CHAPTER - III

CONCEPTUAL FRAMEWORK
CHAPTER III

CONCEPTUAL FRAMEWORK

CONTENTS

3.1 INTRODUCTION
3.2 MEANING OF HUMAN RIGHTS
3.3 ORIGIN OF HUMAN RIGHTS
3.4 CHARACTERISTICS OF HUMAN RIGHTS
3.5 THE RELEVANCE OF THE HUMAN RIGHTS IN THE PRESENT SOCIAL SCENARIO
3.6 HUMANISM AND HUMAN RIGHTS
3.7 HUMAN RIGHTS IN INDIA (PRE-INDEPENDENCE PERIOD)
3.8 HUMAN RIGHTS AND INDIAN CONSTITUTION (POST-INDEPENDENCE PERIOD)
3.9 UNIVERSAL DECLARATION OF HUMAN RIGHTS (1948)
3.10 HUMAN RIGHTS IN INTERNATIONAL LAW
3.11 CLASSIFICATION OF HUMAN RIGHTS
3.11.1 THREE GENERATIONS OF HUMAN RIGHTS
3.12 NATIONAL HUMAN RIGHTS COMMISSION (1993)
3.13 STATE HUMAN RIGHTS COMMISSION (1997)
3.14 VIOLATION OF HUMAN RIGHTS
3.14.1 VIOLATION OF WOMEN'S RIGHTS
3.14.2 VIOLATION OF CHILDREN'S RIGHTS
3.14.3 VIOLATION OF CIVIL RIGHTS
3.14.4 CAUSES FOR HUMAN RIGHTS VIOLATIONS
3.15 HUMAN RIGHTS EDUCATION

3.15.1 MEANING

3.15.2 WHY IS HUMAN RIGHTS EDUCATION NECESSARY?

3.15.3 SIGNIFICANCE OF HUMAN RIGHTS EDUCATION

3.15.4 OBJECTIVES OF HUMAN RIGHTS EDUCATION

3.15.5 EDUCATION FOR PROTECTION AND PROMOTION OF HUMAN RIGHTS

3.15.6 DEVELOPING HUMAN RIGHTS EDUCATION CURRICULUM

A) CO-CURRICULAR PROGRAMMES IN HUMAN RIGHTS EDUCATION

3.15.7 LEVELS OF HUMAN RIGHTS EDUCATION

3.15.8 INTERNATIONAL CONFERENCE ON HUMAN RIGHTS EDUCATION

3.15.9 PROCLAMATION OF HUMAN RIGHTS EDUCATION DECADE

3.15.10 HUMAN RIGHTS EDUCATION IN INDIAN CONTEXT

3.15.11 METHODOLOGY TO TEACH HUMAN RIGHTS EDUCATION

A) PEDAGOGICAL PROCESS

3.15.12 STRATEGIES TO TEACH HUMAN RIGHTS EDUCATION

3.15.13 SCHOOL SUBJECTS, TEACHING STRATEGIES AND HUMAN RIGHTS TOPICS

3.15.14 APPROACHES TO TEACH HUMAN RIGHTS EDUCATION

3.15.15 ATTITUDES, SKILLS AND FUNCTIONS OF A TEACHER OF HUMAN RIGHTS EDUCATION

3.15.16 INFLUENCE OF INSTITUTIONAL CLIMATE IN PROMOTING HUMAN RIGHTS EDUCATION

3.16 CONCLUSION
CHAPTER III
CONCEPTUAL FRAME WORK

3.1 INTRODUCTION

The previous chapter having dealt with the perspectives of the study, the present chapter describes the conceptual framework of the study. It helps the investigator to conceptualise the variables involved in the study and set the investigation in right perspective.

3.2 MEANING OF HUMAN RIGHTS

Human Rights are essentially rights of the individual and are rights which every human being must have against the state or other public authority by virtue of his being irrespective of any other considerations. They are based on mankind demand. For a life in which the inherent dignity of a human being will receive respect and protection.

Human rights are said to be those fundamental rights which every man or woman inhabiting any part of the world should be entitled to by virtue of having been born as a human being. Basic to human rights is the concept of non-discrimination and equality of treatment. The challenge to inequality is inherent in the very notion of human rights.

