CHAPTER 1

1.0. Introduction

God, if not (for atheists) the Nature, has given us this beautiful planet, the earth, to have a peaceful co-existence in harmony with our fellow humans and beings – living and non living. Human is the master of universe with the supreme power of reasoning, the sixth sense, which is not endowed with by the other creatures which are known to human. This enabled him/her superior to others and made him/her the only developing animal on this earth, who, from the stone age has been mastering over the universe with his/her scientific and technological knowledge and wisdom, leaving all other creatures behind.

Human is not found in isolation. He/she needs his fellow being to have his existence either directly or indirectly. But the modern humans, with their greatest inventions and interventions, unconsciously and unintentionally, are going towards isolation and thereby towards destruction. Greed to expand territory, accumulate wealth and fear from aggression made him/her to make boundaries for material division and social hierarchy for social security and mobility. The egalitarian society is becoming an egocentric society. There comes the violation of someone’s rights which are supposed to be respected and not to be interfered with.
These violations of human evolution brought forth revolutions, bloodshed, loss of life, property, peace, etc., and in total ‘loss of life’. These effects brought forth a great fear of suffering and destruction to the whole world. Scientific discoveries and inventions like discovery of dynamite, ultrasound, LASER, air planes, atomic energy, chemicals... have mostly become the evil designs to massacre the human race.

The spark of evil designs spread and the 20th Century was faced with two great wars that shook the human hearts and brought destruction, fear and consequent realization of respecting human dignity and rights. Since time immemorial, great thinkers, statesmen, leaders, poets, social reformists, etc. around the globe have been trying to make the people realize the idea of ‘universal brotherhood’ or ‘happiness to all’ (‘sarva bandhu sukhina’ in Indian literature means ‘let all the people be happy’)

1. The failure, to heed to such, resulted in the explosion of atom bombs which reverberated the earth and hearts of every being and spread the radiations and poison into the humanity till today.

William Wordsworth, in the first quarter of twentieth century, in his poem titled “Written in Early Spring” laments,

“If such be nature’s holy plan,

Have I nor reason to lament

What man has made of man?”

2
As this is a holy plan of nature to live in togetherness, humans can not desolate them from each other and live in isolation for long. Either directly or indirectly, he/she needs his fellow humans and beings – livings and non-livings for survival. Notwithstanding his personal liberty, he/she is shackled by a social chain of duties to let others exercise their rights.

Sunita William, the India born space scientist of America, in her recent visit in September 2007 to Gujarat, India, lamented that at an altitude 400 Km above earth the artificial boundaries on the earth could never be seen and the earth is seen an undivided unit. In her eyes, it looked like a single and undivided home contrary to the ground reality. A person, who elevates his/her thoughts beyond his/her ‘self’ without any personal prejudices may come to know that his/her ‘self’ is a part of the ‘universal self’ and he/she finds unity in spirit. For such an elevated person the world is a single family and an undivided unit. This was propounded by the visionaries and great people all over the world in different terms such as “Vasudhaiva Kutumbakam”, “sarvodaya”, ‘Sarva Bhavanthu Sukhinah or ‘Sarva mukti’ , ‘Pansophic College’ of Comenius, …

Therefore, it is a felt need that every human is aware of his/her basic rights and also the rights of fellow beings. Everyone needs to exercise his rights as well as pave way to exercise others’ rights. To realize this, the basic awareness of one’s rights and duties is a must. Education is universally considered as one of the powerful instruments to inculcate the human rights values. Therefore, the United
Nations, in its “Universal Declaration of Human Rights” emphasized the importance of educating people about human rights

“… The General Assembly proclaims this Universal Declaration of Human Rights ... to the education that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms…”

Further it is hypothesized that Human Rights Education shall promote understanding and peace among all the human beings.

“Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding among all the nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace”

Therefore, the present study is directed towards measuring the present level of awareness about human rights among the higher secondary students in the State of Nagaland. This study also attempts to know the level of application of student’s knowledge to their life situations which involve exercise and violations of human rights. In spite of inclusion in the curriculum, the sources through which the awareness is achieved and the answers related to the other issues of Human Rights are to be examined. This study also attempts to study teachers’ and principals’ awareness, opinion, their students’ behaviour related to human rights and the institutional atmosphere.
1.1. Features of Nagaland

Nagaland, a vibrant state located in the extreme North Eastern end of India, bounded by Myanmar in the East, Assam in the West, Arunachal Pradesh and a part of Assam in the North with Manipur in the south, now a part of India, was under the control of British Government till the India’s independence since 1826 except Tuensang area from 1826 to 1947. Though no written records are available to depict the history of Nagaland, some documents from the Ahoms of the neighbouring state Assam, show that when Assam was invaded by Myanmar in 1816, Nagaland was also brought under the control of Myanmar till the invasion of British government. In India’s post independence, the so called Naga Hills and Tuensang district were made to represent a single unit under the Indian administration. On the 1st December 1963, Nagaland was finally declared as the separate state (16th state of India) which constitutes an important part in the history of Nagaland.

1.1.1. Demography

The present state of Nagaland is spread over 16,527 sq. km whereas the total area inhabited and claimed by the Naga nationalists is put to 100,000 sq. km\(^5\). The population of Nagaland is 1.99 million according to 2001 census and is scattered in 11 districts with 52 Blocks comprising of 1317 villages. The State has the density of 120 persons per sq. km. As against decadal growth rate of 21.54 % at the national level, the population of the State has highest grown in NE states by 64.53% over the period 1991-2001. The sex ratio of Nagaland at 900 females to
1000 males is lower than the national average of 933. Female literacy of the State rose to 61.92% from 54.75% in 1991. The distinctive character and identity of each tribe in terms of tradition, language, custom and costumes is clearly discernible to the visitors.

1.1.2. Districts

The following are the 11 districts of Nagaland with the capital Kohima:


