goods. The presence and influence of the market has thus grown dramatically in consumer life. However, the inherent profit motive in mass production and sales also offers the opportunity to many manufacturers and dealers to exploit consumers.

The level of awareness of the consumer can be taken as an indicator of the progress of a country. Be it medicines, electronic goods, Fast Moving Consumer Goods or even services rendered – each of these demand that consumers become aware of their rights. In order to safeguard consumer interest, six consumer rights were initially envisioned by consumer rights activists of the West, namely: Right to Safety, Right to information, Right to Choice, Right to Heard, Right to Redress and Right to Consumer Education. In time, two more important rights were added viz.: Right to Basic Needs and the Right to a Healthy and Sustained environment.

Some of the relevant issues concerning the consumers are: High Prices, High Cost of Distribution, Shoddy or unsafe Products, Product Safety, Harmful and Low benefit Products, Planned Obsolescence, Poor service to



the Disadvantaged. Thus, need was felt to protect consumers from excessive consumerism legally so that they can be protected. Accepting consumer welfare as the responsibility of the government, Consumer Protection Act, 1986, was introduced to protect consumers legally from fraud and deceit during the process of consumerism. A separate Department of Consumer Affairs was also created in the Central and State Governments to exclusively focus on ensuring the rights of consumers as enshrined in the Consumer Protection Act, 1986.

Exploitation of rural consumers.

The rural consumer has been made to endure sub standard products and services, adulterated foods, short weights and measures, spurious and hazardous drugs, exorbitant prices, endemic shortages leading to black marketing and profiteering, unfulfilled manufacturing guarantees and host of other ills. The rural consumers who generally depend on weekly markets to purchase essential things are often cheated due to lack of choice. The rural consumers in India are generally ignorant and they are also unorganized. Thus, they are exploited by the manufacturers, traders and the service providers in different ways. The rural consumers are not only scattered but also diverse and heterogeneous. The manufacturers and the traders take advantage of the condition of the rural consumers is deplorable because that are largely exploited in the rural markets on account of lack of competition among the sellers. The rural consumers face various problems like adulteration, short weighing and measuring, lack of safety and quality control in appliances and equipments, electrical and mechanical, unfair warranties and guarantees,

imitation, sales gimmicks and unreasonable pricing.

Need for education and empowerment

In the emerging scenario it is necessary to protect the rural consumers by educating them about their rights and empowering them to make decisions based on information about the goods and services. Awareness has to be created among the rural consumers. So far the consumer movement has largely been confined to the urban centers, and with the expanding rural markets now the focus has to shift to protect the rural consumer. An integrated approach is needed to empower the rural consumers. As the largest consumer base is in the rural areas, protecting the rural consumer has to be a priority in any strategy to protect the consumers.

Consumer awareness and grievance redressal

Publicity: A major thrust is being given to inform consumers about their rights, the way to get their grievances redressed.

Consumer Protection: Under this component the various consumer are strengthened by providing buildings, computerization, training. In addition help lines would be set up in the States to guide consumers (there is at present only one National Helpline working at Delhi). The Plan activities are also proposed to be complemented by amending the Consumer Protection Act. Non Plan activities: These plan activities would be complemented by non plan activities. The major part on this side would be the use of the Consumer Welfare Fund to support voluntary consumer organizations in activities like comparative testing,



awareness generation, research and consumer assistance.

Growth of rural markets

In recent years rural markets have acquired significance in countries like India and China as the overall growth of the economy has resulted into substantial increase in the purchasing power of the rural community. On account of globalization and liberalization the rural areas are consuming a large quantity of industrial and urban manufacture products. The rural market has been growing steadily since the 1980's and is now bigger than the urban market for both FMCG's and consumer durables. An analysis of the NSS data reveals that 75 percent of the expenditure on manufactured goods is accounted by rural India.

Consumer Protection Act, 1981

The Act aims to ensure right standards for the goods and services for which one makes a payment. The Act defines the consumer as one "who purchases goods and services for his/her use. The user of such goods and service with the permission of the buyer is also a consumer. Hence the Act covers all "product and services."The products are those which are manufactured or produced and sold to consumers through wholesalers and retailers. The services of the nature transport, telephones, electricity, constructions, banking, insurance, medical treatment, education etc. The service also includes those services provided by professionals such as doctors, engineers, architects, lawyers etc. The Act postulates establishment of Central Consumer Protection Council and the State Consumer Protection Council for purpose of spreading consumer awareness. Central Council is

headed by Minister-in-charge of the consumer Affairs in the Central Government and in the State it is the Minister-in-charge of the Consumer Affairs in

the State Government who heads the State Council. A sperate Department of Consumer Affairs was also created in the central and State Governments to exclusively focus on ensuring the rights of consumers as enshrined in the Act.

Consumer redressal forums

To provide cheap, speedy and simple redressal to consumer disputes, quasi-judicial machinery is set up at each District, State and National levels called District Forums, State Consumer Disputes Redressal Commission and National Consumer Disputes Redressal Commission respectively.

Redressal mechanism

There are consumer courts at the District, State and National level. The Consumer Act lays down the type of practices against which consumers can seek relief. These courts have played a very important role in ensuring that the rights of the consumers are protected. Proceedings are summary in nature and endeavor is made to grant relief to the parties in the quickest possible time keeping in mind the sprite of the Act which provides for disposal of the cases with in possible time schedule prescribed under the Act, preferable within 90-150 days. If a consumer in not satisfied by the decision of the District Forum, he can challenge the same before the State Commission and against the order of the State Commission a consumer can come to the National Commission.



The future consumer dilemmas

Future consumers will have to make sense of varied phenomena such as increasingly subliminal advertising, social networks, free-economy and technological as well as scientific advances, because the “haves” of the future will be controlled by digital economies and “have notes”, will be those who are forced to stay offline. We will also witness the rise of ‘consumerism’ to counter citizen-centric priorities; and the rise of brand ocracies, over and above the current sway of bureaucracies. Increasingly the companies, brands and corporations will have to submit to rating according to their ethical, social and environmental credentials rather than their abilities to generate profits. In a provocative and insightful view of how emerging lifestyle and cultural changes are likely to impact on future consumers, a safe and healthy lifestyle can be provided for future consumers, by today’s consumers, policy makers and markets. It is becoming increasingly clear that ‘Green’ lifestyles must combine an access to traditional or cultural knowledge, an understanding of current issues, and use of science and technology. Besides which the core proposition of the product, service and experience these create will simultaneously have to protect the environment and benefit the consumer.

Major recommendations and suggestions

- Strengthening of the existing redressal mechanism to make it more efficient for delivering speedier justice
- Supplement the existing redressal system with an active ADR Mechanism.

- Building a strong consumer information and advisory system.
- Integrate State Consumer Help lines and Consumer Advice Centre to facilitate mediation
- Review of Consumer Protection Act 1986 and take adequate measures to plug loopholes with a view to reduce delays and enhance its reach to new areas of consumer issues.
- National Consumer Protection Agency.
- Information Technology tools for better delivery of service

Conclusion

It may be concluded that even than several laws meant to protect consumers against such unfair trade practices, false and misleading advertisements continue exploit the consumers. If the hour is better laws in keeping with the times, better enforcement, corrective advertisements better self- regulations by industry independent regulator to regulate health and children - related advertisements. Outdated laws, poor enforcement of them are some of the lacunas in order to control advertising. Nature, women, the youth and the rural populations, all need to be accommodated in any planning ahead for a sustainable, healthy and meaningful life for India’s ‘tomorrow’ consumers. However, consumer awareness through consumer education and actions by the government, consumer activists, and associations are needed the most to make consumer protection movement a success in the country. Positively, TV programmes have begun to discuss the problems of consumer protection and consumer’s movement and



a separate cell for consumer protection has been formed in the Ministry of Food and Supplies. Therefore, the domestic products should be of high quality to attract the interest and build the trust of consumers, and the government should enact certain standards for the quality assurance of not only the domestic but also the imported products.”

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Consumer Protection Act - Consumer Rights

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Abstract: Consumer right is the right to have information about the quality, potency, quantity, quantity, purity, price and standard of goods or services. Consumer rights and consumer protection law provides a way for individuals to fight back against abusive business practices. These laws are designed to hold sellers of goods and services accountable when they seek to profit by taking advantage of a consumer's lack of information or bargaining power.

Key words: consumer, Illiteracy, Ignorance, goods, services

Introduction

A consumer is defined as someone who acquires goods or services for direct or ownership rather than for resale or use in production and manufacturing. Consumer interests can also be protected by promoting competition in the markets which directly and indirectly serve consumers, consistent with economic efficiency, but this topic is treated in competition law. Consumer right is the right to have information about the quality, potency, quantity, quantity, purity, price and standard of goods or services. Consumer rights and consumer protection law provides a way for individuals to fight back against abusive business practices. These laws are designed to hold sellers of goods and services accountable when they seek to profit by taking advantage of a consumer's lack of information or bargaining power. Consumer rights laws exist at the federal and state level.

Objectives of the paper:

The major objective of this paper is to analyse the consumer rights under consumer protection act 1986. The other objectives are as stated below:

- To study the importance of consumer and his rights.
- To examine the Consumer Protection Act 1986 and its need to the consumer in order to protect his rights.
- To analyse the various consumer protection councils and consumer dispute redressal agencies.
- To find out the consumer rights under Consumer Protection Act 1986.

Consumer:

Any person who buys any commodity or service or is a user of such commodity or service is known as consumer. If any person buys capital goods to provide services to other individuals, then he is also recognized as consumer. Any person must satisfy two conditions to claim himself as a company:



- The service must have been rendered to him
- He must have paid or promised to pay for the same

The following person is not a consumer:

- If any person buys a commodity with an intention to resale.
- A person who obtains services without consideration.
- A person who obtains services for commercial purpose.

Reasons of which consumer needs protection:

- *Illiteracy and Ignorance:* Consumers in India are mostly illiterate and ignorant. They do not understand their rights. A system is required to protect them from unscrupulous businessmen.
- *Unorganized Consumers:* In India consumers are widely dispersed and are not united. They are at the mercy of businessmen. On the other hand, producers and traders are organized and powerful.
- *Deceptive Advertising:* Some businessmen give misleading information about quality, safety and utility of products. Consumers are misled by false advertisement and do not know the real quality of advertised goods. A mechanism is needed to prevent misleading advertisements.

In general, the consumer rights in India are listed below:

- 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.

If there is infringement of rights of consumer then a complaint can be made under the following circumstances and reported to the close by designed consumer court.

- The goods or services purchased by a person or agreed to be purchased by a person has one or more defects or deficiencies in any respect.
- A trader or a service provider resorts to unfair or restrictive practices of trade.
- A trader if charges a price more than the price displayed on the goods or the price that was agreed upon between the parties or the price that was stipulated under any law that exist.

The UN guidelines have outlined the following eight areas for developing policies for consumer protection:

- Physical safety,
- Promotion and protection of consumers economic interests,
- Standards for safety and quality of consumer goods and services,



- Distribution facilities for essential consumer goods and services,
- Measures enabling consumers to obtain redress,
- Education and information programs,
- Promotion of sustainable consumption and
- Measures relating to specific areas like water, food and pharmaceuticals.

- Safeguard and protect the interest of consumers
- Simplification of procedures for seeking redressal of grievances of patients or their relatives
- Less expensive
- Within a limited time frame

Consumer Protection Act 1986:

Consumer Protection consists of laws and organizations designed to ensure the rights of consumers as well as fair trade competition and the free flow of truthful information in the marketplace. The laws are designed to prevent businesses that engage in fraud or specified unfair practices from gaining an advantage over competitors and may provide additional protection for the weak and those unable to take care of themselves. The organisations that promote consumer protection include government organizations and self-regulating business organizations such as consumer protection agencies and organizations, the Federal Trade Commission, ombudsmen, Better Business Bureaus, etc.

The Consumer Protection Act (CPA) is a benevolent social legislation that lays down the rights of the consumers and also provides means for their promotion and protection. An Act to provide for better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorizes for the settlement of consumers' disputes and for matters connected therewith.

Features:

Consumer Protection Councils:

- The Central Consumer Protection Council: The main aim of this council shall be to promote and protect the rights of the consumers such as
 - The right to be protected against the marketing of goods and services which are hazardous to life and property;
 - The right to be informed about the quality, quantity, potency, purity, standard and price of goods or service, as the case may be so as to protect the consumer against unfair trade practices;
 - The right to be assured, wherever possible, access to a variety of goods and services at competitive prices;
 - The right to education
 - The right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers.
- The State Consumer Protection Councils: The objects of every State Council shall be to promote and protect within the State the right of the consumers laid down in clauses. The State Government shall establish for every district, by notification, a council to be known as the District Consumer Protection Council.

Consumer Dispute Redressal Agencies:



- *District Forum:* The State Government shall establish for every district such council is to be known as District Consumer Protection Council.
- *A Consumer Dispute Redressal Commission at the State Level:* A State Commission has jurisdiction in whole of the State for which it is constituted. The orders of District Forum of that particular State. It is situated in the capital of the state.
- *A National Consumer Dispute Redressal Commission at National Level:* National Commission is on the top hierarchy of Consumer Courts. It is only one for whole India and situated in Delhi the capital of India.
- apply all the relevant information at a suitable place.
- *Right to Choice:* According to this right every consumer has the right to choose the goods or services. The right to choose means an assurance of availability, ability and access to a variety of products and services at competitive price and competitive price means just or fair price. Consumer should be free to choose the most suitable product from his point of view.
- *Right to Representation:* According to this right the consumer has the right to represent him or to be heard or right to advocate his interest. In case a consumer has been exploited or has any complaint against the product or service then he has the right to be heard and be assured that interest would receive due consideration. It includes the right to representation in the government and in other policy making bodies.

Consumer Rights under the Consumer Protection Act 1986, India:

Although businessman is aware of his social responsibilities even then we come across many cases of consumer exploitation. That is why government of India provided following rights to all the consumers under the Consumer Protection Act:

- *Right to Safety:* According to this right the consumers have the right to be protected against the marketing of goods and services which are hazardous to life and property, this right is important for safe and secure life. This right includes concern for consumer's long term interest as well as for their present requirement.
- *Right to Information:* According to this right the consumer has the right to get information about the quality, quantity, purity, standard and price of goods or service so as to protect himself against the abusive and unfair practices. The producer must
- *Right to Seek Redressal:* According to this right the consumer has the right to get compensation or seek redressal against unfair trade practices or any other exploitation. This right assures justice to consumer against exploitation. It includes compensation in the form of money or replacement of goods or repair of defect in the goods as per the satisfaction of consumer.
- *Right to Consumer Education:* According to this right the consumer has the right to acquire the knowledge and skills to be informed to customers. It is easier for literate consumers to know their rights and take actions but this right assures that illiterate consumer can seek information about the existing acts and agencies are set up for their



protection. The government of India has included consumer education in the school curriculum and in various university courses. Government is

also making use of media to make the consumers aware of their rights and make wise use of their money.