3.3 ORIGIN OF HUMAN RIGHTS
i) From Ancient Scriptures

The history of human rights dates back to the period of ancient Greeks who sustained man's struggle for freedom and equality everywhere. Indeed, human rights are as old as man. Adam and Eve, persuaded by Satan,
felt that they were deprived of their right to eat a given fruit in the Garden of Eden, the forbidden fruit.

ii) From Renaissance and Revolutions

The Renaissance which started in Italy and spread throughout Europe in the 15th and 16th centuries, made people rights-conscious. The French Revolution (1789) led to the declaration of Liberty, Equality and Fraternity for all French people. The Russian Revolution (1917) restored rights to all citizens of Russia. Likewise, the Industrial Revolution in England led to the Government's enacting Industrial laws, which ensured human rights to workers to get proper wages and healthy working conditions.

iii) From Vedic Scriptures

Indian people feel proud that human rights had been identified and recognised in Bharat from time immemorial. Rig Veda declares that all human beings are equal and they are all brothers. Rig Veda cites three Civil Rights - Tana (Body), Skridi (Dwelling Place) and Jibhasi (Life). According to Atharvaveda, all human beings have equal rights over food and water. Arthasastra written by Kautilya elaborates on Civil and Legal Rights formulated by Manu.

Any rule, custom and usage including those included in the Smritis and Puranas which were contrary to the fundamental rules of Dharma laid down in the vedas had to be rejected as invalid. This principle was laid down by Vyasa, the author of Mahabharatha, who edited the four vedas. This is evident from the following verse:

"Whenever there is conflict between what is declared in the vedas and provisions in any of the Smritis, Puranas etc. what is declared in the veda shall prevail. The spirit of Dharma was being inculcated in the heart of every individual. It was even the compulsory part of education for princes".
Discourse on 'Dharma' in Mahabharatha reveals that even before the origin of the state, in the hoary past, there existed an ideal stateless society where the human rights of every individual were protected by others confirming to Dharma as is clear from the following verse:

"There was neither kingdom nor the king, neither punishment nor the guilty to be punished; people were acting according to Dharma thereby protecting one another".

iv) From Ancient Rulers

Arthasastra - the Constitutional law of ancient Bharat written around 300 BC by Kautilya, incorporated Raja Dharma. It laid a great deal of emphasis on the right to happiness of all individuals. It was the duty of the king to protect an individual's right to happiness. This becomes evident from the following verse:

"In the happiness of the people lies king's happiness; In their welfare his welfare; Whatever in his own interest, the king shall not consider as good; but whatever is in the interest of his people, the king shall consider as good". (Kautilya, Arthasastra, P.39 - P.42-S).

The ruler of the State was required to abide by the rules of Raja Dharma. Every prince, before assuming the office of a king, was required to take an oath that he would govern his kingdom strictly in accordance with Raja Dharma.

v) From Sikhism

References to human rights are visible in other religions too in India. For instance, Baba Farid, an eminent Faqir also protested against slavery. This is clear from the following verse:

"O, God do not give slavery, if you keep me in the slavery, take soul from my body" (Page 1380, Sri Guru Grants Sahib).
Guru Nanak, the first Guru of Sikhs, also rejected class inequalities and economic apartheid as the caste hierarchy was prevailing at the time. In this regard, the verses of Guru Amar Das are cited below:

"O, ignorant, do not feel proud of your caste; pride of caste would ruin you" (Page 1128, Guru Granth Sahib).

Guru Nanak - the first Guru of Sikhs also vehemently protested against the institution of slavery and preached that multitudes of slaves were not supposed to toil and sweat in the tireless service of the privileged one(s). (Page 1245 of Sri Guru Granth Sahib). Guru Nanak not only advocated human equality but made it the fundamental principle to regulate social relation through the institution of Sangat, Langer and Pangat.

vi) From Christianity

Christianity lays a great deal of emphasis on human rights. The following verse from the Holy Bible illustrates this contention: "Do unto others as you would have them do unto you".

vii) From the Muslim Religion

Prophet Mohammad also advocated human rights. The following quotation from the Holy Quran illustrates his point: "All men are brothers and that non-Muslims should be treated with no less dignity and respect for their personality than Muslims. No discrimination against all persons whether black or white or whatsoever".

viii) From Great Britain

The concept of human rights evolved over a long period of history. The concept developed as an instrument for limiting the use of autocratic powers as such it applied to start with only within states and had no
international application. Even within States, the concept tended to be confined to the rights of the upper strata of society and a long time elapsed before it extended to all human beings without distinction of class or creed. The famous Magna Carta of the thirteenth century represented an agreement between the king and the baronage, and although it contained a few clauses of general application, its main purpose was to protect the rights and privileges of the feudal lords of Britain.