1.1.3. Ethnicity

The Nagas are a heterogeneous mixture of a number of tribes and sub-tribes inhabiting the state of Nagaland, the Naga Hills of Manipur, North Cachar and Mikir Hills as well as Lakhimpur, Sibsagar and Nowgong districts of Assam, north-eastern parts of Arunachal Pradesh, the Somra tracts and its contiguous areas of north-western Myanmar. The Nagas in Myanmar occupy an area from the Patkai range in the North to the Thaungthut State in the south, and from the Nagaland state border in the west to the Chindwin river (and beyond), in the east.
The Nagas belong to the Sino-Mongolian family who migrated to their present location through Myanmar, however, the root of migration is not definitely known. Linguistically, the Naga dialects fall under the Tibeto-Burman group with each tribe speaking a distinct dialect. The Nagas consist of a conglomeration of as many as 35 main Naga tribes (the exact number is not known). The major tribes are the Konyak, Chang, Ao, Phom, Sangtam, Khiamniumgan, Sumi, Lotha, Angami, Rengma, Zeliangrong (Zeme, Liangmai and Rongmei), Chakhesang (Chokri, Khezha and Sangtam), Pochury, Poumai, Yimchunger, Tangkhul, Mao, Maran, Thangal, Maring, Kom, Chirr, Chiru, Chothe, Anal, Moyong, Mongsong, Lamgang, Nocte, Tangsa, Wanchoo, Singpho, Khampti, Hemi, Htangram, Rangpan, Para, Kalyp and Kengyu. The Nagas belong to the Sino-Mongolian family who migrated to their present location through Myanmar; however, their origin is skeptical. Linguistically, the Naga languages fall under the Tibeto-Burman group with each tribe speaking a distinct language.
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Location</th>
<th>English</th>
</tr>
</thead>
<tbody>
<tr>
<td>01.</td>
<td>Approximately lies between 25°6’ and 27°4’ latitude, North of Equator and between the longitudinal lines 93°20’E and 95°15’E.</td>
<td></td>
</tr>
<tr>
<td>02.</td>
<td>Capital</td>
<td>Kohima (1444.12mts above sea level)</td>
</tr>
<tr>
<td>03.</td>
<td>Official Language</td>
<td>English</td>
</tr>
<tr>
<td>04.</td>
<td>Tribes</td>
<td>Angami, Ao, Chakhesang, Chang, Khiamniungan, Kuki, Konyak, Lotha, Phom, Pochury, Rengma, Sumi, Sangtam, Yimchungru, Zeliang</td>
</tr>
<tr>
<td>05.</td>
<td>Area</td>
<td>16,527 Sq.Km</td>
</tr>
<tr>
<td>06.</td>
<td>Population</td>
<td>19,88,636 (82.26% Rural)</td>
</tr>
<tr>
<td>07.</td>
<td>Population Density</td>
<td>120 persons per Sq. Km</td>
</tr>
<tr>
<td>08.</td>
<td>Literacy</td>
<td>67.11%(all) 71.77%(Male) 61.92%(Female)</td>
</tr>
<tr>
<td>09.</td>
<td>Biggest Village</td>
<td>Kohima Village</td>
</tr>
<tr>
<td>10.</td>
<td>Average Rainfall</td>
<td>2500mm</td>
</tr>
<tr>
<td>11.</td>
<td>Highest Peak</td>
<td>Mt.Saramati(3840metres)</td>
</tr>
<tr>
<td>12.</td>
<td>Main Rivers</td>
<td>Dhansiri, Doyang, Dikhu</td>
</tr>
<tr>
<td>13.</td>
<td>Railway Head</td>
<td>Dimapur</td>
</tr>
<tr>
<td>14.</td>
<td>Air Port</td>
<td>Dimapur</td>
</tr>
<tr>
<td>15.</td>
<td>Commercial Centre</td>
<td>Dimapur</td>
</tr>
<tr>
<td>21.</td>
<td>Teachers</td>
<td>10557</td>
</tr>
<tr>
<td>22.</td>
<td>Trained Teachers</td>
<td>1162</td>
</tr>
</tbody>
</table>

Source: Nagaland Statistical Handbook
1.2.4. Life

Before the advent of the British, the Nagas lived in permanently established village-states, much like the Greek city states, perched high above the valleys. Historically, the tribes were separated from each other by the rough terrain and psychologically by internecine warfare and feuds. It was only under the aegis of the British administration that interaction of the Naga tribes and their assertion as an ethnic group of people began.

1.1.5. ‘Naga’ – Etymology

The origin of the word ‘Naga’ has been a source of much debate among different scholars. The two largely accepted viewpoints are taken from the etymology of the word ‘Naga’ and its varying connotations in the Burmese and the Assamese languages. In Burma (Myanmar), the Naga tribes are called Na-Ka, which, in Burmese means, ‘people or men or folk with pierced ear lobes’. Piercing of the ear lobes is a widespread practice among the Naga tribes. In fact, the piercing ceremony forms a very important initiation rite for young boys who are about to enter manhood.

Most of the Naga tribes migrated to India from Burma, therefore the name ‘Naka’ or the Anglicized word ‘Naga’ was given to them even before they settled in India. Moreover, it was from the Burmese that the British first came to know about the Nagas soon after their earliest wars with Burma during 1795-1826 and subsequent contact with the Nagas in 1829.
Another theory of the origin of the term ‘Naga’ is associated to the Assamese people, the immediate neighbours of the Nagas. In Assamese, the word, ‘Naga’ means “naked”. Throughout Assamese literature and particularly historical records of Assam, called the Buranji, the ‘Naga’ is used for the primitive man living in his natural surroundings in an uncorrupted form. Thus originally the “Naga” was used for the naked people of the hills who often came in contact with the people of plains in Assam. Gradually, it became a generic name for many tribes and the term “Naga” came to signify the separate identity of the people.

1.1.6. Language

Despite different languages are spoken by the different tribes of Nagaland their common language of communication is Nagamese. The different Naga tribal languages fall in the Tibetan – Burmese group of languages and are classified into three divisions:

- Eastern sub – group : the Konyaks and Chang languages fall within division
- Central sub – group : the Lotha, Ao, Phom, etc fall under this category
- Western sub- group: Sema, Angamis, Rengma and Chekhesang are some of the major languages of this division.

The tribes form the maximum chunk of Nagaland population and these tribal people speak Nagamese, which is a mixture of the basic Naga languages and Assamese. It is popular for its simplicity and there are no written scripts for the Nagamese language. English is the official language of the state and it is quite
popular among the educated mass of Nagaland. The national language - Hindi is also not uncommon among the mass and most of the people understand and speak Hindi.

1.2.0. Human Rights

12.1. Nature of Human Rights

In English language, the term ‘right’ has two meanings: one is moral and the other is political or legal. In the moral sense, right refers to what it is ‘right’ to do from a moral perspective. The second sense of the word refers to a relationship between right and duty or obligation in the context of the law. In this second sense, the meaning of right is stronger than in the former, in that a right holder can compel a duty bearer to honour that right by calling on the court to compel respect for the right.

Human rights may be explicable as rights that we have by virtue of our humanity, but this does not necessarily make them legally enforceable or fundamental. Unless a positive legal source states that they are fundamental, human rights fall short of legal claims and can perhaps be thought of as political claims about the desirability of a certain state of affairs. In this sense ‘human rights’ provide a moral standard of national political legitimacy⁸.

‘The term ‘human rights’ indicates both their nature and their source: they are the rights that one has simply because one is human. They are held by all human beings, irrespective of any rights or duties individuals may (or may not)
have as citizens, members of families, workers or parts of any public or private organizations or association. They are universal rights.

If all human beings have them simply because they are human, human rights are held equally by all. And because being human cannot be renounced, lost or forfeited, human rights are inalienable. In practice, not all people enjoy all their human rights, let alone enjoy them equally. Nonetheless, all human beings have the same human rights and hold them equally and inalienably⁹.

i. Universal Nature of Human Rights

The UDHR is called ‘the Universal Declaration of Human Rights’ and the Vienna Conference re-asserted this universality. Therefore, it seems obvious that these human rights are asserted on behalf of all human beings simply by virtue of their humanity. However, merely asserting that rights are universal in scope and are to be applied in a ‘fair and equal manner’ is not necessarily the same having a developed underlying theory of universal human rights-the universalistic perspective seeks this broader account of the nature of human rights.

The universal nature of human rights was being reaffirmed by the Vienna Conference. Human rights are inalienable because they flow from and protect human existence, they cannot be taken away without endangering the value of that existence.

ii. Relative Nature of Human Rights

A significant section of thinkers argue that human rights are not universal but historically, socially and politically contextual and contingent. So called
‘universal’ human rights were just modern Western values in disguise and non-Western values, culture and community should be respected.

The joint labeling was partly justified in that these dissenting perspectives were supported by some nations – China, Singapore, Malaysia, Cuba and the former USSR. There is also a common skepticism (some would say cynicism) about the universal human rights project as an exercise in international law-making and whether it was merely another exercise of power by the West, always working to its advantage.