Table – 1: Consumer Sentinel Network Complaints, 2001-14

Year	Fraud	Identity Theft	Other	Total
2001	1,37,306	86,250	1,01,963	3,25,519
2002	2,42,783	1,61,977	1,46,862	5,51,622
2003	3,31,366	2,15,240	1,67,051	7,13,657
2004	4,10,298	2,46,909	2,03,176	8,60,383
2005	4,37,585	2,56,687	2,16,042	9,09,314
2006	4,23,672	2,46,214	2,36,243	9,06,129
2007	5,05,563	2,59,314	3,05,570	10,70,447
2008	6,20,832	3,14,587	3,25,705	12,61,124
2009	7,08,781	2,78,360	4,41,836	14,28,977
2010	8,20,072	2,51,074	3,99,160	14,70,306
2011	10,41,228	2,79,193	5,77,804	18,98,225
2012	11,13,298	3,69,143	6,30,420	21,12,861
2013	12,15,503	2,90,099	6,68,961	21,74,563
2014	15,54,860	3,32,646	6,95,345	25,82,851

Source: Consumer Sentinel Network Data Book, 2014

The above table shows the Consumer Sentinel Network Complaints during 2001-14. It discloses information in the form of fraud, identity theft and others. In the year 2001, 1,37,306 complaints of frauds, 86,250 complaints of identity thefts and 1,01,963 other complaints were registered. These

complaints have been increasing every year since 2001. At the end of the year 2014, all kinds of complaints are increased to 25,82,851. It clearly tells us that the number of complaints of consumer has been increasing day by day. It implies that consumers are affected by these frauds and thefts in the society.

Table – 2: Number of Consumer Complaints Filed

Sl. No.	Name of Agency	Cases filed since inception	Cases disposed of since inception	Cases Pending	% of total Disposal
1	National Commission	103419	92231	11188	89.18%
2	State Commission	717645	617210	100435	86.00%
3	District Forums	3745411	3456649	288762	92.29%
	Total	4566475	4166090	400385	91.23%

Table - 2 discloses the total number of consumer complaints filed since inception

under Consumer Protection Law. Agencies are classified into three



categories namely National Commission, State Commission and District Forum. According to the information of National Commission in the 2016, 1,03,419 cases were filed since its inception. Out of it 92,231 cases were disposed and 11,188 cases were under pending. In the case of State Commission and District Forums also the same situation was happened.

Consumer Action Research and Training.

Conclusion:

Very few consumers are fully aware about the rights, responsibilities and Consumer Protection Act. Hence, it is necessary to educate them on their rights and responsibilities as consumers, to make them vigilant, rational and aware buyers. The government has been fruitful in providing protection to the consumers in the real sense of the term and served the purpose of the Act. It is hoped that further improvement in the act would aim at even more efficiency and render the position of the consumers much stronger in this era of globalization and privatization where the sudden unchecked advent of Multi-National Companies has to be balanced with the protection of the rights of the consumers by the legislature and the judiciary.

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Human Rights Education Perspective And Prospects

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Abstract: There was a serious attempt to structure the syllabi, introduction of foundation courses and fresh initiatives in the form of new courses in human rights. In the decade of nineties there was considerable fillip given to this initiative. As part of this endeavour a number of universities and colleges came forward to participate in this programme. There was a slight shift in the emphasis during late nineties when values and duties were added as important components of Human Rights Education (HRE).

Key words: Human Rights Education, community relations, majority-minority conflicts

Introduction

HRE is acquiring greater importance in the changing national and global scenario in the wake of globalization. While it is opening up new possibilities for realization of creative human potential, there are very disturbing trends in the forms of violence including terrorism within and across the Nation States. The Governments are finding it increasingly difficult to cope with the complexity and magnitude of the problems. This new context may give rise to arbitrary exercise of power by organs of the State resulting in legitimacy crisis. The society should have enough of democratic potential where people, particularly the youth, would play a positive role in facing the new challenges. This is possible only when the people, the younger people in particular, in all walks of life are sensitized and humanized so that they will be a part of the solution and not of the problem. HRE can create the necessary moral, intellectual, and democratic resources for this purpose. The ultimate overall vision of building a humane, participatory and democratic society has to be promoted and sustained.

HRE has three dimensions: moral, legal and contextual. The ethical terrain of the human kind lies in its sensitivities and sensibilities which are rooted in the moral potential, which always reminds the people that the world can be a better place than what it is at a given point of time. The standard-setting exercise that international agencies like the UN took up from 1948 with the commencement of Universal Declaration of Human Rights has been an attempt in exploration of the 'moral' dimension of HRE. There was no year after 1948 when the UN did not come up with new fresh standards. Today, there are about one hundred documents in the form of Declarations, Conventions, Covenants and Treaties on human rights. The people all over the world should be enabled to appreciate the deepening of the scope and content of human rights, and their relevance to protect and enlarge human freedoms.

The second dimension of Human Rights Education is the rights that are already guaranteed by the Constitution and legal systems of the country. There have been varied laws enacted to ensure equity and justice. Effective enforcement is possible only when the law reigns



supreme. It is necessary that a 'rule of law' culture is adequately institutionalized. Rule of law is an objective standard that has the potential to mediate the complex web of social interactions and tilt the balance of power in favour of the weak. The law enforcement agencies will have to be a part of this standard maintaining process. HRE should draw the law enforcing personnel more and more into this effort where they become lifelong learners.

The Armed Forces, Police Training Institutions and the other agencies have introduced HRE in their curriculum. This is a welcome change and it needs full support and encouragement. Legal literacy in the form of rights education is essential to ordinary people. It is more so to the marginalized and excluded sections like the Scheduled Castes, Scheduled Tribes, Backward Classes, minorities and women to make them aware of their rights. It would contribute to enhancement of dignity and self-respect of 'downgraded' human beings.

HRE should also focus on the concrete changing context and the growing concerns on how the Nation States are responding to these new challenges and devising the forms through which people can express their anger and anguish, but not necessarily through violent outbursts. A creative society will always find ways and means to channelize the human potential for constructive development of the society.

Human rights are in themselves ends as well as means. They are ends in terms of standards to be attained and are means as they enable and empower the people to use the rights to enjoy the rights. It is both an area of academic

enquiry and also a part of everyday life experience of humans as members of a society.

Objectives

In the XIth Plan there are three components of the HRE Scheme:

- a) human rights and duties;
- b) human rights and values;
- c) human rights and human development.

Human rights and duties

Although every right entails a duty, there has been a feeling in certain quarters that rights education is promoted and the question of duties has not been adequately addressed. In a society which emphasized on duties for centuries, rights education comes as a correction of historical distortions. The violation of rights could be corrected only when the privileged persons are reminded of their duties towards the marginalized sections, and the marginalized sections are gradually empowered through rights education. HRE at these levels would extend to such areas as gender equity, caste and community relations, majority-minority conflicts, 'forward-backward' dilemma and North-South power relations. In short, all power relations have to be humanized and democratized through restructuring of rights and duties.

Human rights and values

HRE will also focus on value education:

- (a) One of the objectives is to create awareness and commitment to values where the individualistic self-interest is properly reconciled



- with the collective and common good.
- (b) There has to be a debate on universal values and relativistic values that are culturally determined. The search for universal values assumes added importance in a globalizing but fragmented world.
- (c) The values like pluralism, respect for all religions, scientific temper, open mind, public reasoning, all of which have been part of long Indian traditions, will have to be sustained and promoted.
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Human rights and human development

Rights are not only standards, but also claims of the citizens on the allocation of resources of the society. Indian economy is growing at a fast pace, but the economic disparities are also growing. It is necessary to recognize that development needs and equity concerns should go hand in hand. Any level of material development will not lead to human happiness unless it values human life and provides the conditions for fuller realization of the human potential. Human being is both a subject and an object of development. The State has an obligation in the promotion and enforcement of the rights and has to envision rights approach to development. No doubt these obligations when they are carried out will lead to balanced human development. HRE will include all these components.

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Gender discrimination and law enforcement in India

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Abstract *In everyday, the millions of Indian women's have been discriminating and exploiting in all form of gender based inequalities. The typical process of formal and non-formal working places of women has been slow and gender biased. In many states, those who have moved to nonfarm work are largely men, while women have remained substantially in working places. Hence a disproportionate number of those still dependent on land are women. In India, for instance, 58 percent of all male workers but 78 percent of all female workers, and 86 percent of all rural female workers, are in agriculture. Indeed the gender gap has been growing. Women's domestic work burden, lower mobility, lesser education, and fewer investable assets limit their entry into non agriculture, and also their range of nonfarm options. Moreover, the nature of women's agricultural work is, to a greater extent than for men, casual in nature. Relative to men, women also continue to have lower real wage rates and lower average real wage earnings in both agriculture and non-agriculture sectors.*

Key words: *gender gap, dowry, rape law,*

Introduction

In this connection, the domestic violence against women permeates every aspect of life for victims of abuse in the home. It includes physical, emotional, and sexual abuse by a partner. Domestic violence is a complicated problem and once a victim finds the strength to leave her abuser, she encounters a variety of problems requiring legal support. There are a number of legal hurdles women have to jump through after leaving their attacker. One of the greatest challenges facing victims of domestic abuse is loss of housing. Because of the coercive and controlling tactics used by abusers, women can be cut off from family, friends and other support networks. In Minnesota in 2003, 46 percent of homeless women reported that they had

stayed in an abusive relationship because they had nowhere to go. When victims decide to leave their abuser and go to a shelter, they may encounter time limitations on their stay at the shelter. Some landlords refuse to rent units to victims or evict women when they learn of a domestic violence situation. In addition to direct representation of women in obtaining restraining orders, legal advocates can work to prevent discriminatory rental practices, ensure adequate funding for shelters, and other reforms at both the local and national level.

At the international level, the several organisations and associations have continuously working on the women issues all around the world. However, the Organizations both in the



United States and abroad are increasingly calling for vigilance in respecting and advocating for the rights of women abroad. Just as in the United States, violence against women is a systemic problem in many areas of the world. In some war-torn countries in Africa, women are raped repeatedly by militants and often infected by HIV/AIDS. In other countries, men beat women regularly, with few, if any, consequences from law enforcement. Often there are stigmas attached to victims of sexual and domestic violence, discouraging victims from reporting crimes of this nature. Legal advocates in the United States can fight for increased awareness of violence against women as violations of human rights.

Human trafficking and sexual harassment

Nevertheless, the Sexual assault and rape pose a great threat to women. Victims of such crimes are in need of attorney advocates to protect their individual rights as women and to support policy on behalf of victims across the nation. State's Attorneys and District Attorneys prosecute sexual assailants and are involved in cases regarding sexual assault on an individual level. In some states, upon arrival at a hospital, rape victims are not informed about emergency contraception. Some women's rights activists are currently working to standardize the information provided to rape victims about their rights and the choices they can make about their health and recovery.

On the other hand, the human trafficking continues to victimize young women and girls nationally and internationally. Low levels of education, economic instability, and

limited English competency often make women vulnerable to predatory traffickers, who coerce their victims with false promises for employment. Taken from their homes to other countries to serve as sex workers or domestic servants, women and girls are exposed to physical, sexual and psychological force routinely. Sometimes traffickers and employers deny women and girls their identification documents to prevent them from escaping. Legal advocates work to call attention to these injustices from governments around the world; demand punishment of those involved in trafficking, and return women and girls to their homes.

Unless and until women's claims begin to be seen as socially legitimate, parents who have a male bias are likely to use the right of making wills to disinherit daughters, even if the laws are made fully gender-equal. Similarly, efforts are needed to change conservative or negative perceptions about women's appropriate roles and abilities, and to challenge social norms that restrict women's public mobility and interaction. For instance, the problem posed by women's marriage outside the natal village arises only partly from the distances involved and mostly from social strictures on women's mobility, and social perceptions about women's lesser abilities and deservedness. Although social attitudes, norms, and perceptions are not easy to alter, certain types of interventions could further the process. For instance, government initiatives to transfer land titles and infrastructural support to women farmers would have a notable demonstration effect. Interventions to strengthen extra family economic support for women, including



through a government social security scheme, would help reduce women's dependence on relatives and especially on brothers in whose favour women often forgo their claims. Overall, economic support would also enhance women's ability to challenge inequalities in the family and community because of gender based discrimination.

Conclusion

A number of social and constitutional bodies also have been arguing for gender equality in inheritance laws by emphasizing that their constitutions promise equal treatment of women and men. Moreover, women's groups that have not raised the issue of women's equal rights and property claims directly have still, over the years, spread an awareness of gender concerns. This has created an environment within which women's claims to legal rights can be placed more centrally in the arena of public concerns something that was not easy to do several years ago. A window of opportunity is also provided by the growing attention being given to watershed development and localized irrigation schemes by a number of NGOs and some government agencies, in several parts of India. But once a woman legal right has become more valuable with the availability of work places, women's property claims are unlikely to be recognized.

The experience of the women's movement in India also indicates that women of different socioeconomic backgrounds can cooperate strategically for legal re-form, as they did in campaigns to amend dowry and rape laws, despite differences in ideologies, agendas, and social composition. Finally, given that this issue is significant and

relevant for women in many areas in India. Moreover, many urban middle-class women activists have played and continue to play important roles in preventing gender based discrimination on women in the concerns of social and political credits.

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Human Rights Education: A scenario

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Abstract: 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 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 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 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. In proclaiming the United Nations Decade for Human Rights Education in December 1994, the General Assembly defined human rights education as "a life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies." The Assembly emphasized that the responsibility for human rights education rested with all elements of society--government, nongovernmental organizations, professional associations, and all other sectors of civil society, as well as individuals.

Keywords: Human Rights Education, proclamation of UNO, definition by UNO, responsibility.

Introduction

The limited initial application of human rights education excluded the majority of the population: adults who had finished school or those who had never had the opportunity to attend. However, the rise of human rights activism in the 1960s and 1970s brought with it a growing recognition of the potential of the human rights framework to effect social change and the importance of human rights

awareness for all segments of society. Furthermore, as economic integration and advancement in communications have brought all parts of the world closer together, human rights are increasingly recognized as a unifying moral force that transcends national boundaries and empowers ordinary people everywhere to demand that their governments be account able for the protection and promotion of their human rights. This new awareness is not limited to educated



elites or developed countries. Around the globe, grass-roots organizations of all kinds are using the human rights framework to advocate for social change, for example opposing violence against women, toxic dumping, child labor, and lack of housing or health care as human rights violations. As a result, these groups are providing innovative human rights education to the communities they serve—the poor, refugees and immigrants, indigenous peoples, gays and lesbians, rural and migrant peoples, and minorities of all kinds. They have effectively redefined human rights education in the process.