A much wider extension of the concept of human rights was brought about by British revolutionaries who, after deposing and executing their king, laid down in the Bill of Rights of 1689 the minimum liberties to which all citizens were entitled. Nearly a century later, in 1776, the American revolutionaries after throwing off the yoke of the British King embodied in their Declaration of Independence the 'inalienable' human rights, which included the right to "life, liberty and the pursuit of happiness". Shortly thereafter, the French revolutionaries, on deposing and executing their king, made the Declaration "men are born and remain free and equal in rights" and that purpose of any political association was the confirmation of the human rights of "liberty, property security and resistance to oppression". Thus the concept of human rights has been all along a revolutionary concept.

ix) From World Wars

Post World War I period witnessed a serious threat to democracy in many countries of the world. The Fascist and Nazi rulers of Italy and Germany had an utter disregard for the human rights. They were guilty of the most inhuman atrocities, especially against the Jews. This led to a strong movement for the protection of fundamental human rights.

The Second World War, in which there was a large scale killing of people, led to the establishment of the UN (1945) to protect humanity. And, in 1948 there was the Universal Declaration of Human Rights, which lists 30 rights as human rights.
3.4 CHARACTERISTICS OF HUMAN RIGHTS

The human rights have the following characteristics:

- Human rights do not have to be given, bought or earned but they are inherent because people are born with them.
- Human rights are ‘universal’. Human rights are universal because they apply to everyone in the world irrespective of caste, creed or colour.
- Human rights cannot be taken away – it cannot be deprived from any another person for any reason.

3.5 THE RELEVANCE OF HUMAN RIGHTS IN THE PRESENT SOCIAL SCENARIO

Peace is essential for the optimum development and utilisation of human resources in a society. All human beings desire to be happy at every stage and in every aspect of life; peace without happiness is meaningless. Peace and happiness are the byproducts of a good social order.

As a sequel to Second World War, the United Nations proclaimed in 1948, the Universal Declaration of Human Rights with a view to promoting respect for human rights. Human rights are the foundations of all basic freedoms, justice and peace in the world. The protection of human rights promotes harmony, peace and prosperity in society by having a satisfied and productive people. Social and economic rights take care of the weaker and less privileged sections of the society by providing them education, employment, protection, social security, practice of religion etc. Their disregard in the past had resulted in shocking and barbarous acts.

Rights are quite essential for living as human beings. Certain rights are guaranteed to all by national constitutions and guarded by the Judiciary. A healthy society is one which is harmonious, in which no one makes inroads into the rights of others and one in which the members regard each other. The importance of human rights could be easily understood from the fact
that revolutions were made throughout the world for ushering in human rights. World History vouches this.

3.6 HUMANISM AND HUMAN RIGHTS

Humanism is a great value itself. It is next to godliness. One humanist has aptly observed: "If you can't believe in God, Humanism is the next best thing". In the words of Swami Vivekanada (1863-1902), "to serve human being is to serve God".

If humanism is the nucleus of right conduct or good conduct, good conduct is sum-total of these values – consideration for others, concerns for others, curiosity, dignity of the individual, dignity of manual work, gentlemanliness, gratitude, social-service, solidarity of mankind, sense of responsibility, spirit of enquiry, team-work, team-spirit and so on.

With a gamut of this value – complex, humanism has great vitals for social change. J. Krishnamurthy (1895-1989) in his book titled as "Beyond Violence" has rightly said:

"Change in society is of secondary importance;
that will come about naturally
inevitably, when you as a human being
bring about change in yourself"

For the preservation and dissemination of the values of humanism, one has to be freed from the want of hunger, clothing and shelter. It is universally acknowledged that without improving the conditions of the people one cannot expect them to be humanist. Among the various articles of declaration human rights, there are many points of advocacy of humanism.

The society which tends to caring and sharing of its people can be called humane. The society, where man to man relationship is cordial and harmonious, where humanism prevails in and outside the administration, where people respect each other irrespective of their caste, creed and colour, where there are no barriers of sect, language, and religion can be termed a human
society. Good citizenship expects that the individuals should imbibe great values of humanity or humanism, which is the threshold of all the religions of the world.

3.7 HUMAN RIGHTS IN INDIA (PRE-INDEPENDENCE PERIOD)

As far back as the 18th century, to secure civil liberty and human rights of non-discrimination on the groups of race, creed, colour, caste, religion, etc. could be witnessed in India, in the following documents:

i) The Constitution of India Bill, 1895 (also described as the Home Rule Bill)


iii) The Commonwealth of India Bill, 1925 envisaged a specific declaration of rights which are identical to that of the fundamental rights.

iv) The Motilal Nehru Committee, 1928 (the Nehru Committee Report, 1928) enumerated the following rights:

   a) Personal liberty and inviolability of dwelling place and property.
   b) Freedom of conscience and of profession and practice of religion, subject to public order or morality.
   c) Right of free expression of opinion and to assemble peaceably and without arms, and to form associations or unions, subject to public order or morality.
   d) Right to free elementary education without distinction of caste or creed in the matter of admission in any educational institution, maintained or aided by the state.
   e) Equality for all citizens before the law and in civil rights
   f) Rights of every citizen to writ of habeas corpus
   g) Protection in respect of punishment under export laws
   h) Non-discrimination against any person on grounds of religion, caste or creed in the matter of public employment, office or power or honour and in the exercise of any trade
i) Equality of right to all citizens in the matter of access to, and use of, public roads, public wells and all other places of public resort.

j) Freedom of combination and association for the maintenance and improvement of labour and economic conditions.

k) The right to keep and bear arms in accordance with regulations.

l) Equality of rights to men and women as citizens.