These critical accounts of rights argue that the concept of rights is far from being truly universal. Indeed, abstract and general assertions of ‘human’ rights are rooted in concrete situations typical of the West and thus are best understood as political interventions that explicitly or implicitly impose the cultural, economic and social specificity of Western traditions. This leads to the question whether it would be preferable to have more heterogeneous and culturally variable understandings of human rights – this is often labeled the ‘relativist’ position. We will examine these claims and look in detail at Asian Chinese, Islamic and critical accounts of human rights in order to assess the degree to which these alternative statements of rights are compatible with, or diverge from, the Universal Declaration of Human Rights(UDHR). In the conclusion we will argue that human rights, and the universalistic/relativist debate, are perhaps best understood as a concern with the articulations of political identity in a globalised world.
iii. Legal Nature of Human Rights

Law gives these rights positive existence, but the rights pre-exist positive law. Hence we can talk about law ‘recognizing’ human rights: the assumption is that the rights already exist and positive law (treaties, conventions, etc) merely gives them a specific form and make it easier to ensure that such rights are universally respected. From this perspective, international human rights law thus has a double validity: as positive law it comes from the appropriate sources of authority yet, at the same time, this positive law also rests on an independent foundation in humanity itself that is both descriptive and normative. Thus universalism in human rights often described as modern natural law or natural rights.

1.2.2. History of Human Rights

i. Ancient Period

Man, as a social animal by nature and necessity, can not live in isolation for his survival. He/She needs his fellow persons either directly or indirectly. In the primitive age, fear from other men, animals and nature’s fury necessitated him/her to live in groups. His/her needs needed him to sacrifice some of his/her needs to pave way for the others’ needs. This made him/her having a contract between him/her and his fellow persons. Therefore, Human rights must have started from the time humans started living in group. The group may be simple, like a family or complex. Therefore, it might be a social and biological evolution or a social
contract that made man to give some thing for social security and other social benefits.

ii. Medieval Period

The concept of human rights’ which are now included in the Universal Declaration of Human Rights, can be traced through all the major religions of the world, cultures and philosophies, ancient Hindu (Manu Smriti), Confucianism, the Qur’an and the Ten Commandments. Human Rights is found to be ingrained in Indian civilization which adumbrated the concept of “Vasudaibha Kutumbakam” (meaning thereby “the whole world is a family”). In Vedas, the four principles took the highest values viz., Dharma, Artha, Kama and Moksha. Dharma was considered as the right code of conduct which gives Mokhsa (salvation) to the soul. Dharma, Artha, Kama and Moksha ensure and promote a cluster of human rights like Right to Happiness, Right to Equality, Right to Religion, Right to Protection, Right to Education, Right to Social Security, Right to Human Treatment and Right to Justice, etc. Both in Oriental and Occidental literature the concepts of equality, fraternity, peace and harmony can be found. Especially, Rousseau, Ruskin, Plato and Socrates in the west and Manu, Vyasdeva, Narada Muni and others in India have enunciated with the principles of human rights in one form or another.
Some of the ancient sources of Human Rights are listed below:

The earliest known legal code, ‘Urukagina or Lagash’ (c.2350 BC) must have addressed the concept of rights to some extent. But the actual text of the decrees has not been found.

The oldest legal codex extent today is the “Neo – Sumerian Code” of ‘Ur-Nammu (Ca 2050 BC). The Vedas, the Bible, the Qur’an and the Analects of Confucius are also among the early written sources that address questions of people’s duties, rights and responsibilities.

Many sets of laws issued in Mesopotamia including the ‘Code of Hammurabi’ ( Babylonian law Ca. 1780 BC)

Cyrus Cylinder:

The Achaemenid Persian Empire of ‘Ancient Iran established unprecedented principles of human rights in the 6th Century BC under the Cyrus, the Great. After his conquest of Babylon in 539 B.C., the king issued the ‘Cyrus Cylinder’, discovered in 1879 and recognized by all today as “the first human rights document”

Maurya Empire:

Maurya Empire of Ancient India established unprecedented principles of civil rights in the 3rd Century B.C under ‘Ashoka the Great’. After his brutal conquest of ‘Kalinga’ in circ a 265 BC, he felt remorse for what he had done, and as a result adopted ‘Buddhism’. He pursued an official policy of non-violence
(ahimsa) and the protection of human rights, as his chief concern was the happiness of his subjects. The unnecessary slaughter of animals was immediately abolished. Ashoka also showed mercy to those imprisoned allowing them outside one day each year, and offered common citizens free education at universities. He treated his subjects as equals regardless of their religion, politics or caste and constructed free hospitals for both humans and animals. Ashoka defined the main principles of non-violence, tolerance of all sects and opinions, obedience to parents, respect for teachers and priests, being liberal towards friends, humane treatment of servants and generosity towards all. These reforms were described in the Edicts of Ashoka.

Early Islamic Caliphate:

Many reforms in human rights took place under ‘Islam’ between 620 and 661, including the period of Muhammad’s mission and the rule of their immediate successors who established the Rashidun Muhammad’s mission and the rule of the four immediate successors who established the ‘Rashidun Caliphate’. Historians generally agree that Muhammad preached against what he saw as the social evils of his day, and that Islamic social reform in areas such as social security, family structure, slavery and the rights of women and ethnic minorities improved on what was present in existing Arab society at the time. He condemned the practices of the pagan Arabs such as female infanticide, exploitation of the poor, usury (lending money with unreasonable interest), murder, false contracts and theft.
‘Magna Carta’ is an English Charter (Great Law – barons, pope, king) originally issued in 1215 – led to the rule of constitutional law of today – influenced the common law and many constitutional documents, such as the United States Constitution and Bill of Rights, and is considered the most important document in the history of democracy.

ii. Modern Period

The conquest of the Americans in the 16th century by the Spanish resulted in vigorous debate about human rights in Spain. The debate from 1660–61 between La Casas and Juan Gines de Sepulveda at Valladolid was probably the first on the topic of human rights in European history. Several 17th century Europeans philosophers most notably John Locke, developed the concept of natural rights, the notion that people are naturally free and equal. Though Locke believed natural rights were derived from divinity since humans were creations of God, his ideas were important in the development of the modern notion of human rights. Lockean natural rights did not rely on citizenship or any law of the state, nor were they necessarily limited to one particular ethnic, cultural or religious group.

The two major revolutions occurred in that century in the United States (1776) and in France (1789) The Virginia Declaration of Rights of 1776 sets up a number of fundamental rights and freedoms. The later United States Declaration of Independence includes concepts of natural rights and famously states that all
men are created equal, that they are endowed by their Creator with certain unalienable rights, which among these are life, liberty and the pursuit of happiness. Similarly, the French Declaration of the Rights of man and citizen define a set of individuals and collective rights of the people. These are, in the document, held to be universal – not only to French citizens but to all men without exception. Declaration of the Rights of Man and of the Religion was approved by the national Assembly of France, in August 26, 1789.