The Right to Know Your Rights

The mandate for human rights education is unequivocal: you have a human right to know your rights. 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." Article 30 of the UDHR declares that one goal of education should be "the strengthening of respect for human rights and fundamental freedoms." According to the International Covenant on Civil and Political Rights (ICCPR), a government "may not stand in the way of people's learning about [their rights]."

In 1986 David Shiman had published the first human rights curriculum in the United States, *Teaching about Human Rights*,^[1] which has been followed by a steady stream of new resources in the field, notably Betty Reardon's *Teaching for Human Dignity* (1995)^[2] and the establishment of the University of Minnesota Human Rights Education Series in 1998. Another significant stimulus was the 1992 meeting of human

rights educators sponsored by the Columbia University Center for the Study of Human Rights with the support of the Organizing Committee of the People's Decade of Human Rights. Many US human rights educators met for the first time at this seminal meeting and formed working alliances that have resulted in significant projects such as Human Rights USA, a partnership of Amnesty International USA, the Center for Human Rights Education, the University of Minnesota Human Rights Center, and Street Law, Inc. Sponsored by the Ford Foundation, Human Rights USA sought to raise human rights awareness and celebrate the fiftieth anniversary of the Universal Declaration of Human Rights in 1998.

As a result of such efforts, human rights education in the United States has become a recognized educational force. However, it remains to find an established place in the mainstream educational system. Instead it has flourished in alternative settings: non-profit organizations, extracurricular groups like Amnesty International's campus chapters, alternative educational settings, and communities of faith. See Part VII, "Human Rights Education Resources," p. 155, for a list of US organizations engaged in human rights education.

The UN Decade for Human Rights Education

Since the adoption of the Universal Declaration, the United Nations General Assembly has called on Member States and all segments of society to disseminate and educate about this fundamental document. In 1993 the World Conference on Human Rights in Vienna reaffirmed the importance of human rights



education, training and public information, declaring it "essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace." [3] In response to an appeal by this World Conference, the General Assembly proclaimed the period 1995 to 2004 the UN Decade for Human Rights Education.

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Human right and Environment Pollution in India

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Abstract : *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. 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.*

Key words: *Human Rights, human values, rights, responsibilities*

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 of the 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 is emphasis 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 Right are broadly of two kinds – negative and positive. Negative right is 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



right, 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 Hazards 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.

Root Causes of Biodiversity Loss

India's draft National Biodiversity Strategy and Action Plan identifies the following as the root causes of biodiversity loss (and consequently also, the loss of related livelihoods and cultures):

1.The model of development that India has followed, which has centred on large scale industrial expansion, commercial (monocultural) agricultural production, and increasing the consumption of goods and services through exploiting natural resources, with scant regard for sustainability.

2.The erosion of customary rights and management system regimes over forests, pastures and common lands and water bodies, which were attuned to ecosystem specific natural resources; starting in the colonial period and extending to beyond Independence, common property rights administered by customary resource management were replaced by state owned rights, or state administered individual (private) rights. Unsustainable and reckless harvesting from forests, wetlands, and other ecosystems, has ensued partly due to such erosion of traditional management systems of resource use.

3.Increasing social, political, and economic inequities which pervade both rural and urban, and traditional and modern India. Inequities between land-owning peasants and forest-dwellers in the past have, for instance, often led to severe deforestation. The ongoing process of market driven economic liberalization and globalisation has enhanced the inequities and destruction.

4.Inappropriate and unclear tenurial arrangements and inter- departmental conflicts. Many tenurial conflicts are rooted in the blanket processes of state



acquisition of forest and revenue lands as well as communal water management systems without detailed surveys of existing uses and users.

5.Changes in cultural, ethical and moral values. This has created alienation of local communities from natural resources; the spread of homogenous attitudes such as the notion that wheat and rice are the only grains worth eating; the de-valuation of their traditional/indigenous knowledge; displacement of local communities due to large scale development projects and inadequate or non-existent rehabilitation measures; and urban consumerist lifestyles, that often set the model for rural and semi rural areas, which are largely bereft of cultural or ethical links with biodiversity.

6.Lack of recognition of the full values of biodiversity. There has been an ethical and cultural under-valuation as is evident in the rapid decline in the protection being accorded to sacred groves and landscapes, and to species. Productivity under-valuation has occurred because of the myth that traditional cultivars which are essential for a diverse cropping system are low yielders. Non-appreciation of water and other ecosystem services by today's planners has led to a lack of understanding of the critical role that ecosystems play. Modern India's health policies and programmes have consistently ignored the health value that elements like medicinal plants and traditional crops have provided. Agricultural policies and programmes do not even acknowledge the role of agrobiodiversity in nutrition and health. Economic planning and budgeting in India has not taken adequate account of the enormous economic value of

biodiversity, especially of 'services' like water security and soil productivity.

7.Inappropriate, inflexible, weak, and contradictory laws and policies.

These have caused contradictions between policies and laws relating to environment on the one hand, and those relating to industrial development, commerce, and welfare on the other; lack of an adequate integration of biodiversity concerns into most policies and laws; centralising tendency of some laws; weak enforcement; inadequate empowerment of citizens to use the existing policies and laws or to challenge them when inimical to biodiversity conservation; and no holistic land use plan and policy that can specify fragile areas as off-limits to development processes like mining.

8.Demographic changes, including: the growth in population since the time of Independence; the localized demographic movements, of which the most dramatic, yet least recognised has been the movement of persons (several million) displaced by large development projects, including large dams; illegal immigration from within and outside the country; and unrecognised refugees of policies that have forced people off the land.

9.Inappropriate trade regimes, especially in their focus on export of natural resource based products without caring about the sustainability of the resource or the livelihoods of those already dependent on this resource. Impacts on biodiversity from trade are likely to significantly increase in the next few years, with India's acceding to the World Trade Organisation's treaties. Export policies that spread monocultures and export oriented cash crops are being encouraged, at the cost of biodiverse farming systems.



Human Right to Environment: Judicial

India has a large body of legislative measures relating to environmental issues. The backbones of these are relevant provisions in India's Constitution.

The Constitution of India, 1950, did not include any specific provision relating to environment protection or nature conservation. Presumably, the acute environmental problems being faced now in the country were not visualized by the framers of the Constitution. However, the past five decades have witnessed two major developments in this connection.

The first development took place when the Constitution (Forty-second Amendment) Act, 1976, was adopted in the mid-seventies. Specific provisions relating to certain aspects of the environment, more specially for the protection of the forests and wildlife in the country, were incorporated in Part IV- Directive Principles of the State Policy – and List III – The Concurrent List – of the Seventh Schedule of the Constitution. As a result, the Constitution has now the following provisions specifically relating to environment protection and nature conservation:

Part IV: Directive Principles of State Policy (Article 48A): Protection and improvement and safeguarding of forests and wild life: The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country.

Part IV-A: Fundamental Duties (Article 51-A): It shall be the duty of every citizen of India –

(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.

SEVENTH SCHEDULE (Article 246)

List III -
Concurrent List

Item no. 17	Prevention of cruelty to animals
Item no. 17A	Forests
Item no. 17B	Protection of wild animals and birds.

However, a number of groups (Foundation for Ecological Security, with Legal Action for Wildlife and Environment, supported by Kalpavriksh and others) have also pointed out that the Constitution is deficient in that it does not explicitly provide for the citizen's right to a clean and safe environment. In a recent submission to the committee set up to review the Constitution, these groups have proposed a number of amendments to the Constitution, for ensuring environment protection and nature conservation (FES and LAW-E 2001). These include:

1. Recognition and incorporation of Environmental Rights as separate and independent Fundamental Rights in the Constitution of India. These follow from the above-mentioned interpretation to the term 'Right to Life', as given by the Supreme Court. This could be further specified to include right to clean drinking water, and to a clean and pollution-free environment.

2. Replacement, within the Directive Principles of State Policy, of the term 'forest' by the term 'life supporting natural ecosystems'. The reason for this suggestion is that the Courts and other



authorities, including the forest departments, have been interpreting the term forest to mean land with trees. As a result, land without trees is not considered as a forest and there is a lack of interest in protecting other important ecosystems such as grasslands, deserts, marshes, mangrove, etc. With the better understanding of these diverse ecosystems and their importance to humankind there is a need to preserve them.

3. Incorporation, within the Fundamental Duties, the responsibility of panchayats and municipalities to give due regard to ecological aspects and to protect the environment, including life supporting natural ecosystems such as forests, rivers and lakes, and wild life, in the preparation of plans for economic development and social justice. This would also necessitate incorporation, into the Eleventh Schedule relating to the Panchayats, an item for "protection of the environment and the promotion of ecological aspects".

4. Empowerment, under the Constitution, to the Supreme Court and the High Courts, to grant compensation for the breach of the Fundamental Right guaranteed under Art. 21 of the Constitution. This is due to the fact that currently, this right can only be enforced against the 'State', as defined in Art. 12 of the Constitution, and not against private parties. As a result, the Courts are unable to protect the right to life of a person qua a private party and gross violations of this fundamental right to life cannot be remedied by the Courts in exercise of its Writ jurisdiction under Art. 32 or Art. 226 of the Constitution. The aggrieved person is required to file a suit for damages in a civil court, which is time consuming and even counter productive

in relation to the very right guaranteed by the Constitution.

The above provisions and suggestions are also implicitly contained in many of the sections that follow, and in the appended readings. What we have tried to do in the rest of this essay is to provide glimpses of the erosion of environmental human rights, and their revival and protection, in different sectors.

Environment and Human Rights Instruments

There are several instruments relevant to environment and human rights. In particular, the following may be noted:

Environment instruments

Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar) (1971): Commits countries to protect and sustainably use wetlands that are considered to be of importance at an international level. There is no specific corresponding law in India, but many of the sites designated by India under this Convention, are protected under the Wild Life (Protection) Act 1972, or relevant state laws. www.ramsar.org.

Convention on International Trade in Endangered Species (CITES) (1972):

Prohibits or restricts the trade, between countries, of species of plants and animals considered to be threatened. India implements this through the The Export-Import Act. www.cites.org.

Vienna Convention for the Protection of the Ozone Layer (1985) and Montreal Protocol (1987): Calls upon countries to take measures to limit or prevent activities that could cause damage to the ozone layer. In India, the Ozone Depleting Substances Rules of 2000,



under the Environment Protection Act 1986, are the relevant domestic legislation. Under the Montreal Protocol, India is to phase out most ozone depleting substances (such as CFCs), by 2010

Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel) (1989): Commits countries to protecting human health and the environment by minimizing hazardous waste production whenever possible, and regulating the transboundary movement of such wastes. Relevant rules for some hazardous substances have been made by India under the Environment Protection Act 1986. www.basel.int.

Convention on Biological Diversity: Framed in 1992 and coming into force in 1993, this legally binding agreement commits member countries to take actions for conservation of biodiversity, sustainable use of biological resources, and equitable sharing of benefits relating to biodiversity. www.biodiv.org.

United Nations Convention on the Law of the Sea (UNCLOS) (1994): Commits countries to a legal order for the seas and oceans which will facilitate international communication, and will promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment. No specific law has been enacted in India to implement this. www.un.org/Depts/los/index.htm.

Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998): Commits countries to promote shared

responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties. www.pic.int.

Stockholm Convention on Persistent Organic Pollutants (2001): Commits countries to protect human health and the environment from persistent organic pollutants (POPs). POPs are chemicals (such as many pesticides) that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of living organisms and are toxic to humans and wildlife. India has only recently (January 2006) acceded to this. www.pops.int.

Conclusion

What all the actual and potential alternatives described above demonstrate is that Indian society, as indeed all countries of the world, need to move towards an integration of deep ecological sensitivity and human values, rights and responsibilities. Such an integration will have to inform our choice of human welfare and development strategies, and of economic and technological systems. Decentralised decision-making, access to information, respect for community-based and individual knowledge, recognition of the rights of other species, searching for local solutions to local problems, and educational systems that build ecological and human sensitivity...these are some of the major



elements of a sustainable future for the human species. The recognition of environment as a fundamental human right is one cornerstone of a strategy to reach towards such a future.

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Violence against Women: The Role of Human Rights

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Abstract: *The Committee on the Elimination of Discrimination Against Women has recognized gender based violence as a form of discrimination that impairs or nullifies women's enjoyment of human rights and fundamental freedoms such as the right to life; not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; to liberty and security of person; to equal protection under the law; and to the highest standard attainable of physical and mental health. Most recently, the Commission on the Status of Women has recognized the adverse consequences of violence against women on their sexual and reproductive health and rights. The Commission has underscored that protecting and fulfilling reproductive rights "is a necessary condition to achieving gender equality and the empowerment of women in order to enable them to enjoy all their human rights and fundamental freedoms, and to prevent and mitigate violence against women.*

Key words: social, economic, religious, cultural groups

Introduction

Researchers have documented violence against women in all countries where it has been studied and among all social, economic, religious and cultural groups. In virtually all settings, women are most likely to experience violence by male intimate partners or people known to them, often over long periods. Although men and boys are also the targets of violence, in certain forms of aggression – such as intimate partner violence and sexual violence – the majority of victims (and fatalities) are female, while the vast majority of perpetrators are male.³

Today, I've been asked to speak with you about the human rights of women, taking an international perspective and focusing particularly on violence against women. I see my job as creating the background for a painting.

I'll be using a broad brush to identify the critical issues and to give them some kind of global context.

1. The realities of gender in our world;
2. Human rights and United Nations;
3. The rights of women: a global perspective;
4. Violence against women;
5. Urgent challenges for the world's women;
6. The role of law enforcement officials in promoting and protecting women's human rights.

Violence across the life span

Violence has a profound effect on women. Beginning before birth, in some countries, with sex-selective abortions, or



at birth when female babies may be killed by parents who are desperate for a son, it continues to affect women throughout their lives.

Studies from diverse settings have documented many social norms and beliefs that support violence against women, such as:

- A man has a right to assert power over a woman and is considered socially superior;
- A man has a right to physically discipline a woman for 'incorrect' behavior;
- Physical violence is an acceptable way to resolve conflict in a relationship;
- Sexual intercourse is a man's right in marriage;
- A woman should tolerate violence in order to keep her family together;
- There are times when a woman deserves to be beaten;
- Sexual activity – including rape – is a marker of masculinity; and
- Girls are responsible for controlling a man's sexual urges.