3.8 HUMAN RIGHTS AND INDIAN CONSTITUTION (POST-INDEPENDENCE PERIOD)

The Preamble to the Indian Constitution: Fundamental Rights and Directive Principles, which together have been described as forming the core of the Constitution, reflect the basic principles of the Universal Declaration of Human Rights. The Indian Constitution has been considered to be socio-economic instrument with a revolutionary thrust. The Fundamental Rights guaranteed under the Constitution including the Right to Freedom of Speech and Expression and other rights. Expression and other rights under Article 19 cannot be appreciated and fully enjoyed unless a citizen is educated and is conscious of his individualistic dignity.

The four basic ideals mentioned in the preamble i.e., justice, liberty, equality and fraternity, the last three having been taken from the slogan of the French Revolution.

Preamble

The promise of Constitution is contained in the preamble itself, in which the people of India solemnly resolved to secure to all of its citizen:

"JUSTICE, social, economic and political.
LIBERTY of thoughts, expression, belief, faith and worship;
EQUALITY of status and of opportunity, and to promote among them all FRATERNITY assuring the dignity of the individual and of the unity and integrity of the nation".
Heart and soul of the Constitution are contained in its parts III and IV, which guarantee to the people of India their fundamental rights and direct their Governments on the principles they were to follow as state policy.

3.9 UNIVERSAL DECLARATION OF HUMAN RIGHTS

Serious doubts were initially entertained about the practical value of the declaration even by people who appreciated the basic importance of human rights. These doubts must have been resolved by the experience of the last twenty-two years. Time and again the principles laid down in the declaration have been invoked and acted upon by the general assembly and other organs of the United Nations.

The first documentary use of the expression 'human rights' is found in the Charter of the United Nations. The preamble of the Charter declares that the UN shall have for its objects inter-alia "to affirm faith in fundamental human rights...." Article 1 of the Charter states "to achieve international co-operation... in promoting and encouraging respect for human rights and for fundamental freedom for all without any distinction as to race, sex, language or religion...". Thus the United Nations Charter made a revolutionary departure from the traditional concept of treating an individual as an object of international law by the recognition of human rights and fundamental freedoms.

The first concrete step by way of formulating the various human rights was taken by the U.N. General Assembly in December, 1948, by adopting the Universal Declaration of Human Rights. The Preamble of the Universal Declaration of Human Rights adopted on 10th December, 1948 which is celebrated as Human Rights Day the world over, says, "whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and hence have determined to promote social
progress and better standards of life in larger freedom". Further, the Preamble declares, "whereas member states have pledged themselves to achieve, in co-operation with the UN, the promotion of universal respect for an observance of human rights and fundamental freedom". Subsequently, to give effect to the 1948 Declaration and make it a legally binding one, the U.N. General Assembly adopted two more International Covenants of 1966 for the observance of human rights. They are the Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights. India ratified these Covenants in the year 1979. Now Human Rights has become the common language of humanity. Article 1 of the 1948 Declaration lays down that all human beings are born free and equal in dignity and rights. Article 2 says, "every one is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind...".

The contemporary international statement of these rights is the Universal Declaration of Human Rights which proclaims economic, social and cultural rights in addition to political and civil rights and freedom for the people of the world. Through this Declaration, the United Nation reaffirmed its faith in the worth of human beings and in the equal rights for men and women, and explained determination to promote social progress and better standards of living for the large majority of the people.

Human rights have been legally granted to the citizens of countries all over the world. Those in general terms pertain to a decent life, protection from ill health and unemployment, freedom of expression, right to education and many other rights. Some of the important basic principles of the Universal Declaration of Human Rights are:

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
- Everyone is entitled to all the rights and freedom set forth in this Declaration without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin.
Everyone has the right to life, liberty and security of person.

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Everyone has the right to recognition everywhere as a person before the law.