Philosophers such as Thomas Paine, John Stuart Mill and Hegel expanded on the theme of Universality during the 18th and 19th centuries. In 1831, William Lloyd Garrison wrote in a newspaper called ‘The Liberator’ that he was trying to enlist his readers in “the great cause of human rights”, so the term ‘Human Rights’ probably came into use sometime between Paine’s ‘The Rights of Man and Garrison’s publication. In 1849, a contemporary, Henry David Thoreau wrote about human rights in his treatise. On the Duty of Civil Disobedience which was later influential on human rights and civil rights thinkers. United States Supreme Court Justice David Davis, in his 1867 opinion for Ex-parte Millegan, wrote “By the protection of the law, human rights are secured, withdraw that protection and they are at the mercy of wicked rulers or the clamour of an excited people”.

Many groups and movements have managed to achieve profound social changes over the course of 20th century in the name of human rights. In Western Europe and North America, labour unions brought laws granting workers the right to strike, establishing minimum work conditions and forbidding or regulating child
labour. The women’s Rights Movements succeeded in gaining for many women the right to vote.

National Liberation Movements in many countries succeeded in driving out colonial powers. One of the most influential was Mahatma Gandhi’s movement to free his native India from British Rule.

Movements by long – oppressed racial and religious minorities succeeded in many parts of the world among them the Civil Rights movements and more recent diverse identity politics movements on behalf of women and minorities in the United States. The foundation of the International Committee of the Red Cross, the 1864 Lieber Code and first of the Geneva ‘Conventions in 1864 laid the foundations. International humanitarian law, to be further developed following the two world wars.

Declaration of human rights was spread all over the world in fragmentary form during the modern period. Realization to respect human dignity was made as Magna Carta in 1215 AD by King John of England at Runnymede and its subsequent charters like Bills of Rights of 1689 A.D. Habeas Corpus(1670), Hague Conventions(1899), Petition of Rights-1628, etc, were in the direction of preserving rights to personal property, besides other rights, abolition of slavery and the American Declaration of Independence by Abraham Lincoln in 1863, the French Declarations on the Rights of Man after French Revolution in 1789, the Bolshevik Revolution in Russia in 1917, ‘Habeas Corpus, trial by jury, President Roosevelt’s war time proclamation for freedoms(freedom of expression, freedom
of participation, freedom from fear and freedom from want). . . The abovementioned rights and movements had been not for the personal rights of all men but only for the privileged few. But gradually, the personal rights of particular persons or classes evolved in the direction of general rights of all persons and all classes.

iii. Contemporary Period

Right after the ‘World War I’, the potential causes for another war brought to the establishment of League of Nations. The international movement for human rights goes back to the treaties for the protection of minorities in East European states in the 1939 under the supervision of League of Nations. That was the first attempt in forming an international organization for peace and understanding among the world countries. But it became futile by the declaration of the World War II in 1939. During the same period the International Labour Organization promoted some convention to improve conditions of work and to protect the rights of trade unions.

The World War II brought a great fear and the awareness among the people of the world. The dismal failure of the League of Nations, prompted the contributors to form a forum named ‘United Nations Organization’. The Charter of UN was signed on 26th June 1945. It states that the main objective of the new organization is ‘to save succeeding generations from the scourge of war’ and ‘to reaffirm faith in fundamental human rights’ One of the aims of the United Nations is to achieve international cooperation in ‘promoting and
encouraging respect for human rights and for fundamental freedoms for all without
distinction as to race, sex, language or religion’\textsuperscript{11}.

A great event in the world history was made on the 10\textsuperscript{th} December 1948, by declaring ‘Human Rights’ in the U.N. assembly. But the declaration alone could not be made as a legal binding therefore several covenants were framed.

iv. Human Rights in Indian Constitution

The Constitution of Republic India, which was drafted in 1949, came into force on 26\textsuperscript{th} January, 1950 with 395 articles and nine schedules is one of the most elaborate fundamental laws ever adopted. Naturally, the Declaration of Human Rights had its impact in its drafting. The Constitution lays down the basic framework of independent India's goals and the direction of its development as a nation. The Preamble proclaims the resolve of the people to constitute India into a sovereign, socialist, secular, democratic republic. It ensures to all its citizens social, economic and political justice; liberty of thought, expression, belief, faith and worship; equality of status and opportunity; and fraternity, assuring the dignity of the individual and the unity and integrity of the nation. Part III deals with the Fundamental Rights and Part IV with the Directive Principles of State Policy. The human rights and fundamental freedoms laid down in the Universal Declaration of Human Rights are included in Parts III and IV and various other provisions of the Constitution. Part IV-A on Fundamental Duties, which was added to the Constitution in 1976, lays down as the duty of every citizen to abide by the Constitution and respect its ideas and institutions; to cherish and follow the noble
ideals which inspired our national struggle for freedom; to provide harmony and the spirit of common brotherhood amongst all the people of India, transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women; to value and preserve the rich heritage of our composite culture; to protect and improve the natural environment; to develop the scientific temper, humanism and the spirit of inquiry and reform; to safeguard public property; and to abjure violence. 

The seven fundamental rights recognized by the constitution are

The right to equality

The right to freedom

The right to freedom from exploitation

The right to freedom of religion

Cultural and educational rights

The right to constitutional remedies

The right to property(Saving of certain Laws-44th Amendment made it a legal right and not a fundamental right)

(The right to education became the fundamental right recently with the passing of the Right to Education Bill in 2008)
1.3.0. Background of the Study

At the background of the present and past ‘human rights’ situation of Nagaland, where the social, cultural, economic and political rights of the people are in constant violation, that gives an impending threat to the future of this land, this study is being highlighted. Further details of the background of the study is hereunder:

1.3.1 Human Rights in Ancient Naga Villages

This study has been undertaken in the state of Nagaland. Ancient Naga villages were comparatively peaceful and to some extent ‘democracy’ prevailed. By nature, the people of this land observed many of the democratic principles which are enshrined now in the Universal Declaration of Human Rights. There was freedom and equality among them in reality. The king (or the Head of the village) and the laymen worked together. There was no distinction of classes either on the basis of economy, status, work or birth. The women were considered equal to men, working and participating together in all the day to day activities. The head of the village was elected and respected by the people. The old and physically deficient were given due care. Though in times the village was divided in conflicts they remain united in religious and cases of serious breaches of social code. The values like honesty, hospitality, and respect for elders, merry making, respect and submission to the customary laws were prevalent. The following citations authenticate democratic practices in the ancient Naga villages.

In the words of Captain Butler,
“Every man follows the dictates of his own will, a form of the purest democracy which it is very difficult to conceive of as existing even for a single day; and yet that it does exist here is an undeniable fact.”

Sir. James Johnstone says,

“While the Kukis are monarchists, the Nagas are republicans, and their Peumahs, or chiefs, are elected, and though they often have great influence, they are in theory, only primus inter pares, and are liable at any time to be displaced. Practically they remain in office for years, and are greatly respected.”

In Akang Ao’s words,

“However, every Naga believes and live in classless society. In the administration of village, all the clans, ‘khels’ and other segments, if any, in the village are given due representation in one way or the other to enable them to participate in all activities. The real and true democratic system of administration and life are to be found in Naga Village”

“The women have their own role to play in building up a strong society of social network in the village. Be an unmarried girl or widow living separately in a house, she is bound to contribute eatables on the occasion of village community-works such as the path tracing and repairs to agricultural field and other exclusive works where women are concerned and party to it.”