Increasingly, however, policy-makers and programmers are devoting attention to preventing violence against women. Approaches include media campaigns and community-based interventions to change unequal gender norms; strategies for women's economic empowerment; school-based programmes to prevent dating violence; and approaches to preventing child maltreatment, which is a risk factor for later perpetration and victimization.

Women's Right to a Life Free of Violence

Respect The State agents should refrain from committing acts of violence against women on the streets or in custodial settings. States should also abstain from enacting and implementing laws and policies that allow forced sterilization or virginity testing, as well as laws sanctioning forced marriages.

Protect The obligation to protect life requires that States exercise due diligence in preventing, punishing and redressing harm caused by private parties. The UN General Assembly has called on States "to ensure the effective protection of the right to life of all persons under their jurisdiction" and to investigate promptly and thoroughly all killings, including those motivated by the victim's sexual orientation or committed in the name of honor.

Fulfill The obligation to fulfill requires the State to ensure an enabling environment where violence against women is prevented, and access to legal, health and social services is ensured in cases where violence does occur.

Conclusion

A woman truly ahead of her time. The guiding hand behind the Universal Declaration of Human Rights: that one document which has inspired treaties, constitutions, laws all over the world. For Mrs Roosevelt, all human rights were universal since every woman, man and child sought equal justice, equal dignity and equal opportunity without discrimination. If rights did not have a meaning locally, in the home, in the community, in the street or in the workplace, Mrs Roosevelt thought they would have little meaning elsewhere.

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Consumer Protection and Rights

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Abstract

Consumer protection is a group of laws and organizations designed to ensure the rights of consumers as well as fair trade, competition and accurate information in the marketplace. The laws are designed to prevent businesses that engage in fraud or specified unfair practices from gaining an advantage over competitors. They may also provide additional protection for those most vulnerable in society. Consumer protection laws are a form of government regulation, which aim to protect the rights of consumers. For example, a government may require businesses to disclose detailed information about products particularly in areas where safety or public health is an issue, such as food. Consumer protection is linked to the idea of consumer rights, and to the formation of consumer organizations, which help consumers make better choices in the marketplace and get help with consumer complaints. Organizations that promote consumer protection include government organizations and self-regulating business organizations such as consumer protection agencies and organizations. Consumer interests can also be protected by promoting competition in the markets which directly and indirectly serve consumers, consistent with economic efficiency.

Key words: consumer protection agencies, consumerism, helpline

Introduction

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. Every time someone goes to a store and buys a shirt, toy, beverage or anything else, they make a decision as a consumer. Consumer refers to any person who purchases some goods for a consideration that has been either paid or promised to pay or partly paid and partly promised, or found under any system of deferred payment and does include any user of this type of goods other than the person who purchases these types of

goods for consideration paid or promised or partly paid or partly promised, or under any type of system of deferred payment when this type of use is done with the agreement of such person, and does not include a person who gets such goods for resale or for any business purpose or hires or avails of some services for a consideration which has been paid or promised or partly paid and partly promised, or under some system of deferred payment as well as includes some beneficiary of such services other than the people who 'hire or avail of the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are provided having the approval of the first



described person and does not include a person who takes such services for any business purposes.

Meaning of Consumerism:

Consumerism is a social as well as economic order which encourages the buying of goods and services in ever-greater amounts. This term is sometimes associated with critics of consumption beginning with Thorstein Veblen. Veblen's topic of examination, the newly emerging middle class coming up at the threshold of the twentieth century, is coming to full fruition by twentieth century end through the globalization process. At some places, the term "consumerism" refers to the consumerist's movement, consumer activism or consumer protection which seeks to defend and inform consumers by having required these practices as honest advertising and packaging, product guarantees, and enhanced standards of safety. In this regard it is a movement or an array of policies having a mission of regulating the products, methods, services, and standards of sellers, manufacturers and advertisers in the buyers' interests. As per economics, consumerism means economic policies laying emphasis on consumption. In a sense, it is believed that the consumers are free to make choice and should dictate the society's economic structure. The term "consumerism" had been first used in the year 1915 and referred to "advocacy of the rights and interests of consumers" defined in Oxford English Dictionary but here in this article the term "consumerism" means the sense which was first used in 1960, "emphasis on or preoccupation with the acquisition of consumer goods'.

Consumer Court: With an aim to deal with cases pertaining to consumer

grievances and disputes, the consumer courts also known as special purpose courts were established in India. Set up by the government, these judiciary courts aim to protect the rights of consumers. Their main function centers on maintaining the trade practices that are offered by the seller to the consumers. Consumers are free to file a case against the seller if they have been exploited or harassed. On having proof of exploitation (bills or supporting documents) the court will give verdict in favour of the consumers. However failure on part of the consumer to produce proper documents will make it difficult for him to file or win the case.

Consumer Court Fee

The Central Government of India, New Delhi has recently amended its rule that fell under the Consumer Protection Rule 1987 which focused on fixing the filing fee which is required to be paid in Consumer Dispute. As per Section 12(2), of the CPA 1987, this fee must be filed in accordance with the current amendments before the Consumer Forum.

Value of service, goods, & compensation claimed determine the amount of fee to be paid:

DISTRICT FORUM (with effect from 10-2-2005).

National Consumer Helpline

To protect all rights of the consumers, on 24th December 1986, a law of Consumer Protection Act had been launched by the Parliament of the India.

By the 15th March 2003, a new version of Act came into existence replacing the old with more modifications.

Government has set the judicial system at the level of central, district and state for hearing of the grievances and disputes of the consumers. Presently, about total of 35 State Forums, Commission Center of National Consumer Redressal and



Disputes, total of 629 District Forums are present. In order to report the problems of the consumers, a 24 x 7 Customer Care Number is provided by the National Consumer Helpline in order to cure the problem or in order to provide the advice to the consumer regarding different services like related to water, medical, education, electricity, courier, telecom, credit cards, LPG, automobiles, banking, hospitality, telecom, home appliances, postal, and transport etc.

National Consumer Helpline Number

National Consumer Helpline Toll free Number: **1800-11-4000 (BSNL/MTNL)**

National Consumer Helpline Number: **011-270065000**

National Consumer Helpline SMS: **<Name> <city> to 8800939717**

Consumer Awareness:

Banking:

RBI Advisory:

Security Enrolment For All Bank Users to receive huge amount of funds, it is advised by the RBI to not pay any money.

- The Reserve Bank has given the advice to the public to not response or exchange their money if they will get any offer for money from out of India or abroad. According to them, these offers are totally fraud and they advised everyone to file a complaint against that particular crime to the local police station or at the authorities of cybercrime.

- They also advised to the public to aware of the transfer of funds for any scheme offered by anyone or from any entity as these may be illegal in the India or outside the India and as per the government rule the member or resident will be liable to the contravention against the management Act of Foreign Exchange 1999. That person also responsible for the disobedience of rules

that are regarding the Know Your Customer (KYC) norms or standards of Anti Money Laundering (AML). According to the Reserve Bank of India that they will not make any arrangements for such type of funds or nor they take any responsibility for such transfer of money related to such type of bogus communication.

- If a person wants to clarify all these matter then it is advised by the Reserve Bank to make contact with the Foreign Exchange Department officers of that particular region or their central office. The telephone number of the department of Foreign Exchange is 022-22610589 / 22610618 or 2260 1000 and extension. No. is 2772 / 2732 at the time about 9.45 hours to 17.45 hours from Monday to Friday or they can also e-mail for getting such clarification. The consumer may also visit the website of RBI to seek such type of advisory information. According to the Reserve Bank they also motivate the other banks of India to enhance the knowledge of their customer in order to take action against such type of fake offers. They also advised the banks to contact with the agencies of enforcing law if in case their customer accounts are going to misuse for such type of fake activities.

Consumer Forum:

Since the last 32 years, the services of Consumer Forums are supplied to the every part of the country having total of 13,600 members that are regularly growing on.

All the concerns of the consumers were handled by this organization that involved malls, banks, multinational companies, services of utility to make sure to consumer that they are getting their dignity, respect, and all rights. The



basic motive of this organization shown by their slogan "Become More Powerful" to serve the customer.

Consumer Complaints Redressal:

A new cell known as the Consumer Grievances Redressal Cell (CGRC) was set up in 2002 in February for addressing the complaints made by the customers. The categories it deals with are

- High prices being charged for products and selling of goods those are defective.
- Handling grievances that are received by the PMO and the Cabinet Secretary regarding customer issues.
- Handling the complaints that are published in the newspaper. This is a very diverse thing and hence they try to solve as many complaints as possible. In addition, complaints for delay in the processing of the cases in various states and districts are received by the department and necessary actions are taken at the earliest to solve their issues for their satisfaction. 2272 complaints were received by the Redressal Cell till 31st March 2007. The complaints were then transferred to the Consumer Coordination Council (CCC) for the redressal concerning correction of the incorrect bills, re-installation of electricity or telephone, replacement of defective goods, custody of the flats allotted etc. The complaints are too many and of various types.

Both CGRC and CCC do not possess the authority to solve the complaints of consumers or take necessary actions. They have to forward those complaints that have been made by the unhappy consumer to the higher authorities who have the power to address those

complaints, take necessary actions and solve them.

Who Can File a Complaint?

A complainant in relation to any goods or services may be filled by-

- A consumer.
- Any voluntary consumer association registered under the Companies Act, 1956 (1of 1956) or under any other law for the time being in force.
- The Central Government or any State Government.
- One or more consumers, where there are numerous consumers having the same interest.
- In case of death of a consumer, his legal heir or representative.
- A power of attorney holder cannot file a complaint under the Act.

What Constitutes a Complaint?

- A complaint means any allegation in writing made by a complainant that-
- An unfair trade practice or a restrictive trade practice has been adopted by any trader or service provider
- The goods bought or agreed to be bought by consumers suffer from one or more defects
- The services hired or availed of or agreed to be hired or availed by consumer(s) suffer from deficiency in any respect

How to File a Complaint

- A complaint can be filed on a plain paper. It should contain-
- The name description and address of the complaints and the opposite party.
- The Facts relating to complaint and when and where it arose.
- Documents in support of allegations in the complaint.
- The relief which the complainants is seeking.



- The complaint should be signed by the complainants or their authorized agent.
- No lawyer required for filing the complaint.
- Nominal court fee.

World Consumer Rights Day:

The International Consumer movement observes 15th March as the World Consumer Rights Day. It was on this day during 1962 that the then American President, John F Kennedy gave an overall structure to the consumer rights. It is during the WCRD that the roles and the rights of the consumer are explained, insisting that these are given due respect and to fight against the wrong doings and injustice meted out to them by the market. The World Consumer Right Day was first observed during 15th March 1983 and since then it has become a very important day in terms of gathering citizens and insisting them to lend their voice towards their rights. CI is the primary source for organizing various initiatives and helping the media cover the consumer rights movement that are held by the various organizations that are interested in consumer welfare in most of the countries across the globe. These consumer organizations get good coverage through this media exposure. Some of the steps taken by these consumer organizations to increase awareness about consumer rights are regular workshops, seminars, publications, press conferences, exhibitions, campaigns, theatre shows and many more. Some consumer welfare organizations also make use of the materials from CI to fight for the rights and benefits of the consumers.

JagoGrahakJago:

Jago GrahakJago is a consumer awareness programme from Ministry of

Consumer Affairs, Government of India. As part of this initiative, the government has used multiple channels to create consumer Nissan Gran Turismo Racer. Print media advertisements, Audio Campaigns, Video Campaigns are being used for consumer information and education about initiatives like Insurance Ombudsman channel. Consumer Protection Act, 1986 implied all those guidelines which United Nations has suggested for incorporation to ensure best Consumer Protection. It is undeniable fact that many such consumer movements are already working in the country with them spreading fast countrywide. The scenario has hardly changed today. It is indeed still in its primitive stage due to the consumer movements often failing to get success. They are usually confined to certain areas or relate to the consumer awareness levels. It is very much crucial to develop the awareness campaigns in whole country through giving proper education to consumers to understand their rights and the responsibilities as consumers. If taken into account the area-wise assessment of different localities in the country one finds too much gap in consumer awareness levels from one part of country to other. It all happened due to literacy and awareness levels of people in various states. It is a draconian task to educate more than 120 crore masses that too the representatives of several groups or categories. Difficulties are more in the rural regions because they are locations where consumers can be easily exploited on several stages in terms of consumer interests in departments or ministries concerned.

Take for example allocation of Rs. 409 crores to start effective multimedia



campaigns for 11th plan scheme implementation. Unique brand name 'JagoGrahakJago' is part of the scheme implemented today. Rs. 409.29 crores was allocated for the 12th plan scheme.

Consumer Protection Act 1986:

Enacted in 1986 by an Act of the Parliament of India, 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 Bill 2015:

- The Consumer Protection Bill, 2015, was introduced in Lok Sabha on August 10, 2015 by the Minister of Consumer Affairs, Food and Public Distribution, Mr Ram Vilas Paswan.

- The Bill replaces the Consumer Protection Act, 1986. The Statement of Objects and Reasons of the Bill states that this is to widen the ambit and modernise the law on consumer protection due to the changes in the markets.

- **Definition of consumer:** A consumer is defined as any person who buys a good or hires a service for a consideration. This includes the user of such good or service, but not one who obtains the good for resale or commercial purposes. It covers transactions through all modes including offline, online

through electronic means, teleshopping, or multi-level marketing.

- **Rights of consumers:** The rights of consumers include the right to: (i) be protected against marketing of goods and services which are hazardous to life and property,

- (ii) be informed of the quality, quantity, potency, purity, standard and price of goods or services, (iii) be assured of access to a variety of goods or services at competitive prices, and (iv) to seek redressal against unfair or restrictive trade practices.

- **Central Consumer Protection Authority (CCPA):** The central

- government will set up the CCPA to promote, protect and enforce the rights of consumers. The CCPA will carry out the following functions, among others: (i) inquiring into violations of consumer rights, investigating and launching prosecution at the appropriate forum; (ii) passing orders for recall of goods, or withdrawal of services and reimbursement of the price paid, and pass directions for discontinuation of unfair trade practices; (iii) issuing safety notices and order withdrawal of advertisements; and (iv) declaring contracts that are unfair to a consumer as void.

- **Product liability:** If defects in the manufacture, construction, design, testing, service marketing etc. of a product results in any personal injury or property damage to a consumer, the manufacturer is liable in a product liability action.



- **Consumer Disputes Redressal Commissions:**

Consumer Grievance Redressal Commissions are to be set up at the district, state and national levels. A consumer can file a complaint with these commissions, regarding: (i) unfair or restrictive trade practices, (ii) defective goods or services, (iii) overcharging or deceptive charging, (iv) the offering of goods or services for sale which may be hazardous to life and safety, and (v) incurring loss due to an unfair contract.