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

The 1945 Charter of the United Nations, followed by the Universal Declaration of Human Rights in 1948, ushered in a new era of international commitment to human freedoms:

- Emphasising the universality of rights, centered on the equality of all people.
- Recognizing the realization of human rights as a collective goal of humanity.
- Identifying a comprehensive range of all rights - civil, political, economics, social and cultural - for all people.
- Creating an international system for promoting the realization of human rights with institutions to set standards, establish international laws and monitor performance (but without powers of enforcement).
- Establishing the State's accountability for its human rights obligations and commitments under international law.

Work on international human rights legislation also continued. But polarized by the cold war, the rhetoric of human rights was reduced to a weapon in the propaganda for geopolitical interests. The rest emphasised civil and political rights, pointing the finger at socialist countries for denying their rights. The socialist, and many emphasised
economic and social rights, criticizing the richer Western countries for their failure to secure these rights for all citizens.

According to a well-known analyst of international relations: No other act of the United Nations has had anything like the same impact on the thinking of time, the best aspirations of which it incorporates and proclaims. It may well be that it will live in history chiefly as a Statement of great moral principle. As such its influence is deeper and more lasting than any political document or legal instrument.

3.10 HUMAN RIGHTS IN INTERNATIONAL LAW

Human Rights were embodied in International Law for the first time half a century ago. According to the United Nations' Charter, one of the goals of organization is international cooperation “to advance and strengthen the respect of human rights and basic freedom for all people regardless of race, sex, language and religion”. This was possible because of the democratic – antifascist struggle and victory of the anti-Hitler coalition in the II World War. The next great advance after 1948 was the adoption of the two International covenants. The explicit inclusion of Economic, Social and Cultural Rights including the right to food, clothing and shelter as human rights within the scope of International Law was a major accomplishment. The growth of the world wide liberation movements and the breakdown of the colonial system have caused the above achievements.

The main international instruments for the implementation of human rights are International Covenants on Human Rights. There are three types of implementations. The most common is the consideration of periodic reports, which the contracting states undertake to submit regarding the action performed to fulfill their obligations. Such an examination can be made by an already existing body followed by recommendations inviting the States Parties to make further efforts for the full observations of the agreement. The second type of measure is a procedure for the settlement of disputes between the
States Parties relating to the implementation of the agreement. The main purpose of this kind of procedure is to have the facts ascertained by an impartial body and to find a reasonable basis for compromise. Lastly, a special organ is authorised to receive and examine communications or petitions by individuals claiming to have a victim of a violation of the agreement. In these cases, the function of the organ can be limited to the expression of its opinion, or include the formation of the recommendation, or be similar to the function of an international judge.

3.11 CLASSIFICATION OF HUMAN RIGHTS


In the words of the Declaration, these two sets of rights aim to give all people `freedom from fear and want'. Both sets of rights must be protected as the `foundation of freedom, justice and peace in the world'.

Under the heading of Civil and Political rights, all governments are to protect the life, liberty and security of their citizens. They should guarantee that no one is enslaved and that no one is subjected to arbitrary arrest and detention or to torture. Everyone is entitled to a fair trial. The right to freedom of thought, conscience and religion and to freedom of expression is to be protected.

Under the heading of Economic, Social and Cultural Rights, all governments are expected to try progressively to improve the living conditions of their citizens. For example, they should try to guarantee the right to food, clothing, housing and medical care, the protection of the family and the right to social security, education and employment. They are to promote these rights without discrimination of any kind.

The term `human rights' is often broadly misused to mean only Civil and Political Rights and to exclude from consideration as a matter of rights,
fundamental issues such as the right to food, health, education and social security.

The categorization of human rights cannot be like water – tight compartments. For example, respect for Civil and Political Rights could not be divorced from the enjoyment of Economic, Social and Cultural Rights. Expressed the other way round, authentic economic and social development could not exist without the political freedom to participate in the process including the freedom to dissent.

According to SINIKO, an Amnesty International Report (1997) Rights are put into three categories:

i) **Civil and Political Rights**: These are 'liberty-oriented' and include the rights to: life, liberty and security of the individual; rights to marry and find a family, to fair trial, freedom from torture and slavery; political participation; freedom of opinion, expression, thought, conscience and religion; freedom of movement, association and assembly, free elections and participation in public affairs etc.

ii) **Economic and Social Rights**: These are 'security-orientated' rights, for example, the rights to: work, education, a reasonable standard of living, food, shelter and health care, rest and leisure, rights to join trade unions etc.

iii) **Environmental, Cultural and Developmental Rights**: These include the right to live in an environment that is clean and protected from destruction, and rights to cultural, political and economic development.

For the sake of convenience and easier identification, human rights are grouped as

a) Civil and Political Rights,

b) Economic and Social Rights, and

c) Collective Rights
The United Nations has almost codified all these rights mainly in its two covenants – The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. (Muthirulandi, 1998).