“As such every Naga Village has the characteristic of a ‘City State’ of Greeks and Romans.”
In spite of so many good attributes, some of the socio, political, cultural and religious aspects of Nagas malign the above and give grave danger and threat to their appreciated democratic system of life. In contrast to their fortunate and blessed life, Nagas are the unfortunate people whose basic human rights, in social, political, religious and cultural arena, were in constant violation in the past and that continue in the present too. Life was in a constant and continuous threat and there was no security for life and property out of their village territory. Visiting the neighbouring village was at the risk of losing their heads as ‘head hunting’ was prevalent; Fetching of an enemy’s or trespasser’s head was a pride and privilege in the society and qualified to use some ceremonial or distinctive attire and attain status. Fetching the head of a women or child was considered a more honourable deed than fetching of a male head. Life for life was the law. In the words of McCabe’, “Grouped in small communities of from 100 to 3000 persons, the Nagas have remained isolated on their hill tops, only deigning to visit their immediate neighbours when a longing for the possession of their heads has become too strong to be resisted.”

“It is agreed by all Angamis, as well as by other Nagas that head taking was essential to marriage in so far that a buck who had taken no head, and could not wear the warrior’s dress at festivals, not only found it exceedingly difficult to get any girl with pretensions to good looks or to self-respect to marry him, but was held up to ridicule by all the girls of his clan.”
“No Angami could assume the “toga virile”, in this case the kilt ornamented with cowries shells, already described, until he had slain an enemy, and in the more powerful villages no girl could marry a man unless he was so decorated….. To kill a baby in arms, or a woman, was accounted a greater feat than killing a man, as it implied having penetrated to the innermost recesses of an enemy’s country, whereas a man might be killed anywhere by a successful ambush.”

“Blood feuds were common among all the hill tribes, but the system was carried to excess among the Angamis. Life for life was the rule, and until each of the opposing parties had lost an equal number, peace was impossible…”

Though women were considered equal to men and given due respect in the society, in Naga political system and judiciary women were neither allowed to participate nor in the process of legislation. Naga society is patriarchal society. In spite of women working with men in all the agricultural and household works, she was not given the right of inheritance to the immovable properties of either ancestral land or parental land. Though she had no brothers, her parental property was inherited by the male descendants. A widow was not entitled to adoption. As mentioned earlier, she was not representing in the village council. The Village Council (VC) consists of only male members and is primarily a council of male elders. The Nagaland Code envisages the election of women representatives to the
Village Councils but it is barred by some Naga sub tribal customary law. Still a section of people have been objecting this.

There was discrimination in law regarding infidelity of a male and female. After the husband died if the widow remarries the husband’s property was reverted to the relatives of her husband. The bride was bought therefore; there was bride price (not to be generalized), though it was unlike the other plain parts of India. Divorce could be easily obtained when there is an equal division of goods. Often a young man takes advantage of this, and marries a rich old widow, and soon divorces her, receiving half her property, when he is in a position to marry a nice young girl.

Adultery, said by Angamis, and which is recorded by Captain Butler, to have been punished with the death at any rate of the guilty wife, in the days of Angami independence, it is difficult to say. Adultery nowadays is punished by divorce, the woman being deprived of her usual one-third share of movable property. In the case of infidelity on the part of the husband, divorce may follow, which is treated as divorce by mutual consent, the wife taking one-third of the joint personal property.

Punishment for the wrongs committed was different among the different sub Naga tribes. Theft in some tribes was dealt with death penalty and in some other cases not the thief alone but the family of thief also put to death and was considered as an effective way of stopping hereditary tendencies to crime. Rape was punished by the beating of the rapist by the kindred of the woman and
by his expulsion from the village for three months. War prisoners were killed and their wives and children were enslaved. In some cases war prisoners were sold or cut into pieces and their flesh was distributed. The captives or slaves were tied to a tree and used as a target for spears.

Nagas believed themselves also to be subject to the influence of evil spirits, whom it is their constant endeavour to appease by sacrifices. Every misfortune is, as a rule, ascribed to evil spirits, and much money was spent on appeasing them, the usual way being to offer fowls, of which the head, feet, and entrails are offered to the demon, with many incantations. The other parts were eaten by the one who sacrificed. There is a very general superstition among the Angamis and Semas that to kill a human being and place a small portion of the flesh in the murderer’s fields was a specific practice to ensure a good crop.

‘The Kacha Nagas are related by Khonoma to kill children who are born with the ‘placenta’ adhering to the neck by pouring boiling water into their mouths.’

‘There can be no doubt that all the tribes in this district consider that by killing a human being in certain cases they are doing the most effectual thing towards averting the displeasure of some particular evil spirit(terhoma).’

The Nagas lived in permanently established village-states, much like the Greek city states, perched high above the valleys. Historically, the tribes were separated from each other by the rough terrain and psychologically by internecine
warfare and feuds. Before the advent of the British (before 1832), It was only under the aegis of the British administration that interaction of the Naga tribes and their assertion as an ethnic group of people began.

The above quotes and the limited records available show that in spite of democracy being practiced in antiquity, rampant violations of human rights were prevalent among Nagas. But after the invasion of the British, Nagas were unified as a single ethnic group. But, the Nagas were the worst sufferers in the wars and subjugation after wars.

1.3.2. Nagaland under Colonial Power

“British India drove out the Burmese from Ahom and Cachar. Under the Treaty of Yandabo, Burma relinquished all her claims over these kingdoms and withdrew to the Irrawady Plains. The first British action that affected the Naga people was the Treaty of Yandabo, in 1826, which, while, demarcating the boundary between India and Burma caused the vivisection of Naga country. Further division was caused by the boundary demarcation between the then Nowgong District of Assam and the kingdom of Manipur.”

Nagas today are scattered in the Indian States of Manipur, Assam, Arunachal Pradesh, besides Nagaland, and the in the North-Western parts of Myanmar. Since the first encounter, in 1826, of the British with the Naga people attacked and being attacked by the colonial powers and underwent torture and inhuman treatment, arbitrary arrest and detention, molestation and rape, denial of freedom and nationality, execution in public, electric shocks, puncturing of eyes, hanging
people upside down, mutilating limbs and body, putting people in smoke-filled rooms, burning down of villages, granaries and crops, concentration camps and forced starvation and labour etc. …

1.3.3. Nagaland under Post British Period

The Indian Constituent Assembly, through a process of mental acrobatics, arrived at the conclusion, that the Nine Points Agreement was merely ‘district autonomy within the Indian Constitution’ and began preparations to occupy ‘Nagalim’ by force. When this was brought to Gandhiji’s attention on 19 July 1947, Gandhiji declared that the Nagas had every right to be independent of India if they choose to do so. Further, he declared that he would oppose with his life if India decides to take ‘Nagalim’ by force.’ Nagalim’ declared Independent: The Naga National Council (NNC) announced its decision to declare Nagalim “independent” on 14 August 1947 and communicated it to UNO, Britain, the Interim Government of India, and the Commonwealth Relations Office. As the newly independent India adopted a belligerent attitude toward the declaration of independence by the Nagas, Britain decided to adopt a policy of “wait and see”. In spite of their declaration of freedom, India and Burma chose to disregard the rights of the Naga people and occupied Nagalim. A part of Nagalim which was occupied by India was further divided the Nagas into four administrative units (states) such as Manipur, Arunachal Pradesh, Assam and “Nagaland State” by unifying some their land into them.
'The Armed Forces Special Power Act (1958)’ which granted the Indian Army legal immunity as well as powers of arrest, search and seizure without warrant and entitlement to shoot to kill on mere suspicion, the people faced and have been facing till now untold miseries in the form of violation of their basic rights (though considerably less now) like, execution in public, mass raping, deforming sex organs, mutilating limbs and body, electric shocks, puncturing eyes, hanging people upside-down, putting people in smoke-filled rooms, burning down of villages, granaries and crops, concentration camps and forced starvation and labour etc. The Acts such as

The Assam Maintenance of Public Order, 1953

The Nagaland Security Regulation, 1962

The National Security Act

The Unlawful Activities Prevention Act, etc.

made the people to form self defense groups to liberate the people from all these miseries and gave birth to underground organizations. The violations of human rights all over the world are naturally committed by the organized governments of any system.