- **The District Commission may issue the following orders regarding a complaint:**

remove the defect, replace the good, return the price amount, stop the sale or manufacture of hazardous products, discontinue unfair trade practices or pay compensation for any loss suffered by the consumer. Appeals from its decisions will be heard by the State Commission. Further appeals may be filed before the National Commission, and then before the Supreme Court.

- **Consumer Mediation Cell:**

The Bill introduces mediation as a mode of consumer dispute resolution. Consumer Mediation Cells will be established and attached to the redressal commissions at the district, state and national levels.

- **Penalties:** Any person who fails to comply with an order of either of the Commissions would be liable for imprisonment from one month to three years, or with a fine from 10,000 rupees to 50,000 rupees.

Consumer Rights under the Consumer Protection Act, India:

Although businessman is aware of his social responsibilities even then we come across many cases of consumer exploitation.

That is why government of India provided following rights to all the consumers under the Consumer Protection Act:

1. Right to Safety: According to this right the consumers have the right to be protected against the marketing of goods and services which are hazardous to life and property, this right is important for safe and secure life. This right includes concern for consumer's long term interest as well as for their present requirement. Sometimes the manufacturing defects in pressure cookers, gas cylinders and other electrical appliances may cause loss to life, health and property of customers. This right to safety protects the consumer from sale of such hazardous goods or services.

2. Right to Information: According to this right the consumer has the right to get information about the quality, quantity, purity, standard and price of goods or service so as to protect himself against the abusive and unfair practices. The producer must supply all the relevant information at a suitable place.

3. Right to Choice: According to this right every consumer has the right to choose the goods or services of his or her likings. The right to choose means an assurance of availability, ability and access to a variety of products and services at competitive price and competitive price means just or fair price. The producer or supplier or retailer should not force the customer to buy a particular brand only. Consumer should be free to choose the most suitable product from his point of view.

4. Right to be Heard or Right to Representation: According to this right the consumer has the right to represent



him or to be heard or right to advocate his interest. In case a consumer has been exploited or has any complaint against the product or service then he has the right to be heard and be assured that his/her interest would receive due consideration. This right includes the right to representation in the government and in other policy making bodies. Under this right the companies must have complaint cells to attend the complaints of customers.

5. Right to Seek Redressal: According to this right the consumer has the right to get compensation or seek redressal against unfair trade practices or any other exploitation. This right assures justice to consumer against exploitation. The right to redressal includes compensation in the form of money or replacement of goods or repair of defect in the goods as per the satisfaction of consumer. Various redressal forums are set up by the government at national level and state level.

6. Right to Consumer Education: According to this right it is the right of consumer to acquire the knowledge and skills to be informed to customers. It is easier for literate consumers to know their rights and take actions but this right assures that illiterate consumer can seek information about the existing acts and agencies are set up for their protection.

The government of India has included consumer education in the school curriculum and in various university courses. Government is also making use of media to make the consumers aware of their rights and make wise use of their money.

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:

- 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:

- 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.

Such 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.

National Consumer Disputes Redressal Commission:

India's quasi-judicial commission, National Consumer Disputes Redressal Commission (NCDRC) had been established in 1988 upon the guidelines and directions of the Consumer



Protection Act of 1986 of Government of India. This commission has its headquarters at national capital, New Delhi with any of the Supreme Court sitting or retired judge to head it. Former Supreme Court of India judge, Justice DK Jain heads the commission presently.

RTI:

The RTI Act was passed in 2005, with an aim to provide effectual access to information for Indian citizens, so that there is accountability and transparency of working of public authority. To endow with setting out the practical command of right to information to Indian citizens, the Parliament of India introduced The Right to Information Act 2005. Excluding the State of Jammu and Kashmir, this act is applicable to all the States and Union Territories of our country. The reason behind this is that the State of Jammu and Kashmir has its individual act which is called Jammu and Kashmir Right to Information Act, 2009.

Under RTI's provisions, any citizen can request information from the public authority, (instrumentality of state or a body of Government), which is then required to furnish the required information within 30 days or expeditiously. As per the act, it is mandatory for the public authority to computerize assorted records for wider dissemination and pro-actively publishing specific categories of information for the convenience of the citizens. Passed on 15th June 2005, by the Parliament, this law practically came into force on 12th October 2005.

Because of the Official Secrets Act 1923, information disclosure was till then forbidden in India, however the new RTI Act now relaxes the citizens.

Consumer Responsibility:

There is no denying of the fact that most of us always prefer knowing facts related to our rights to avail them as well but often we remain lazy in practicing them by judging their values in the context of the consumer responsibilities we owe. Consumers can hardly enjoy the benefits of such rights until and unless they understand their own responsibilities for them because both are entwined to each other hence consumer responsibility remains crucial for long term availing of rights. That is why every consumer is advised to step forward cautiously while dealing with the concerned markets. Make sure you ask certain questions to self whenever buying a particular stuff:

Recommendation and Suggestion:

As Consumer is an ultimate decision maker the following were the recommendations:

For Product: Every product maker should mention clearly the details of the product such as materials used in manufacturing process, day, date, time, batch, date of expiry, any statutory warnings which may cause harm to the health conditions to children, young, adult age groups, any environmental issues and warnings and also life time of the product. Any product which is going to be produced should satisfy the following conditions:

- (a) Choice and wish of the consumer.
- (b) It should give maximum satisfaction and immense pleasure.
- (c) Price should be low.
- (d) It may also possess social status.
- (e) Last but not least it should be substitution for choice, wish, and requirement.

For Service: Every vendor who provides service should clearly give the information about the service to be rendered, by what time it actually starts, and by what time it ends, validity of the



service, and any other information relating to the service, should clearly in written or in digital format.

Conclusion:

Consumer is an ultimate decision maker whom influenced by the marketing and sales strategies. If the product is produced according to his needs, choice and wish the product will be consumed at maximum percentage which gives immense pleasure and does not cause harm to environment and to health conditions of the people. So that producer will be benefitted with business growth and profits, by considering customer rights and giving protection, as rights are framed, legalised, and also protected by the government.

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Education – A Fundamental Human Right

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Abstract: Education is a fundamental human right and essential for the exercise of all other human rights. It promotes individual freedom and empowerment and yields important development benefits. Yet millions of children and adults remain deprived of educational opportunities, many as a result of poverty. It is fundamental for human, social and economic development and a key element to achieving lasting peace and sustainable development. It is a powerful tool in developing the full potential of everyone and in promoting individual and collective wellbeing. In brief: It is an empowerment right. An attempt has been made to examine the policies for right to education in India.

Keywords: Human Rights, Education, Fundamental right, India.

Introduction

The Right to Education received considerable impetus during the last decade as a result of the concerted effort of many groups and agencies that made determined efforts to ensure that all children in India receive at least minimum education irrespective of their socioeconomic status and their ability to pay for education in a situation of continuous impoverishment and erosion of basic needs. The Campaign against Child Labour, the National Alliance for the Fundamental Right to Education, the contribution of several outstanding educationists, hundreds of civil society initiatives and most importantly the Judgements of the Supreme Court are among those who made this vital contribution to enshrine the right to education as a fundamental right. Through this combined effort, children of India gained the Fundamental Right to Education, first through Judgment made

law and then through a Constitutional amendment. Unfortunately the introduction of Article 21-A watered down the Judgment of the Supreme Court in the celebrated Unnikrishnan Case. A Right which was available to all children up to the age of 14 years was reduced to a right for children in the age group of 6 to 14 only through the restrictive language of the Constitutional amendment. Even more critical to the future of this right is the wording of Article 21A which finally leaves it to the state to provide 'in such manner as the state may, by law, determine'.

Human Rights Based Approach to Education

Human rights are rights that are basic in nature and entitled to every human being, irrespective of his nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. Such rights would include right to life, equality before



the law, freedom of expression, the right to work, right to social security, right to education, collective rights, such as the rights to development and self-determination, etc. Therefore as is evident human rights are inseparable, interrelated and interdependent. The improvement of one right makes the progress of the others possible. Correspondingly, the denial of one right has negating affects on the others. The basic right that is protected by the term human right is right to life with dignity. A human rights-based approach to education is therefore necessitated since it assures every child a quality education that respects and promotes her or his right to dignity and optimum development. The right to education is marked priority on the agenda of the international community since right to education is not only a human right in itself but also is quintessential for the exercise of all other human rights. A number of human rights treaties accepted and recognized internationally, identifies right to education as a fundamental aspect for development and social transformation.

The right to education in India

The Indian constitution has provisions to ensure that the state provides education to all its citizens. The Indian constitution in its original enactment defined education as state subject. Under Article 42 of the constitution, an amendment was added in 1976 and education became a concurrent list subject which enables the central government to legislate it in the manner suited to it. Besides India is signatory to a number of international covenants i.e. Jomtien declaration, UNCRC, MDG goals, Dakar declaration SAARC SDG charter for children which is binding on

its commitment for making education a reality for all children.

The demand for a fundamental right to education

The period spanning between 1950 to the judgement in Unnikrishnan's Case in 1993 saw several policy developments. The Indian Education Commission (Kothari Commission) 1964-1968, reviewed the status of education in India and made several recommendations. Most important amongst these is its recommendation of a common school system with a view to eliminating inequality in educational opportunities. Immediately thereafter, the National Policy on Education (NPE), 1968 was formed. This Policy was the first official document evidencing the Indian Government's commitment towards school education. It dealt with issues of equalization of educational opportunity and sought to adopt a common school system in order to promote social cohesion. Interestingly, it even required special schools to provide a proportion of free studentships to prevent social segregation in schools. Nevertheless, it retained the status of FCE as a 'directive principle'.

The Indian constitutional perspective

The Indian Constitution is known to be a document committed to social justice. As per expert opinion, literacy forms the cornerstone for making the provision of equality of opportunity a reality. The Indian Constitution has therefore recognized education as the essence of social transformation, as is evident from its education specific Articles.

The 86th Constitutional amendment making education a



fundamental right was passed by Parliament in 2002. In the year 2009 a law to facilitate the realization of the fundamental right to education was passed by the Parliament by way of the Right of Children to Free and Compulsory Education Act (RTE). The right to education has finally become a fundamental right by giving effect to the Act on April 1st Therefore to put it briefly the RTE Act provides for the following:

- The Act mandates the Government to provide education to every child up to the eighth standard, free of cost, irrespective of class and gender.
- Children, who have either dropped out from schools or have never been to any educational institution, will be enrolled in the schools with no school refusing admission to any child.
- Private institutions have to reserve 25 percent of seats from children from weaker sections of society.
- Neighborhood schools will be identified by a system of school mapping, and children of six and above who are not in schools will be identified by local authorities or school management committees.
- All such schools are required to be recognized failing which they shall be penalized for up to Rs. 1 lakh.
- The Act also prohibits donation or capitation fees and no admission test or interview of the child or parent for admission.

- No child can be held back, expelled and required to pass the board examination till the completion of elementary education.
- It also provides for adequate number of qualified teachers to maintain a ratio of one teacher for every 30 students.
- Schools have to ensure proper infrastructure, which includes a playground, library, adequate number of classrooms, toilets, barrier free access for physically challenged children and drinking water facilities within three years.
- 75 percent members of the school management committees will comprise parents of the students who will monitor the functioning of the schools and utilization of grants.
- The National Council for the Protection of Child Rights shall monitor the implementation of the act, together with Commissions to be set up by the states.
- Financial burdens will be shared between the Centre and States in the ratio of 55: 45 and 90 : 10 for the North-Eastern States.

Initiatives taken by the Indian government

1. **The Five year Plans** Ever since India gained independence, developmental plans for a period of five years are being developed by the Planning Commission with the participation and contributions from all the States.



It is evident that through the five year plans, the first being initiated in 1951, till the most recent one (Eleventh Plan: 2007-12), there have been continuous efforts to strengthen the base of education in India by improving the quality of education imparted through several programs and schemes, introducing reforms in content and evaluation and encouraging research.

2. **Sarva Shiksha Abhiyan (SSA)** was started in 2001, to provide education to children between 6–14 years by 2010. The programme focuses specially on girls and children with challenged social or financial backgrounds. The SSA also aims to provide practical infrastructure and relevant source material in form of free textbooks to children in remote areas.
3. **Mid-Day Meal Scheme (MDMS)** was launched in 1995 to enhance enrolment, retention, and participation of children in primary schools, simultaneously improving their nutritional status.
4. **National Policy on Education (NPE)** was introduced in 1968. There have so far been mainly two comprehensive statements of the National Policy on Education, viz. those of 1968 and 1986. The national policy of education (1986) and program of action (1992) lay down the objectives and features of Indian education policy such as promotion of equality, common educational

structure, education for women's equality, adult education etc.

5. **District Primary Education Programme (DPEP)** This programme was initiated in 1994, with an aim to provide access to all children to primary education through formal primary schools or its equivalent through alternatives. Thereby in 1994 the Ministry of Human Resource Development delegated the task of designing and developing a school based computerized information system, to National Institute of Educational Planning and Administration (NIEPA), New Delhi
6. **District Information System for Education (DISE)** This is the first database software created by NIEPA in 1995. This software was again redesigned as per recommendation from SSA, to provide computerized data and statistical analysis of the various data.

Conclusion

Every generation looks up to the next generation with the hope that they shall build up a nation better than the present. Therefore education which empowers the future generation should always be the main concern for any nation. It is now an undisputed fact that right to education can be realized on a national level only through compulsory education, or better say, through free compulsory primary education. However due to the widespread poverty and various prejudices in the society, the efforts to develop an educational system in India with full access, equality and



quality of education has not been achieved.

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Women Rights in India

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Abstract

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution of India grants Fundamental Rights, ensures equality before the law and equal protection of law, prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. The women in India very often have to face discrimination, injustice and dishonour. Though women in India have been given more rights as compared to men, even then the condition of women in India is miserable. However, women often are denied of their right to freedom at form part of everyday life such as freedom of movement, access to education and participation in decision-making process. Violation of women rights is one of the most direct expressions of the power imbalance between men and women.

Keywords: Women, Human Rights, Constitution, Women Right, India

Introduction

The country has made considerable progress since independence, economic reform and liberalization measures over the 1990s have led to strong economic growth, increased exports and reduced inflation. Despite major changes that have occurred in the status of women in some parts of the world in recent decades, norms that restrict the women to the home are still powerful in India, defining activities that are deemed appropriate for women. They are, by and large, excluded from political life, which by its very nature takes place in a public forum. Women are under-represented in governance and decision-making positions. Throughout history, women have generally been restricted to the role of a home-maker; that of a mother and wife. The Indian Constitution guarantees women equality before the law and the equal protection of laws under Article 14 and prohibits discrimination on grounds

of sex under Article 15. Despite these guarantees, the position of women in India remains unequal. Women rights violation in India included rape, domestic violence, dowry-related deaths, honor killings, sexual harassment, and discrimination against women remained serious problems. Child abuse and child marriage, trafficking in persons, including widespread bonded and forced labour of children and adults, child prostitution, and forced adult prostitution, are also considered as serious problems in India. The official statistics showed a declining sex-ratio, health status, literacy rate, work participation rate and political participation among women. While on the other hand the spread of social evils like dowry deaths, child marriage, domestic violence, rape, sexual harassment, exploitation of women workers are rampant in different parts of India. Humiliation, rape, kidnapping,



molestation, dowry death, torture, wife-beating etc. have grown up over the years.