A) The International Covenant on Civil and Political Rights, (1966)

The Covenant on Civil and Political Rights has been divided into six parts consisting of Preamble and 53 Articles. First three parts provide the implementation procedures for effective realisation of these rights along with the final clauses. Following are main rights and freedoms provided by this Covenant:

(i) Right of Self – Determination (Article I), (ii) Right to Life (Article 6), (iii) Prohibition of Torture and Inhuman Treatment (Article 7), (iv) Prohibition of Slavery and Slave Trade (Article 8), (v) Right to Liberty (Article 9), (vi) Right of Prisoners to be treated with Human Dignity (Article 10), (vii) Right of not to be Imprisoned for inability to fulfil a Contractual Obligation (Article 11), (viii) Right to Freedom of movement to leave any country and to return to his country (Article 12), (ix) Right to Equality before the Courts (Article 14), (x) Right to provide Legal Assistance (Article 14(3)(d)), (xi) Right against Retroactive Criminal Legislation (Article 15), (xii) Right to Privacy (Article 17), (xiii) Right to Freedom of Thought, Conscience and Religion (Article 18), (xiv) Right to Freedom of Opinion and Expression (Article 19), (xv) Right to Freedom of Peaceful Assembly (Article 21), (xvi) Right to Freedom of Association (Article 22), (xvii) Rights relating to Marriage and Family Protection (Article 23), (xviii) Rights of the Child (Article 24), (xix) Right to take part in the conduct of Public Affairs (Article 25) and (xx) Right to Equality before Law and Equal Protection of the Law (Article 26).
B) International Covenant on Economic, Social and Cultural Rights

The Covenant on Economic, Social and Cultural Rights have been divided into five parts consisting of 31 Articles. Right of the individuals are enumerated in Part-I and Part-II of the Covenant. Followings are main rights and freedoms provided by this Covenant:

(i) Right to Work (Article 6), (ii) Right to Just and Favourable Conditions of Work (Article 7), (iii) Right to Form and Join Trade Unions (Article 8), (iv) Right to Social Security (Article 9), (v) Rights relating to Motherhood and Childhood etc. (Article 10), (vi) Right to Adequate Standard of Living (Article 11), (vii) Right to Physical and Mental Health (Article 12), (viii) Right to Education (Article 13) and (ix) Right relating to Science and Culture (Article 15).

C) Collective Rights

The category of Collective rights is of recent origin and the number of rights being brought under this class are on the increase in direct proportion to the newer developments happening in the world. The right to clean environment; the right to information; the right to development; the right of the indigenous people; the rights of women; the rights of children; the rights of the displaced and migrant workers; the rights of prisoners; the right to intellectual properties, etc. are considered as belonging to the collective or group rights.

3.11.1 THREE GENERATIONS OF HUMAN RIGHTS

The rights in the Civil and Political rights group are LIBERTY-ORIENTED. Similarly, those grouped under the Economic, Social and Cultural Rights are SECURITY-ORIENTED. The liberty – oriented rights are also identified as First Generation Rights, the security-oriented rights are seen as
the Second Generation Rights and the collective or group rights are being accepted as Third Generation Rights. The first generation rights are mostly in the nature of preventing the state actions from being excessive and arbitrary and protecting individual freedoms and human dignity by negative prescriptions for and conditions on the state. The second generation rights are in the nature of positive prescriptions – of duties and responsibilities – for the state, aiming to secure better and humane conditions of life for the people. The rights of the individuals become the duties of the state. The third generation rights signify the ever expanding scope of the domain of human rights and they are society’s responses to newer developments in the modern world. The emergence and their acceptance of these rights indicate that a final list of human rights can not be drawn at any time (Muthirulandi, 1998).

3.12 NATIONAL HUMAN RIGHTS COMMISSION (NHRC) (1993)

Unlike the fundamental rights enshrined in the Indian Constitution, human rights are not enforceable in the court of law. However, an individual whose human rights are violated can approach the National Human Rights Commission (NHRC), for redressal of his/her grievances. The Commission is invested with all the powers of a civil court.

During the army and paramilitary operations to combat insurgency in the north and north-eastern parts of India, a series of custodial deaths occurred. Towards the end of 1982, it elicited strong reactions from human rights advocates. Shocking investigation reports in several newspapers and embarrassing questions in legislatures put the State and Central Governments on the defensive. The courts entertained several letters as petitions and issued orders and directions against alleged disappearances of people taken in custody.

It was in this backdrop and as a result of persistent efforts by human rights activists over several years that NHRC was constituted in pursuance of the Human Rights Act, 1993. The Constitution of NHRC gave rise
to expectations that protection of human rights would no longer be ignored. However, concern continued to be expressed as to whether the Commission would have the autonomy and the capacity to meet the ever-growing challenge to the human rights.