In Nagaland, the long felt need of the people to have a movement to voice their grievances was fulfilled on the 9th day of September 1978 by forming the Naga People’s Movement for Human Rights (NPMHR) to provide organized response to continuous human rights violations. The NPMHR workers tour villages, hold public meetings and take up the violations of human rights to the
government. Nagaland State Women’s Commission (NSWM) was formed recently and actively taking part in creating awareness among the people, protecting and promoting women’s and children’s rights. It tries to conduct research on the customary practices violating women’s rights and thereby modifying and codifying women friendly customary law. But this will not suffice the need of the hour. Unless the people know the existence of their rights, remedies and machineries available to help them, the violation will be hidden in them and remedies could never be obtained. Therefore making people aware of human rights is very crucial through formal, informal and non formal mode of education.

1.4.0. Human Rights Education

“A citizen is one who knows how to rule and be ruled, and one who actively participates in the affairs of the state. It is the business of education to prepare a good ruler and an obedient subject” – Aristotle.

Though different agencies are available in bringing about awareness among the mass, education is considered the most powerful instrument of social change. There is a worldwide consensus about the unique role of education in the enhancement of international human rights standards. As a result, attention was drawn to the education systems of the countries of the world as the most rudimentary educational channel for this purpose.

Education plays an important role in making children aware of world issues such as human rights, and in developing a proper attitude toward such issues early in life. Education is recognized by the International Commission on Education
for the 21st Century as a principal means to foster deeper and more harmonious human relations and, thereby, to reduce poverty, exclusion, ignorance, oppression, and war.  

Mr Koïchiro Matsuura, Director-General of UNESCO, on the occasion of Human Rights Day - 10 December 2004, defines

“Human Rights Education is all about acquiring not only knowledge but also skills and the ability to apply them; it is about developing values, attitudes and behaviour that uphold human rights but also about taking action to defend and promote them. It involves about Human Rights through the practice of human rights.”

For the Inter American Institute of Human Rights (IIHR), human rights education means that all persons, regardless of gender, national or ethnic origin, or economic, social and cultural status, have the real possibility of receiving a systematic, broad and good-quality education that enables them to understand their human rights and respective responsibilities, and national and international human rights systems. They should also learn to respect and protect the human rights of others; respect differences and value diversity; understand the relationship between human rights, the rule of law, and democratic government; and demonstrate in their daily interaction values, attitudes and behavior consistent with human rights.

Over sixty years ago, when the UN adopted the Universal Declaration of Human Rights (1948), the United Nations General Assembly recommended that
the Governments of Member States “cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions”. From the outset, therefore, the publicizing of the Declaration through educational processes was an integral part of its general dissemination for the purpose of consolidating world peace. It may be noted that, while the United Nations Secretary-General, the specialized agencies and non-governmental organizations also were called upon to disseminate the Declaration as widely as possible, the greatest responsibility was placed upon national governments.

There were early efforts to promote human rights through education in some Asian countries. However, promoting human rights education in Asian schools faces some problems:30

- lack of opportunities for teachers to study and apply new ideas in teaching human rights;
- difficulty in convincing government bureaucrats of the importance of human rights education; and
- resistance from teachers who fear that human rights education will be an additional burden to their heavy teaching load.

As there could be not much done for about thirty years after the declaration of the UDHR in 1948, the World Conference on Human Rights held at Vienna, Austria, held from 14th till 25th June 1993, recommended that “Human Rights, Democracy, Rule of Law and development be included in the curriculum of all
educational institutions”. “The World Conference resulted in the establishment of
the Office of High Commissioner for Human Rights (OHCHR). Following that on
the 1st January, 1995 the United Nations declared the UN Decade for Human

The Decade’s Plan of Actions aims to accomplish the following:

- Access needs and formulate strategies to further human rights education at
  all school levels, in vocational training and formal as well as non-formal
  learning.

- Build and strengthen programs and capacities for human rights education at
  the international, regional, national, and local levels.

- Coordinate the development of human rights education materials.

- Strengthen the role and capacity of the mass media in the furtherance of
  human rights education.

- Globally disseminate the Declaration in the most number of languages
  possible and in other forms appropriate for various levels of literacy and for
  the disabled.

On account of such national action plans (including programs of national
human rights institutions) on human rights/human rights education reveals 13
countries in the Asia –Pacific adopted them during the 1994-2005 periods.” There
are also countries implementing programs and projects related human rights
education, with support from international institutions, such as education on child rights, gender, and rights of people with disabilities.

1.4.1. Importance of Human Rights Education

The human rights situation today is far from satisfactory, and new and serious threats loom on the horizon. The authoritarian, anti-democratic exercise of power is no longer the chief danger. New, heteronymous factors, such as transnational crime and social violence, are undermining institutions, widening the economic gaps, and chipping away at social and democratic values. A special effort is needed to bring human rights education to the classroom, so that when citizens begin to play their part in public life they can help restore the values on which culture is based and practice them in their daily lives.

Secretary General of the United Nations Kofi Annan in his message for Human Rights Day 2000 concluded that:

“We still have a long way to go. Only a few countries have developed effective national strategies for human rights education. There is a big gap between the promises made under the Decade and the resources actually committed. ... Why is human rights education so important? Because, as it says in the constitution of the United Nations Educational, Scientific, and Cultural Organization (UNESCO), ‘since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed.’ The more people know their own rights, and the
more they respect those of others, the better the chance that they will live together in peace. Only when people are educated about human rights can we hope to prevent human rights violations, and thus prevent conflict, as well.”

1.4.2. Human Rights Education in India

Some state governments see human rights education as part of existing education programmes. Under the integration approach, human rights are seen as most appropriate topic in the social science subjects and also in language/literature subjects. In the case of Philippines, most educators see human rights as appropriate for a learning area called Makabayan under which values education is part. In the case of Japan, the so-called synthetic/integrated subject is considered appropriate for human rights education. The Philippines and Japanese curriculums do not foreclose the teaching of human rights in other required learning areas.

In the same year of Declaration of UN Decade for Human Rights Education (1995), Asian Institute of Human Rights Education (AIHRE) was established at Bhopal, India. The AIHRE formulated curriculum and preparation of sample lessons with the collaboration and cooperation with SCERT, Madhya Pradesh and DIET, Bhopal. As our Constitution was being drafted when the Declaration of Human Rights (1948) was proclaimed and the Constituent Assembly incorporated many Human Rights in the form of Fundamental Rights of the citizen. These are included in the school curriculum from the elementary level along with the other
human values. The National Policy on Education -1986 visualized the National Curriculum Framework with a common core as a basis for building the National System of Education. The National Curriculum for Elementary and Secondary Education; A Framework ‘; 1988 was published as per the recommendations of NPE-1986. The NPE-1986 spells out equality with other core values like democracy, secularism, inculcation of scientific temper, equalization of opportunities, etc. The Curriculum Framework 2000 reiterated the importance of education to fight inequality. The core human rights values were integrated into the existing courses and not treated them as a separate area of study.