The Constitution for Women in India

The Constitution of India provided equality to men and women and also gave priority on special protection to women to realise their interests effectively. Special laws were enacted to prevent indecent representation of women in the media and sexual harassment in workplaces. The law also gives women equal rights in the matter of adoption, maternity benefits, equal pay, good working conditions etc. At the international level, the UN Charter, the Universal Declaration of Human Rights and Convention on Elimination of All Forms of Discrimination against Women (CEDAW) sought to guarantee better legal status to women. The law also provides women with the right to police assistance, legal aid, shelter, and medical care.

The Crimes Identified Under the Indian Penal Code (IPC)

1. Rape (Sec. 376 IPC)
2. Kidnapping & Abduction for different purposes (Sec. 363-373)
3. Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
4. Torture, both mental and physical (Sec. 498-A IPC)
5. Molestation (Sec. 354 IPC)
6. Sexual Harassment (Sec. 509 IPC)
7. Importation of girls (up to 21 years of age)

Women Rights in India

Right to Equality

Discrimination against the girl child starts the moment she enters into the mother's womb. Gender discrimination, female feticide and female infanticide is common in India, so here "right to life" is denied to women. In India, men are always assumed to be superior to women and are given more preference. A girl is considered a burden by parents and they preferred male child because they think only male child is able earn for family and the sources of family income will increase. Since a girl child would be going to her husband's place upon marriage, the parents do not want to waste their resources on her upbringing.

Right to education

Right to Education is the basic fundamental human right. The literacy rate in 2011 census was 74.04%: 65.46% among females and 82.14% among males. The position of women's education in India is bad shape. Especially in rural India women are not aware even the value of education in fact they give more preference on their male child education. Due to large percentage of uneducated women in India, they are not even aware of their basic human rights and can never fight for them. Though female employment rate is high in rural areas, they were engaged mainly in unskilled job but in urban areas due to better education were engaged in variety of jobs. Education especially female education is a major factor influencing health. It leads to better utilization of health care and greater community or political participation. Across the country more than eight million children between six and 14 years of age remained out of school. UNICEF estimated that school attendance among girls dropped from 86



percent in primary school to 59 percent in secondary school. Potential causes included family pressure, lack of secondary schools in rural areas, and poor quality of school facilities, including a lack of dedicated sanitation facilities for girls.

Political Right:

The political status of women in India is very unsatisfactory, particularly their representation in higher political institutions. In rural India especially among Muslim, they are not even permitted to go for their valuable vote though they are citizen of India. Their political Rights are denied and the representation of women in political participation is very low. The government has made 33% reservation of seats for women in Parliament and Provincial Legislation but in spite of willingness of women they don't get their family support for contrasting election.

Right to Property

In most of the Indian families, women do not have own property in their own names and unable to share the parental property. Though, women have been given rights to inheritance, but the sons had an independent share in the ancestral property, while the daughter's shares were based on the share received by the father. Hence, father could anytime disinherit daughter by renouncing his share but the son will continue to have a share in his own right. The married daughters facing harassment have no rights in ancestral home.

Right to reproductive Health

According to the 2012 UN Population Fund State of World Population Report, the maternal mortality ratio was 200

deaths per 100,000 live births in 2010. The major factors influencing the high maternal mortality rate were lack of adequate nutrition, medical care, and sanitary facilities. Most of the women suffer from anemia, low weight due to the inferior quality diet. Though women make cook but still they have to take meal after male member in the family. According to the World Bank report, malnutrition is the major cause of female infertility. Boys are given more nutritious foods like milk, eggs, butter, ghee, fruits, and vegetables as compared to girls. Lack of healthcare facilities and poverty has been resulting in India accounting for 27% of all maternal deaths worldwide.

Right to Equal Opportunity

The law prohibits discrimination in the workplace, but employers paid women less than men for the same job, discriminated against women in employment is common problem in India. Indian labour market is adverse to women workers. It shows that, the role of women in large scale industries and technology based businesses is very limited. But even in the small-scale industries their participation is very low. Only 10.11% of the micro and small enterprises are owned by women today. Statistics show that only 15% of the senior management posts are held by the women. Women mostly work in light industries as they are unsuitable for work in heavy industries. Also, most of the women work in unorganized sector where the wages tends to be very low. About 94% of the total working women are in unorganized sector.

Conclusion

There is urgent need to create awareness in rural areas about the rights, education and government services, and schemes



for improvement of their status which is provided specially for women. There are various laws have been made by the legislature in the interests of women. The need of the hour is for the women to realize their rights and be vigilant. Women are the present and the future of India. But today in the world of the 21st century, women have attained a remarkable position in every field and their life style is improved, they are in no way inferior to men. Women have also started reaching out to state agencies for redressal and justice. Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' child marriage, trafficking, sexual harassment and rape, kidnapping & abduction domestic violence and dowry deaths, torture (cruelty by husband & relatives) are the problems in India.

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Human Rights Education: Perspectives & Prospects

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Abstract: *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. Climate change poses an enormous threat to the lives and well-being of individuals and communities across the world. The Intergovernmental Panel on Climate Change (IPCC)'s Fifth Assessment Report (AR5) provides a detailed picture of how the observed and predicted climactic changes will adversely affect millions of people and the ecosystems, natural resources, and physical infrastructure upon which they depend. Because of this climate change right to water and sanitation, right to health, right to life, right to food, right to an adequate standard of living. Even under the intermediate emissions scenarios there is a "high risk" that climate change will cause "abrupt and irreversible regional-scale change in the composition, structure, and function of terrestrial and freshwater ecosystems" in this century. It affects right to food, right to an adequate standard of living, and right to health. Food Security and Production Systems affects right to food, right to health, right to life, right to an adequate standard of living. Key Economic Sectors and Services are affects the right to health, right to an adequate standard of living, right to food, right to water.*

Key words: *right to health, right to adequate standard of living, right to food, right to water*

Introduction

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." 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."

In recent years the relationship between human rights and environmental issues has become an issue of vigorous debate. The link between the two emphasises that a decent physical environment is a precondition for living a life of dignity and worth. More concretely, a decent physical environment has to do with protection against, for instance, noise nuisance, air pollution, pollution of



surface waters and the dumping of toxic substances. Environmental degradation and human rights was first placed on the international agenda in 1972, at the UN Conference on the Human Environment. Principle 1 of the 'Stockholm Declaration on the Human Environment' establishes a foundation for linking human rights and environmental protection, declaring that man has a 'fundamental right to freedom, equality and adequate conditions of life, in an environment 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'. As a result of the 1972 Conference, the United Nations Environment Programme (UNEP) was set up.

The human right to a healthy environment is controversial, *inter alia*, because it has individual as well as collective aspects. If, for instance, after a period of foreign domination it emerges that the physical environment of the dominated people has been severely damaged, it is generally considered logical to allow for a claim to protection (i.e., restoration) of the environment not only by individuals, but in equal measure by the affected population as a whole. In this context, reference can be made to Article 55 of Protocol I to the 1949 Geneva Conventions.

Effects of Climate Change on Human Rights

Climate change poses an enormous threat to the lives and well-being of individuals and communities across the world. The Intergovernmental Panel on Climate Change (IPCC)'s Fifth Assessment Report (AR5) provides a

detailed picture of how the observed and predicted climatic 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.

Thus, climate change will have a profound effect on the enjoyment of human rights for billions of people. Climate change is already contributing to drought, ecosystem degradation, and food shortages across the world. Some regions are hit harder than others, with more clearly attributable linkages to climate change for example, sea level rise has adversely affected the safety and livelihoods of many coastal inhabitants and rising temperatures are causing significant changes in the Arctic ecosystems that support many indigenous communities.

Affected rights: right to water and sanitation, right to health, right to life, right to food, right to an adequate standard of living.

Terrestrial Ecosystems:

Even under the intermediate emissions scenarios there is a "high risk" that climate change will cause "abrupt and irreversible regional-scale change in the composition, structure, and function of terrestrial and freshwater ecosystems" in this century. "Forest dieback" is a major environmental risk, which has potentially significant impacts on climate, biodiversity, water quality, wood production, and livelihoods.



Affected rights: right to food, right to an adequate standard of living, right to health.

Food Security and Production Systems:

The effects of climate change on crop and terrestrial food production are already evident in several regions of the world. Some high-latitude regions, such as northeast China and the U.K., have experienced a modest increase in productivity as a result of recent warming. Even in the near term, the impacts on global food security could be devastating—for example, 10% of the projected impacts on food security under a 2°C warming scenario showed yield losses of more than 25% for the period 2030-2049.

Affected rights: right to food, right to health, right to life, right to an adequate standard of living.

Key Economic Sectors and Services:

Climate change will affect a variety of economic sectors and services, including energy, water services, transport, agriculture and livestock, forestry, fisheries, tourism, and insurance. Food production systems, water supply systems, and other sectors and services that rely on natural resources in their supply chain are particularly vulnerable to the impacts of climate change.

Affected rights: right to health, right to an adequate standard of living, right to food, right to water

Overview of Legal Issues

There are three main dimensions of the interrelationship between human rights and environmental protection:

- The environment as a pre-requisite for the enjoyment of human

rights (implying that human rights obligations of States should include the duty to ensure the level of environmental protection necessary to allow the full exercise of protected rights);

- Certain human rights, especially access to information, participation in decision-making, and access to justice in environmental matters, as essential to good environmental decision-making (implying that human rights must be implemented in order to ensure environmental protection); and

- The right to a safe, healthy and ecologically-balanced environment as a human right in itself (this approach has been debated).

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 cannot 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 Human right and Environment Pollution. 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. „It, therefore, becomes the legitimate duty of courts as the enforcing organs of constitutional objectives to forbid all actions of the state and citizen from upsetting the environmental balance.“ Similar approach was adopted in Kinkri Deri V. State of Himachal Pradesh, wherein the lime stoning activity was banned on the ground of being violate of Article 21 alongside Articles 48-A and 51A (g). It ruled that „to ensure the attainment of the constitutional goal of the protection and improvement of the natural wealth and environment from the hazardous consequences of the arbitrary exercise of power and granting mine lease without due regard to life, liberty and property the court will be left with no alternative but to intervene effectively by issuing appropriate wrists order and direction. Extinguishment of life due to slow poisoning under the arbitrary exercise of power attracted condemnation of Supreme Court in Subhash Kumar V. State of Bihar. The court justified the applicability of writ jurisdiction on the ground of derogation of right to enjoyment of pollution free water and air under Article 21. In Koolwal V. State of Rajasthan, a petition to enforce improved sanitation measures in Jaipur met favorable disposition based in pair in the expended right to life argument. No

specific injury was alleged but „poor sanitation and preservation of the environment due to slow poisoning of Jaipur resident was held to be Violation of right to health.“ In this case a direct nexus with human health and injury has not been demonstrated at all. The court further ruled that „fundamental duty enshrined under Article 51A (g) extends not only to citizens but to instrumentality of State.“ „Dovetailing the environment and health condition the Supreme Court in Virender Gaur V. State of Haryana delineated that „ the word environment is of broad spectrum which beings within its ambit hygienic atmosphere and ecological balance“. The citizen cannot exercise the fundamental right unless the corresponding constitutional duty in being carried out by the municipality. The broad sweep of right to decent environment as a pair of tight to life extended even to those cases where mere apprehension to environmentally deleterious activities were anticipated but not committed. In Law of Society of India V. Fertilizers & Chemicals Travancore Ltd. is a case in point where mere likelihood of leakage of ammonia storage tank at cochin amounted to dark shadow of genocide. The Court ruled: A state of perpetual anxiety and fear of examination of life is not an environment adequate for the health and well being of human race. It is the plain and clear negation of most basic human right guaranteed.

The Stockholm Declaration, and to a lesser extent the Rio Declaration, show how the link between human rights and dignity and the environment was very prominent in the early stages of United Nations efforts to address environmental problems. That focus has to some extent



faded away in the ensuing efforts by the international community to tackle specific environmental problems, with more focus being placed on developing policy and legal instruments, both at the international and national levels, targeted at the environmental problems that were emerging, through a series of mechanisms. Although the foundation of developing such mechanisms laid on the considerations made at the time of the Stockholm Conference, the human rights dimension is not made explicit in most of these instruments.

However, there have been several calls from different UN bodies to address the issues of human rights and environment in conjunction. The Commission on Human Rights (now transformed into the Human Rights Council) by Resolution 2005/60 requested the High Commissioner and invited UNEP, UNDP and other relevant bodies and organizations, within their respective mandates and approved work programmes and budgets: *“to continue to coordinate their efforts in activities relating to human rights and the environment in poverty eradication, post-conflict environmental assessment and rehabilitation, disaster prevention, post-disaster assessment and rehabilitation, to take into consideration in their work relevant findings and recommendations of others and to avoid duplication”* The UN reform process also calls for the integration of human rights in all of the organization's work

The majority of cases involving the right to a healthy environment in the Inter-American system are based in communal or indigenous rights rather than individual rights. The first environmental case was brought on behalf of the *Yanomani Indians of Brazil (Case*

7615), where the Commission found that the state had violated its responsibility to provide adequate protection for the health and safety of the Yanomani in the construction of a highway and by neglecting to address hostilities between mineral prospectors and the Indians. The Commission found violations of the right to life, liberty and security, the right to residence and movement and the right to health under the American Declaration. *Mayagna (Sumo) Awastani Community, Nicaragua* concerned government-sponsored logging on indigenous lands without prior consultation with the community. The Commission found a violation of the right to recourse and the right to protection of private property.

Under the African system, the African Commission took a landmark decision in 2001 with regard to the right to a clean environment. In a case where it was alleged that the Nigerian government had contributed to gross violations of human rights through the actions of its military forces and unsound environmental management related to exploitation of the Niger Delta, the Commission found that the Nigerian government had violated, *inter alia*, the right to a clean environment by directly contaminating water, soil and air, which harmed the health of the Ogoni people living in the area, and by failing to protect the community from the harm caused by oil companies. The Commission emphasised that the right to a clean and safe environment is critical to the enjoyment of economic, social and cultural rights. The duty to respect the right to a clean environment largely entails non-interventionist conduct from the state, such as refraining from carrying out, sponsoring or tolerating any



practice, policy or legal measures violating the integrity of the individual. The Commission stated that compliance with the right to a clean environment must include undertaking or at least permitting independent scientific monitoring of threatened environments, and requiring and publicising environmental and social impact studies prior to any major industrial development. This right also requires that appropriate monitoring is undertaken, information is disseminated to the communities exposed to hazardous materials, and that meaningful opportunities are guaranteed for individuals to be heard and to participate in development decisions affecting their communities.