The protection of Human Rights Act was enacted in 1993 and NHRC was constituted with a former Chief Justice of India as its chairman, two other Supreme Court Judges, two persons with experience on human rights matters, and the chairpersons of three National Commission as its members (Minority, Women and SC/ST). An elaborate procedure involving the opposition parties and presiding officers of both Houses of Parliament has been provided for selection and appointment of the Commission Chairman and Members.

A) Functions of NHRC

The functions of National Human Rights Commission (NHRC) are different from other national-level Commissions in as much as its powers of investigation are wider and the resources available to it in this regard are much greater. Section 12 of the Act stipulates the functions which include:

(a) Enquiring Suo moto or on a petition presented to it into complaints of violation of human rights or negligence in the prevention of such violation by a public servant;
(b) Intervening in any proceeding involving allegation of violation of human rights pending before a court;
(c) Visiting jails and detention places to study living conditions of the inmates and make recommendations thereof;
(d) Recommending legislative changes for better enforcement of human rights;
(e) Recommending better implementation of international human rights instruments; and
(f) Spreading human rights literacy and mobilize voluntary action for human rights observance.
The Act further stipulates in Section 30, the establishment of Human Rights Courts for each district for the speedy trial of human rights violation cases, and for this purpose, to appoint special public prosecutors for conducting cases.

Ever since its inception, the Commission has certainly made a difference to the human rights situation in the country. The Commission has accorded priorities to issues; protection of human rights in areas of terrorism and insurgency, systemic reform in public administration and criminal justice, custodial deaths, rape and torture, conditions of the jails and jail inmates, etc. Through a series of visits to some of the notorious prisons of the country, the Commission is now trying to focus attention on essential reforms for custodial justice. Custodial deaths, custodial rapes and custodial torture seem to have decreased because of the public exposure and outcry and the transparent procedures being followed at the insistence of the Human Rights Commissions.

3.13 STATE HUMAN RIGHTS COMMISSION (1997)

Since India is a vast country, it is not easy for the affected people to move the NHRC at Delhi without spending considerably time, energy and money. The Act envisages constitution of State-Level Human Rights Commissions so that the redressal of grievances could be swift and inexpensive and the message of human rights reaches the cross-root level in the languages of the people of the country. The need for the State-Level Commissions has been acutely felt because of rapid increase in number of complaints. So far only a few States have set up these Commissions and most appalling is that the States – which account for 65% of the complaints received, have not set up the State level HRCs.

The human rights scenario in the country is rather grim. For instance, many states are dragging their feet on setting up a human rights Commission in their States even though they top the list of right violations in the
country. The NHRC and the Union Government has repeatedly asked the States to set up a rights panel.

3.14 VIOLATION OF HUMAN RIGHTS

Considering the present scenario in the country, one finds that despite extensive Constitutional and Statutory safeguards, serious human rights abuses are taking place. This is evident from the number of complaints of human rights violations which are received by the National and State Human Rights Commissions. 32,602 complaints were received by the National Human Rights Commission during the period from 1st April to 30th September, 2000 as reported by the National Crime Record Bureau (NCRB) (Hindustan Times dated 18th December, 2000). These violations include the following:

Child labour, bonded labour, sale of children, rape of women in police custody, torture and death of suspected culprits in police custody, trial delays, extra judicial execution of suspected militants by security forces, killing of suspected militants in fake encounters, female infanticide, extortion, ethnic killings and foeticide, political slayings, and kidnapping for ransom

3.14.1 VIOLATION OF WOMEN'S RIGHTS

The following list includes some forms of violence against women: beating, rape, incest, dowry death, emotional abuse, bride – burning, forced prostitution, gang rape, international sexual trafficking, sexual harassment, party rape, female circumcision, widow abuse, etc. Many would argue that the problem is rooted in the structure of society. Wife-beating, for example, is not a family problem or caused by an individual psychosis but, instead, reflects the unequal distribution of power between the sexes.
RAMIFICATIONS OF HARASSMENT OF WOMEN

i) Turmoil of Rape

In all societies, either primitive or civilized, a sexual intercourse by force or without consent has been prohibited and condemned. Broadly speaking, sexual intercourse by a man with a woman against her will or without her consent is rape. The term ‘rape’ is defined as the act of seizing and carrying away by force, carnal knowledge of a woman without her consent.

Rape is the most reprehensible atrocity committed against a woman. The crime of rape can be regarded as the highest torture inflicted upon virginity, youth, motherhood and womanhood itself. It attaches a social stigma to her. It raises not only physical torture to the body of the woman but also intrusion upon her mental, psychological and emotional sensitivity which certainly is irreversible. It destroys her personality, self-confidence and self-respect throwing her into deep emotional crisis. Custodial Rape is the rape by a police officer of a woman in his custody.

ii) Menace of Dowry

‘Dowry’ is defined as "Moritagium or marriage goods, money, estate or property which the wife brings to the husband in marriage".