To promote, protect, strengthen and propagate human rights values, The National Human Rights Commission was constituted in October 1993 under the Human Rights Ordinance on 28th September 1993 which was soon after ended as the “Protection of Human Rights Act, 1993”. The reports of various Education Commissions and statements of educational policy in India have articulated the importance of the Rights to Education and Education in Human Rights as a part of the effort for the reform and development of education in India.

1.4.3. Human Rights Education in Nagaland

The National Curriculum Framework 2000 recommends the integration of various curricular concerns that include environment education and human rights education. Nagaland Board of School Education is one of the forerunners that heeds the needs of students and introduced Human Rights Education under General Foundation Course for the higher secondary level education in the year
2000 and continued till 2009. Since 2010, Environment Education has replaced the human rights education and being accessed internally by the institutions concerned. In the syllabus, the historical perspective, the draft Bill of Universal Declaration of Human Rights and human rights as a means of harmonious world order were included. And the performance of the students was being evaluated on a five point grade scale. The basic principles of Indian constitution, India’s struggle of Independence, the great leaders of India, values related to integration, religion, humanity, French Revolution, the World War II, the American Independence . . . are incorporated in the school curriculum at the elementary and secondary level. Similarly, human rights is a part of law course (LLB), B.Ed., M.A. (Education)… Human Rights as a separate subject has been introduced in an autonomous college ‘Patkai Christian College’ at the degree level courses, since 2010. But, there is no Diploma, P.G. Diploma, degree level, Master’s degree level human rights courses found in Nagaland University.

1.5. CURRENT STATUS & NEED

1.5.1. CURRENT STATUS

Gone are the days, Nagaland being a beautiful hill paradise and paramour of millions hearts, where the uncorrupted people and unpolluted nature existed. Modern Nagaland, being with highly literate and educated people became the place where the day breaks not by the rooster’s crow but with the exchange of gun fire between the armed forces and underground factions and between underground factions or between the antisocial elements at work. At the dusk, the
shops are being shuttered; even the capital city Kohima became a ‘dead city’ by evening. There was fear and no security for a common man from the anti socials and bad elements. Unnatural deaths, injury of innocent civilians and children in between fire shots, rape, and extortion … became the breaking news of the day. Nagaland became the abode of lack of health care facilities, threats to life, improper communication, extortion, corruption, smuggling, trafficking, exploitation, environmental pollution, drug abuse, killing, kidnaping, raping, HIV + and AIDS… Nagaland has been the place of blessing in her beauties and bounties but also a greatly suffering state among the north eastern states where the people have been exploited since the time immemorial socially, politically, economically and environmentally by intruders and also by themselves.

Ancient Nagaland though seems to have been a paradise, different documents show that life was fearful and there was no security. Women taking role in the legislative and judicial process were not found. Though democracy was prevalent and women had equal status, ironically women were subdued by social and cultural practices. The society was patriarchal type. Women had no right to inherit the ancestral or parental property. The customary practices in civil and criminal adjudication had its own flaws and found violating human rights. Those practices speculated to be suitable in those days have been carried out till today in the pretext of preserving tradition. Articles being published in the media show that the educated and visionary women are trying to enlighten the people about the discrimination and discrepancies practiced and trying to awaken the people
through their writings, awareness programmes, … For instance a shocking rape case was settled by a local Naga Customary Court for Rs. 25,000/- as a pecuniary punishment without any imprisonment. Recently formed organizations like Naga Women’s Network, Nagaland State Women’s Commission, and Child helpline try to create awareness among the women folk in the areas related to women’s health, existing status, laws, demand of social change related to women, women trafficking and other matters and issues related to women.  Dzuvichu, Rosemary in her article ‘Empowering Naga Women’ expresses “Naga women had had a great fight for acquiring One third reservations of seats for women in all municipalities and town councils”. There is very serious gender inequality in Naga society, particularly in all decision making bodies …Women have been deprived of their rights and discriminated for generations, under the guise of customary practices and tradition, which are being debated in many tribes today, by activists and strong women organizations.” As the Mizo women are awakened and cry for an amendment in their customary laws related to marriages and position of women and expecting a new law on “Mizo Christian Marriage Act”. There is a steady movement among Naga women who have lately realized the need of Gender Justice from Customary Practices.

Similar with women, rights of children are being violated. There are violations of child rights in the form of child labour, child trafficking, exploitation, child deprival of their rights. . .
Degradation of environment is one of most important factor that affects the life here. Excessive logging, fishing using chemicals, lack of drinking water supply (even in the capital), improper drainage system, unplanned city, hunting of endangered species... are the causes of environmental degradation. The new generation should be made aware of these and their consequences upon the future.

As UNESCO observes “effective advancement and defense of human rights are dependent upon a citizenry sensitive both to the rights to which they are entitled and to the rights of others. A person who is unaware of his or her rights - a person who is ignorant about existing national, regional or international procedures for enforcing human rights standards is generally unable to claim the rights to which every person is entitled. Likewise, a person who does not understand the basic dignity that is inherent in each man, woman and child is unlikely to protect when others suffer indignities of injustice.”

Social awakening or awareness could little be done by the other agencies, such as Naga People’s Movement for Human Rights (NPMHR), Nagaland State Women’s Commission, etc. People should be made aware of their rights. Only then they can exercise their rights otherwise their rights may be exploited. If not allowed to exercised their rights, they should express and approach the machineries and mechanisms available for remedies and redress. Therefore, human rights education in the formal and informal systems of education is needed for paving the way for inculcating the values and information related to human rights.
1.5.2. Need for Human Rights Education

In Nagaland, human rights has been integrated in the curriculum till the secondary level and at the higher secondary level, human rights was included as a separate topic under ‘General Foundation Course’ (GFC) which was being assessed internally by the schools unlike the other major subject papers are being evaluated by the NBSE. The GFC was made one of the core subjects for all the higher secondary students irrespective of the streams they are offered with. As such Human Rights Education was introduced at the higher secondary level since 2000 and followed by the revision of syllabus made in 2004. Since the academic session 2009, human rights education has been replaced with the inclusion of a specified aspect of human rights education, ‘Environment Education’. But this is already a part of school curriculum at the secondary level in the subjects like Integrated Science and Social Sciences.

“Several years ago, the President of Michigan said the following in his commencement address: The most sophisticated crimes of this country are committed not by the illiterate but by those with academic degrees who were former students”

Do our schools and colleges bring the basic awareness upon the students? Is replacing of human rights from the curriculum justified? Do the teachers know about human rights? Had they studied human rights during their school or higher level? If they had not, had they undergone any in service training, seminars, workshops? The knowledge is flooded with so many subjects and topics. There is
a need for researches what to include and not. In this heavy syllabus and subjects, introducing human rights in the existing curriculum or separately as a subject need to be studied. What is the attitude of the teachers about human rights education and their assimilation into the syllabus? What are the human rights violations found in the school, family, and workplace? Do the students, who have studied human rights, changed their attitude towards hill fellow beings or they have taken the knowledge for the sake of knowledge of for the sake of examinations? There are so many questions about human rights around to be answered.

I ironically, no research has been conducted on this topic or related to this. At the national level a very few researches have been undertaken and some are completed and some not. Therefore, the present study is a felt need of the hour and this should be followed by further researches on matters and topic related to human rights.