In a series of resolutions, the former United Nations Commission on Human Rights and the United Nations Human Rights Council have drawn attention to the relationship between a safe and healthy environment and the enjoyment of human rights. Most recently, the Human Rights Council in its resolution 7/23 of March 2008 and resolution 10/4 of March 2009 focused specifically on human rights and climate change, noting that climate change-related effects have a range of direct and indirect implications for the effective enjoyment of human rights. These resolutions have raised awareness of how fundamental the environment is as a prerequisite to the enjoyment of human rights.

Conclusion:

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. Development of a strategy for paying all financial resources displayed in the environmental sector. It is necessary to eradicate public environment care system which provides selective environment care.

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Human Rights and Violence against Women

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Abstract: Human Rights are inherent to all human beings regardless of gender, nationality, place of residence, sex, ethnicity, religion, color or other categorization. Thus Human Rights are non-discriminatory, meaning that all human beings are entitled to them and cannot be executed for them. Of course, while all human beings are entitled to human rights, not all human beings experience them equally throughout the world. Many governments and individuals ignore human rights and grossly exploit other human beings.

Key words: human rights, sex, ethnicity, religion, color

Introduction

“Lost rights are never regained by appeals to the conscience of the usurpers, but by relentless struggle... Goats are used for sacrificial offerings and not lions”... Dr. B.R. Ambedkar. To deny people their human rights is to challenge their very humanity..... Nelson Mandela. Human Rights are the basic rights and freedom that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe or how you choose to live your life. They can never be taken away, although they can sometimes be restricted for example if a person breaks the law, or in the interests of national security. These basic rights are based on values like dignity, fairness, equality, respect and independence. But these are not just abstract concepts—they are defined and protected by law. Human Rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other states. We are all equally entitled to our human rights without discrimination.

These rights are all interrelated, interdependent and indivisible.

What are human rights

These are a variety of human rights, including:

- Civil Rights (like rights to the protection of the law and equality before the law)
- Political Rights (like rights to the protection of the law and equality before the law).
- Economic Rights (including rights to work, to own property and to receive equal pay)
- Social Rights (like rights to education and consenting marriages)
- Collective Rights (like the right to self-determination)

Why are human rights important?

Human Rights are important in the relationships that exist between individuals and the government that has power over them. The government exercises power over its people. However,



human rights mean that this power is limited states have to look after the basic needs of the people and protect some of their freedoms. Some of the most important features of human rights are the following:

- They are for everyone.
- They are internationally guaranteed.
- They are protected by law.
- They focus on the dignity of the human being.
- They protect individuals and groups.
- They cannot be taken away.

Human rights and woman: Present Scenario

Many organizations and governments worldwide focus on improving the status of women and girl. According to the International Labour Organization, 11.4 million women and girls are victims of forced labour in different forms—including debt bondage trafficking and forced prostitution. As global leaders seek to improve the status of women and girls exploitation in forced labour, trafficking and slavery.

When women and girls are enslaved or trafficked, they do not have access to programs aimed at women's equality and development.

- Trafficked and enslaved women and girls oftentimes do not attend school. Many times these women and girls are illiterate.
- Trafficked and enslaved women and girls face gross sexual violence, whether in forced

prostitution, forced marriage or during forced physical labour.

- Trafficked and enslaved women and girls do not have access to reproductive maternal health. The physical and sexual abuse of their exploitation leads to many early pregnancies forced abortions and exposure to HIV and other diseases.
- Trafficked and enslaved women and girls do not have access to health care.
- Trafficked and enslaved women and girls often face critical malnutrition.

Violence against women is a violation of human rights

Violence against women is a violation of Human Rights and fundamental freedoms of women. Violence against women is an obstacle towards gender equality.

Women are entitled to equal enjoyment and protection of all human rights and fundamental freedoms that include among others:

- The right to life.
- The right to equality.
- The right to liberty and security of person.
- The right to equal protection under the law.
- The right to be free from all forms of discrimination.
- The right to the highest attainable standard of physical and mental health.



- The right to just and favourable conditions of work.
- The right to not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

Violence against women is a social problem and not a private problem of each individual woman or a family. Violence against woman means any act of violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women. It also includes threats with such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

Violence against women is a consequence of an established gender inequality within society and existing structure of power in gender relations. It is rooted in cultural patterns especially in harmful influence of particular traditional practices or customs, education systems, religious beliefs and media influences.

Violence against women perpetuates gender inequality and stands as an obstacle to achievement of equality, development and peace. Violence against women restricts women in all areas of social life and their access to sources, services and activities. It is also a reason for so called hidden homelessness of women and their children, who have to more safe houses, maternity homes or to their relatives' homes. Violence against women is an additional reason for poverty of women and their children.

Violence is in many cases behavior learned within families, from relationships with other people, at school, and from media. Decrease of violence in

society is a long term aim, achievable through incidental daily efforts for non-violent behavior and peaceful resolving of conflicts, and by sharing necessary appropriate knowledge with the community. That way one can stop harmful patterns of behaviour being handed down from generation to generation.

It should be assured for girls and boys to receive upbringing and education which neither encourage traditional society and cultural patterns about the role of girls and boys, nor foster prejudice or stereotypes about each gender. It is important to strive towards creation of social climate with no tolerance for violence against woman or any other form of violence. The conviction that violence against women is not acceptable should become generally elected norm.

It is necessary to provide women with effective protection from violence, and to give clear message to perpetrators of violence that they will be pushed according to the law for causing violence.

Human rights -violence against women-Indian scenario

Indian society consist more villages. People also not well educated with unscientific background. So they always think that our family will be led by only sons and not daughters, who are sent to others home. So, most of the people with to give birth to male-children and they feel insecure when they give birth to female child. If a family gives birth to female children more than two, that family show them negative manners like less importance to their education, not to consider their views in any manner... Society also shows sympathy on family, which are having female children more. Society also put so many



restrictions inside and outside of the homes. These are not considering as the rights of the women or girls.

In our society, we observe feticide more. Majority of both educated and uneducated people are less interested in female children. So they are trying to know the sex of the baby in womb and try to kill the baby in mother's womb if it is female-one. Here father and his parents, close relatives take much care for this. If baby's mother oppose to killing female, then father try to suppress the will and pleasure of his wife or make a force on her. As a result of this, our sex-ratio is 943 as per 2011 census. In backward areas, SC-ST people living areas are having very less number of sex-ratio.

Rural Indian parents give less importance to women education as they think if their daughters will be educated then we search for educated bridegroom. As a result of this, our female literacy rate is 65.46% only. The lower of enrolment of girls in schools is one of the foundational factors which stand as stumbling block for women rights. The incidence and prevalence of drop-outs among girls especially in rural, tribal and slums areas seem to be quite high. In many families girl children play the role of second mother by shouldering the responsibilities of household work such as looking after the sibling, fetching water, collecting firewood, bringing fodder for cattle, cleaning and cooking etc., These activities led the women are faraway to Right to Education. Generally, the women are more intelligent and hard workers than male but they don't have any individual right to study/education. Their Right to Education depends upon the will and wish of their parents, who are always think about social status, honour and prestige ... Girls and women

are always concentrating their efforts on family welfare and spent at home. Here, they are facing sexual harassment from close relative b way of oral, touching and force... In some families, they are also facing violent behaviour from her family members includes her husband.

Women belonging to low cast families are forced to learn skills and work ways and not encouraged to go to school due to various factors in the sphere of strict instruction/threat from high cast communities for their selfish motives of keeping them as domestic servants and child labour in the farms or factories. We observe, in most of the villages, forward castes make violence against backward and lower caste women by way of sexual abuse, rape, using hard-words etc.,

There is high association of female literacy with female age at marriage. By and large the female age at marriage of 18 as prescribed by various legislations not at all followed in India. It is very much ignored and neglected by the families of parents with low literacy and no educated background. Immature women's are fought for their rights with their husband and his family members. The women in Indian culture especially in rural, tribal and poor families is expected to develop the qualities of inferiority, subservience and domesticity which place severe limitations on her education and development.

Dowry system and other social practices act as main causes the neglecting of the women rights and discrimination against them. In marriage process dowry played a key-role. Here women wish and will consider a little. After marriage, the bridegroom and his parents are demanding more and more



money/property from brides parents. It leads to give troubling brides and her families. In this process beating women, force the women to commit suicide, killing and murder the women.. these activities we observed in media. Hence, in our society women are facing violence within the families from husbands and his family members for additional dowry and money.

The women facing violence mainly from youth in the name of love, sex... Some of the youth students in colleges or outside the college are follow the women and express their wish of love. If their will are rejected, then they turned as psychos to do some harm to the women. It leads to suicides, killings of women and acid attacks on women. Mass-media also treated women as sex-symbol and treated her secondary children. In movies and serials in TV, the women appearance and characterization is so bad and not respectable. It leads to the youth not respected women and their rights. In schools and colleges, girl students are facing violence in the name of ragging. Here, the youth are troubling girl-students in the name of love. Sometimes it gives inconvenience to girl students and leads to drop out from studies, suicides, honour and prestige suicides etc.

In offices, boss and colleagues are also give troubles to women employees by way of endorsing more work and not sanctioning leaves, sexual harassment.. It leads to stress and strain of the women employees.

Steps to be taken stgrenthing the human rights and stop violence against woman:

The following steps to be taken by the women, parents, families, society, governments and all to strengthen their rights and stop violence against them.

- Create awareness among parents female child is not inferior and parents brought-up their female children without any disparities or any discriminations. Also give them proper education and respect their desires and rights.
- The family members should give chance to women to grow not discourages them.
- Schools and colleges conduct co-operative meetings of boys and girls. Here we discuss the mutual respect, career, role of women in the development of society etc., And take necessary steps to control ragging activities within the institution premises.
- Government also makes severe fearful Acts to control the violation of human rights of women and violence against women. Government also arrange special protection cells and special officers to deal the women rights and their violence problems.
- Education system should be change accord to needs of the society. Our curriculum gives much importance girl child rights and stop violence against girls/women.
- Make the girl child enabling or authorizing them to think, take action and control work in an autonomous way. Policies on women empowerment exist at national, state and local level in



many sectors including health, education, economic opportunities gender based violence and political participation. But for holistic coverage of these schemes, proper implementation and monitoring is needed.

- Gender discrimination is a divesting reality in developing countries. Women are subjugated at home, work place, market or any other public places. Thus, to overcome these atrocities against women they must be empowered with knowledge and skill.
- To implement a sustained Social Mobilization and communication campaign to create equal value for the girl child and promote her education.
- Parents and society should be more vigilant about youth those who are make trouble to women. Each and every mother and father should be give instructions to their sons how to behave with women and in what way we should respect them.
- Voluntary organizations and NGOs are also try to campaign the importance of human rights, what way we respect it and controlling steps violence against women. And also create awareness on superstitious practices.
- Government should take necessary steps to create awareness among parents of girl, to know about the programs, acts which make girls empowerment

and develop the health, education facilities of women.

- Women also should know their rights and limitations. They also come forward to report about those who are violating their rights and violence against them.
- UN women department also make some more recommendations to the backward countries where women rights are injured and violence against women are common. In some countries female literacy rate is very low so there should be special awareness camps will be conducted and make them know their rights and stop the violence against women.
- Our National Policy on Women 2001 suggests:
 1. The de jure and de-facto enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres-political, economic, social, cultural and evil.
 2. Strengthening the legal systems aimed to elimination of all forms of discrimination against women.
 3. Elimination of discrimination and all forms of violence against women and the girl child...these recommendations should be strictly implemented.

Conclusion:

Human rights promotion is the work of all levels of society. It is 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. In order to raise the awareness of human rights all of us be active and alert. Removal of discrimination in the treatment of the women within the family and outside and projection of a positive image of the women will be actively fostered. There will be special emphasis on the needs of the women and earmarking of substantial investments in the areas relating to food and nutrition, health and education, and in vocational education. Present government also implemented so many Acts to protect the human rights and control the violence against women. Women cannot be empower until and unless, holistic step is taken right from the birth and governments' present endeavour will definitely bring some change in the gender disparity, violence against women and violation of human rights and will help women to come forward in the race of development.

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Human Rights and Constitution of India: A Role of Dalits and Human Rights

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Abstract: The Nation of Human Rights is a gift of contemporary human thought to culture and civilisation of the present era. The struggle to promote, protect and preserve human rights changes and holds continuity in every generation in our society. The concept and practice of human rights is the hallmark of any modern society. Since time immemorial, the story of human rights has been the story of human wrongs. It is perhaps to contain and curtail the wrongs by one human being or a group or a body of human beings against the other individual, or a group of beings against the other, that the institutions like family to society as a whole come into existence. Man is born to be free and all that he must do is that be devoted to the wellbeing of human every kind of human being-of whatever race or religion, caste or creed or whatever sex and in all societies, developed and underdeveloped, traditional or modern.

Key words: human rights, national parliaments, preamble, Constitution

Introduction

The drafting committee of the Indian Constitution under the Chairman of Dr. B.R Ambedkar classified Human Rights into two categories. (1) The Political and Civil Rights, and (2) Social and Economic Rights. The former are termed as Fundamental Rights and enshrined in Part-III and the later Directive Principles and enshrined in part-IV of the constitution.

Under Part -III included

1. Right to equality (Art. 14,15,16)
2. Right to six freedoms

- (a) Freedom of speech and expression
- (b) To assemble peaceably and without arms.
- (c) To form associations or unions
- (d) To move freely throughout the territory of India.
- (e) To reside and settle in any part of the territory of India.
- (f) To practice any profession, or to carry on any occupation, trade or business (Art.19) Under Part-IV the Directive Principles of State Policy are included.

Human Rights and Dalits

The issues of human rights are of profound historical importance in the human endeavour of



reconstructing and redesigning society on egalitarian principles.

The preamble to our Constitution enjoins that justice, equality and fraternity shall be secured for all citizens. Justice in this patent mandates covers, social, political and economic spheres. The principle behind the constitutional concept of justice and equality is equity. India has also actively and very constructively participated at the international level in giving shape to the international Bill of Human Rights which consists of Universal Declaration of Human rights, the International Covenant on Economic, Social and Cultural rights. According instruments envisages that the rights to liberty and equality are birth right of all and is inalienable, that there shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; that right to life and security of persons shall be enjoyed by all; and that the right to economic and social includes rights to work, the right to equal pay for equal work, the right to education, etc. India has also ratified these Human Rights instruments.