1.6.0. Statement of the Problem

“A STUDY ON THE AWARENESS OF HUMAN RIGHTS AMONG THE HIGHER SECONDARY STUDENTS IN NAGALAND”

1.7.0. Objectives of the Study

The study attempts

1. To assess the students’ awareness of the term ‘human rights’ and some other terms associated there with such as the United Nations, National Human Rights Commission, Naga People’s Movement for Human Rights,

2. To identify the most useful sources in bringing awareness about human rights and other terms such as the United Nations, National Human Rights Commission, Naga People’s Movement for Human Rights, Universal Declaration of Human Rights, Convention on the Rights of the Child, the Fundamental Rights, World Environment Day and Global Warming upon the students and analyze the usefulness across the variables ‘gender’ and ‘nature of the institution’.

3. To assess the students’ knowledge and understanding of human rights concepts, principles, basic/fundamental rights and child rights.

4. To assess the students’ knowledge and understanding of Naga Customary practices which violate human rights.

5. To assess the students’ knowledge and understanding of environmental issues/problems related to human rights.

6. To assess the status of teachers’ and principals’ awareness with regards to human rights.

7. To identify practices in school environment promoting/infringing the exercise of human rights.
8. To analyze the contents related to human rights in the social sciences, science and environmental education text books.

9. To make recommendation for creating greater awareness of Human Rights among the higher secondary students of Nagaland.

1.8.0. Definition of the Terms Used

1.8.1. Human Rights

Section 2(d) of the Protection of Human Rights Act, of Indian constitution, 1993 defines “human rights” as the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India”.

1.8.2. Awareness

In biological psychology ‘awareness’ comprises a human’s or an animal’s perception and cognitive reaction to a condition or event. Awareness does not necessarily imply understanding, just an ability to be conscious of, feel or perceive or conscious of. In this study it is used to mean to state knowing that something is important and that is crucial too.

1.8.3. Human rights awareness

“It is people’s perception that they have rights and that they have them because they are human beings irrespective of any social or other distinction. It also means the people’s ability to easily distinguish various aspects of human rights – to life, security, religion, expression, education, etc. – and that they understand the importance of these aspects in relation to human survival and dignity.”
1.8.4. Consciousness

“Consciousness is a term that refers to a variety of aspects of the relationship between the mind and the world with which it interacts.”

1.8.5. Understanding

The American Heritage Dictionary of the English Language Fourth Edition defines understanding as “the ability to learn, judge, make decisions, etc.

1.8.6. Higher Secondary Students

The ‘higher secondary students’ under this study means the students, who are studying their higher secondary level of education (10+2) at the second level (Class:12) in schools and/or colleges situated within the State of Nagaland and registered under the Nagaland Board of School Education. The students include both the gender studying in either private or public institutions.

1.8.7. Human Rights Institutions

Human rights institutions are defined here as the institutions/machineries/defenders which/who are involved, either directly or indirectly, in the promotion and protection of human rights. The United Nations, the National Human Rights Commission and the Naga People’s Movement for Human Rights are the institutions taken here for this study.

1.8.8. Human Rights Instruments

‘Human Rights Instruments’ referred to in this study are the documents where the human rights form a part such as ‘the Universal Declaration of Human

1.9.0. Delimitation of the Study

This study is limited to the higher secondary students, both male and female, at Class 12 level studying in schools and colleges, either government or private situated in Nagaland which are registered under the Nagaland Board of School Education, Nagaland.

Human rights analyzed in this study are not exclusive as all the human rights are not taken for study and delimited to what are framed in the questionnaire.

Some rights are grouped in clusters and analyzed. All the human rights are independent and also interdependent. One right indicates the other and two or more rights overlap with one another. Therefore, this grouping is done according to the purpose indicated through the objectives for this study.

1.10.0. Scope of the Study

This study, attempted to primarily measure the students’ awareness, has a limited scope of rights embodied in the Universal Declaration of Human Rights, institutions and instruments related to human rights.

This study covers different ‘domains’ or ‘scope’ that are grouped together by the investigator and grouped in other studies conducted/available literatures:

i. Human rights awareness covers the individual and group rights in the following domains such as
a. Civil & Political Rights   b. Socio, Economic and Cultural Rights
and c. Solidarity Rights

ii. Under Civil & Political Rights, rights such as rights to life, liberty, personal security, equality before law, religious freedom and practice, due process of law, fair trial, speech and expression, participation, assembly and association have been analyzed.

iii. Under Socio-economic Rights, rights to family, education, work, health and social security have been analyzed.

iv. Under Cultural Rights, rights to customary practices of Nagas that violate human rights have been analyzed.

v. Under Solidarity Rights, rights related to environmental factors have been analyzed.

vi. This study covers the general concepts related to human rights that measure the meaning and understanding of concepts.

vii. Human Rights Awareness includes specific rights related to women, children, environment and equality that are grouped by the investigator.

Human rights education can be incorporated into the school curriculum in several ways:

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

The hidden curriculum: Human rights education should also address the far reaching hidden curriculum of the school to create a school atmosphere that truly reflects respect for human rights. Values, attitudes, knowledge, and patterns of behaviours should integrate into the students’ personal experiences in order to help them view reality critically. ^38

To study the contents, extracurricular activities and the school/college environment that includes the teachers, their pre and in-service training, their awareness and understanding of human rights, their opinion regarding human rights education, extra-curricular activities and the school/college environment to exercise human rights.

viii. This study includes and measures the teachers’ and administrators’ awareness, understanding of human rights and their opinions, suggestion, expression about the present atmosphere of the school/college.

ix. This study covers the school atmosphere and activities suitable for the exercise of human rights.

1.11.0. Rationale of the Study

The reasons for carrying out this investigation are as follows:

Like all human being, students are entitled to all universal human rights. In reality, problematic and delinquent behaviour, directly or indirectly, pertains to violations of the human rights of students. For instance, by being truants, students deprive
themselves of the right to education and to employment later in their lives. Ignorance of human rights, especially those that are related directly or indirectly to problematic behavior, can be a contributory factor to behavioral problems and delinquency.

Students, who believe in the legitimacy of violence, are likely to display this form of behavior in their interaction with others. Information on students’ knowledge of human rights, especially right to security and freedom from violence, will provide an indication of the likelihood of violence occurring in schools and later in their lives.

Students who are aware of human rights may be able to identify the cultural practices that violate human rights and will not be passive followers of blind customs. They may, in the present or future, bring reforms or accept reforms in this field.

The ethos of the school has a great influence on students’ behavior. Beliefs and attitudes of teachers and principals have a determining effect on the school climate. Teachers and principals who believe that students are entitled to human dignity are likely to be caring. They will treat their students with respect by not demeaning their abilities or inabilities and socio-economic background. In addition, teachers and principals who believe in human dignity will not discriminate students on the ground of gender, race and religion. Teachers and principals’ knowledge of human rights are essential to the well-being of students because the lack of this notion, especially of the rights of children contained in the
Convention on the Rights of the Child (CRC), can result in children being deprived of their rights.

The function of schools is not only to equip students with academic knowledge but also to prepare them for adulthood. One of the rights and responsibilities of citizens is to elect their government. School should therefore provide students with this training by allowing them to elect their leaders and let the students participate in their school life successfully. Schools that uphold human dignity by practicing equality, justice and non-discrimination, caring for the well-being and development of their students, and promoting democracy, are likely to encounter less behavioral problems.
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