Coming to the Human Right sfor Dalits, according to P.A Sangma, "what looms large is the size of the problem". The population of India has already crossed a billion, twenty-five percent of the population are the dalits. Since independence, successive

governments have taken several affirmative actions towards the upliftment of the dalits. The Untouchability Act of 1955 and Protection of Civil Rights Act of 1976, and certain legislation were made for the upliftment of the Dalits. Over Rs. 10,000 corer are is invested per annum for the upliftment and the benefit of the dalits. Institutional structures have also been created for their upliftment. The National Commission for the Scheduled Caste and Scheduled Tribes and the National Backward Classes Financial Development Corporation are efforts towards their upliftment.

India may have participated in the establishment of Human Rights. Instruments, may have constitutional provisions flowing from concepts of Human Rights, may have established a regime of laws to protect and to positively discrimination favour of the scheduled Cases and the Scheduled Tribes and other Backward Classes. But to practice human rights for dalits and other minority groups and backward classes in India still remain in legislation and are yet to be implemented totally.

The obvious remedy to the problem of upliftment of the dalits is education. Education is vital for the smooth and non-violent transition of the dalits from being oppressed to being prosperous and empowered. With proper education the dalits will not subject themselves to such exploitation. Also economic



development is vital. Reservation in the long run is likely to keep the dalits back from genuine development. Another important means of economic development is of course vesting the dalits with the right of property.

But in spite of the all these ,human rights of the dalits are highly denied and not only that their rights are immensely violated . This can be proved by some of the cases of violation aptly held up by S.K. Thorat in one of his articles, 'Dalit and Human Rights – Apart of the whole but a part Apart.

He pointed out that violation of the Human Rights of the dalits violated tremendously. Evidences show that contrary to expectations the practice of untouchability in several area of human social interactions about 70% of the temples are barred from the untouchables. Some are even not allowed to join religious processions. In rural areas water sources are still banned from them. According to Dr. Thorat , the only area where prohibition was minimum was political matter. But nevertheless it exists there too.

Violation of Social Rights

Dr. Venkateswari (1970) in a study of six villages inferred that most Harijans there felt that the temples are still bar to them. They feel that they are not to enter the houses specially the kitchens of the upper

caste Hindus. Marriage procession by Harijans, are objected too on one or the other pretext by the upper castes. Cases of physical violence against them were also recorded. They ranged from looting, kidnapping, insults, rapes, physical torture, threats and even attempt to murder.

Violation of Political Rights

The SC/St Commissions report does not mention the cases of violation of political rights. But some micro level researches provide some information on this issue. A study on Karnataka points out village tensions due to the high caste preventing the Harijans and the dalits from participating in political activities or even for not voting for a particular candidate contesting the election.

Economic Discrimination

It many parts of the country, particularly in the rural areas and many a times also in the cities less wages are paid to the dalits and women. Dalit peasants are many times beaten up for demanding higher wages. Number of studies point out the discrimination of Dalits in the land and employment market. Dalit workers tend to get lower wages than a non-dalit worker. A large number of dalits workers are engaged in polluted occupation m which are unclean and are considered inferior in nature. Hence they face discrimination in social relation and also in employment.



Discrimination in Education

Studies done over the time points out discrimination of Sc's/St's in educational institutions too. Dalit students continue to experience social discrimination within schools and colleges. History has evidence of dalit children made to sit separately within the classroom, of being refused drinking water and the like. Even teachers refused to check their slates and copies or resort to physical punishment for the fear of pollution.

Civil Rights Violation

To point out facts of discrimination as a civil right violation one can point out the attitude of the police towards the Dalits. The treatment by the police towards the Dalit is relatively bad. Victim's face multiple problems at the time of registration like, non-availability, refusal to register, attempt to compromise, threats and rude behavior. A number of studies reflect that civil rights violation and atrocities are committed over land disputes and wages. The important reason is the economic deprivation of the dalits.

While discussion Dalits and Human rights, it is very important to point out 'Dalit Women and Human Rights'. The problem of women during the recent years has received some amount of attention but the same is yet to reach the dalit women. They are doubly burdened with the

fact that they are women and not only that but dalit women.

Sexual violence

Apart from the above mentioned dalit discrimination issues, dalit women have some particular problems. Sexual violence is one such problem faced by dalit women. Sexual violence is a general problem to all women, but it is far more intense in case of the dalit women. Because of the lower social status and their economic dependence, dalit women become victims of high class/ caste sexual violence.

Dalit women are also victims of social and religious practices like devadasis and joginis:

The 28th report of the SC/ST Commission points out that in 1986 there were about 10,000 joginis who were SC's belonging to the Nizamabad District of Andhra Pradesh. Under this social and religious system young girls from the villages are married to the village god by their parents and these girls are sexually exploited by upper caste landlords and other rich men of the village who have initiated this process of "divine marriage" (Vimal Thorat, 1999). This social sanctioned prostitution is prevalent in large area of the Telangana, which adjoins Karnataka, where a similar practice of Devadasi is practiced. Devadasi system also exists in parts of



Maharashtra ,Kolhapur, Solapur and Dharward.

humam righs violation in economic , political educational fields

Besides civil rights violation and sexual exploitation, Dalit women also suffer from political , educational and economic rights. But there is not much of documented evidence regarding these violations. Limited available evidences indicate that the Dalit women suffer from unequal treatment in the field of economic activities and in education. They are mostly found to work as sweeps and such similar unclean occupations. They do not fine jobs in the households of the higher caste people, they are rarely employed as domestic workers , due to the practice of untouchability. Similarly quite a few studies. Like(Geeta Nambission, 1996) point out the practice of discrimination in educational institutional. In the area oblate we are seeing women like phoolan Devi(a dalit Women) in a position of power

Human Rights for Women

Every single individual is acknowledged to have human rights. The original 17th and 18th Century Liberalism focused on the "rights of man" which, at times, meant that only free men who owned land had rights. Since the 1948 Universal Declaration of Human Rights at the latest, human rights have been perceived as the rights of all people ,

regardless, for example, of their sex, age, social, status, skin, color and health. Yet there still differences in interpreting what human rights mean. The traditional view, which emphasizes the protective sphere that protects the individual against interference from public authorities , may be blind to several dimensions of human rights.

Human rights also belong to women. Although all people have rights., regardless of their sex, examining human rights from women point of view may give a whole new perspective even to the most traditional human rights. We could, for instance, think of the sexual violence and other types of violence women experience within the family circle , which is still a serious problem inmost countries. Husbands can sometimes abuse their wives and force them into sexual intercourse by using violence or by threatening with violence.

Conclusion

Dalits constitute 17% of the population amounting to 170 million in India. One out of every six Indians one is a Dalit, yet due to their caste hierarchy Dalits incessantly counter discrimination and violence which prevent them from enjoying the basic human rights and dignity promised to all citizens of India. More than 260 million people worldwide suffer from this "hidden apartheid" in different forms of segregation, exclusion, and



discrimination. Several legislations in the constitution have been enacted for the protection of the Dalits. On the contrary, atrocities, violence and discrimination against them persist unabated. This is a matter of fact that since the police resorts to various machinations to discourage reporting and registration of cases, sometime dilutes the seriousness of the offences, shields the accused persons; thereby Dalits very often are intimidated to report cases against the powerful perpetrators of atrocities. Considerable physical violence is inflicted on members of this deprived and marginalised community as substantiated by official reports. There are missing reported cases where Dalits are harassed and exploited for being poor and for being coming from polluted castes as per traditional caste hierarchy. Sometimes the whole Dalit community in the village is socially boycotted. A democratic movement from the grassroots level has to be launched against discrimination and atrocities as they are more apparent in rural areas. There is a need to change the status quo and discrimination. The Dalit human rights have to be taken to the centerstage of any political and social movement in the country. Dalit right to be human cannot be attained by themselves being mere spectator. Dalits have to spearhead this human right movement and all progressive forces should join their hands with them.

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Child Rights from Human Rights Perspective – A Sociological Perspective

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Abstract: The Crux of the present enactment is to treat the children of who alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, here-in-under and for matters connected therewith or incidental thereto.

Key words: protection, development, treatment

Introduction

In India, Child Rights are considered as Human Rights and there is no distinction between child rights and human rights as child rights are part and parcel of human rights and every child from birth to till attains 18 years of age,

Child is entitled to get all the rights namely Right to Survive, Right to Development, Right to Participate and Right to Protection. It is our concern to provide all the above rights must be ensured to child. If any of the right is violated, then the growth of the nation is affecting and those, who violate must be punished severely. Government of India has established National Commission for Protection of Child Rights (NCPCR) to monitor and provide necessary support to strict implementation of the enactments made for protection of children. The core object of the National Commission for Protection of Child Rights (NCPCR) is to emphasize the principle of universality and inviolability of child rights and recognizes the tone of urgency in all the child related policies of the country. For the commission, protection of all the

children in the age group of 0 years to 18 years of age with equal importance. The policies designed for uplifting of vulnerable children. It includes focus on regions that are backward or on communities of children under certain circumstances. The National Commission for Protection of Child Rights

Child Rights and Human Rights

To consider Child Rights are equally important as Human Rights. Child should get four rights namely Right to **Survive**, Right to **Development**, Right to **Participate** and Right to **Protection** and various legislation are enacted for betterment of children as well as society. Most of children are lacking parental care due to poverty, illiteracy and other associated problems. Unless, we provide proper care and protection, child will not be able to lead a normal law abiding life during her lifetime as due to lack of proper parental care.

To ensure child get right to survive, Pre-conception and Pre-Natal Diagnostic Techniques Act, 1994 must be implemented in the state with-out any



bias as from fetus itself by seeking sex selection of a child, child is not getting life on earth as a result survival right is getting violated. By proper implementing the Pre-conception and Pre-natal Diagnostic Techniques Act, 1994, child can get a life, health, nutrition, name and nationality . it is our concern to ensure to implement the said enactment properly to get the right from birth.

To ensure Right to Development, child must be provided proper education, care, leisure, recreation, cultural activities etc., by ensuring proper implementation of Child Labor (Prohibition and Regulation) Act, 1986 and Right to Education Act, 2005, which will allow child to get timely benefits for her development.

To ensure to participate, child must be protected by proper

implementation of Prohibition of child marriage Act, 2006 and Child marriage Restrain Act, 1929, as the violation causes due to poverty, illiteracy and other associated problems attached to poverty and illiteracy.

To ensure to participate the child, the Protection of Children from Sexual Offences Act, 2012 and Juvenile Justice (Care and Protection of Children) Act, 2015, which will enable child to get protection. The Juvenile Justice Act, 2015, the present enactment is in force w.e.f 15.01.2016 by replacing the earlier enactment i.e Juvenile Justice (Care and Protection of Children) Act, 2000 with minor amendments in 2006 and 2011. The present enactment is based on certain principles, which are in Chapter II and Section 3 of the present enactment.

Table 1- Child Rights

Right to Survive	To life, health, nutrition, name nationality	Pre-conception and Pre-Natal Diagnostic Techniques Act, 1994
Right to Development	To education, care, leisure, recreation, cultural activities	Child Labor (Prohibition & Regulation) Act,1986 Right To Education Act, 2005
Right to Participate	To expression, information, thought, religion	Prohibition of Child Marriage Act, 2006 Child Marriage Restraint Act, 1929
Right to Protection	From exploitation, abuse, neglect	Protection of Children from Sexual Offences Act, 2002
	To provide shelter, reform, rehabilitate and re-integrate	Juvenile Justice (Care & Protection of Children) Act 2015

The Crux of the present enactment is to treat the children of who alleged and found to be in conflict with law and

children in need of care and protection by catering to their basic needs through proper care, protection, development,



treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, here-in-under and for matters connected therewith or incidental thereto.

WHEREAS, the provisions of the Constitution confer powers and impose duties, under clause (3) of article 15, clauses (e) and (f) of article 39, article 45 and 47, on the State to ensure that all the needs of children are met and that their basic human rights are fully protected.

WHEREAS, the Government of India has acceded on the 11th December, 1992 to the Convention on the Rights of the Child, adopted by the General Assembly of United Nations, which has prescribed a set of standards to be adhered to by all State parties in securing the best interest of the child.

AND WHEREAS, it is expedient to re-enact the Juvenile Justice (Care & Protection of Children) Act, 2000 to make comprehensive provisions for children alleged to found to be in conflict with law and children in need of care and protection, taking into consideration the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juvenile Deprived of their Liberty (1990) the Hague Convention on Protection of Children and Co-operation in Respect of Inter country Adoption (1993), and other related international instruments.

It is evident from the above convention of International and National shows that the importance of children and their future for building nations strength in various ways, accordingly Juvenile Justice (Care and Protection of Children) Act, 2015 has been enacted for proper care and protection of children. The present enactment, which is in force for proper shelter and rehabilitation of children who are in need of care and protection. By treating the children, who are in need of care and protection, their future can be mould according to their interest instead, don't treat them properly, they will be burden to the state and unproductive in nature and turn to become law violating citizens in the future. The category of children are who is found without any home or settled place of abode and without any ostensible means to subsistence; or who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street or who resides with a person (whether a guardian of the child or not) and such person has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child or has threaten to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out or has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person or who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after having parents or guardians unfit to take care, if found so by the Board or the committee or who has a parent or guardian and



such parent or guardian is found to be unfit or incapacitated, by the committee or the board, to care for and protect the safety and well being of the child; or who does not have parents and no one is willing to take care of , or whose parents have abandoned or surrendered him or who is missing or run away child or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed or who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts or who is found vulnerable and is likely to be inducted into drug abuse or trafficking or who is being or is likely to be abused for unconscionable gains or who is victim of or affected by any armed conflict, civil unrest or natural calamity or who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnization of such marriage are coming under children in need of care and protection and they can be treated through child welfare committee of juvenile justice act 2015, which is comprehensive enactment for the benefit of those who need care and protection to enable to lead a law abiding citizens of our country.

Conclusion

Through this paper, it is everybody concern to ensure not to violate child rights and those, who violate must be punished severely. Empowering authority must act according to the law prescribed for punishing the those perpetrators and ensure to implement the enactments for better future of the children. According to the annexure- I, each right is defined and corresponding

law is in force, it must to ensure for proper implementation of act by constituting various committees to enable children to get the benefits available and construct a strong nation with the existing child force in our country. Annexure – II shows various statistics pertains to children, which needs proper attention to ensure not to number in violations of child rights, it is possible only when we ensure all the rights are given to children ensure not to violate, which hinders the growth of children and effects the future of children.

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