Dowry has always been conceptually and essentially that property which is extracted or extorted under duress, coercion or pressure from the bride’s father or guardian by the bridegroom or his parents and relatives. Dowry is not one isolated payment initially made at the time of marriage, but a series of gifts given over a period of time before and after the marriage. Nevertheless, the difficulty remains in making distinction between the genuine voluntary gifts and the extorted involuntary gifts.

The gender inequality is rooted from the beginning of the marital life which continues further perennially. Perhaps as long as ever-increasing materialism and consumerism continues to exist as a priority for a man who is
confronted with failure to obtain them by his own efforts, he would consider his wife as the only 'source' for satisfying his unsatiable lust for wealth. Similarly, his relations have the greed and hunger for wealth which they take for granted to be satisfied by his wife. For her failure to satisfy the lust for dowry, the married woman in her matrimonial home is increasingly harassed, humiliated, taunted and subjected to worst cruelty, even to the extremity of being mercilessly murdered in most inhuman modes, or incited and instigated to commit suicide.

iii) Immoral Trafficking of Women and Prostitution

This includes the following:
1. Selling of minor girls for prostitution - S.372, IPC
2. Procuration of minor girls for prostitution - S.366A, IPC
3. Importation of girls from foreign country for prostitution - S.366A, IPC

The inferior status of Indian women in the society has contributed towards widespread prostitution. The women who are raped are deserted by their husbands, or widowed at an early age, are often forced to become prostitutes. The female children are undesirable; therefore, the parents often sell their daughters to the traders of brothels; or force them into prostitution to support and save the family from extreme poverty. In many areas, women are forced to prostitute themselves to earn their own dowries.

iv) Sexual Harassment

Sexual harassment includes such unwelcome sexually determined behaviour as physical contacts and advances; sexually coloured remarks, showing pornography and sexual demands, whether by words or action. Such conduct can be humiliating and may constitute a health and safety problem; it is discriminatory when the woman has reasonable grounds to believe that her objection would disadvantage her in connection with her
employment including recruiting or promotion or when it creates a hostile working environment.

v) Exploitation of Working Women

The working women are more exposed to two-dimensional problem. On the one hand they have to face adverse publicity and problem of adjustment in the family due to lack of time; on the other hand, they are exposed to economic exploitation and sexual harassment at the workplace.

vi) `Sati`

Sati is a social evil practised in India in which the wife in the event of her husband's death should also kill herself by falling on the pyre set for her husband's cremation. It was abolished by Raja Rammohan Roy. But still it is prevalent in certain parts of Rajasthan.

The rigid social setup and social taboos go to a large extent in curtailing the rights of women. The male chauvinistic society does not give her adequate freedom in decision-making. The cultural heritage of India does not readily accept the remarriage of a widow as it accepts the remarriage of the widower freely.

Manu's Smriti, the Sacred Hindu Code assures the subordination of women in all stages from the cradle to the grave in the following terms, "Her father protects her in childhood, her husband in youth and son in old age".

3.14.2 VIOLATION OF CHILDREN'S RIGHTS

Most of the children in India and in other countries too, are being neglected both by the parents and by the government. When the parents do not care for their children, they become abandoned children and in future, they may turn street children, beggars, criminals, smugglers and so on. All children ought
to be given the right to live with human dignity. Children should be provided with opportunity and facilities to grow in a healthy manner. Some children are forced to become bonded labourers and are even held as slaves. Millions of children in the developing nations work in mines, match factories, knitwear companies, corporate industries, quarries and other hazardous industries. Thousands of children are forced to undertake prostitution and become drug addicts. Children are misused only on account of poverty. Neglected children turn into thieves and live an unfair life. No one is a born criminal. There are number of instances in the country particularly in Tamil Nadu, to be quoted that the children were misappropriated by anti-social elements. Most of the female children were kidnapped and sold in distant places for a lump sum amount. The purchasers who are engaged in flesh trade engage them directly or through their agents in prostitution. Male children kidnapped by these anti-social elements were engaged either in begging or in criminal activities such as theft, cheating, murder etc. In Arabian countries the infants are used in horse – riding, camel races etc.

i) Female Infanticide

It is nothing but killing of a female child soon after its birth especially with mother’s consent. This custom of killing new born babies is prevalent all over India. Thus, female infants face the problem of survival. Female foeticide in which the baby identified as female in the womb is aborted, is also not uncommon. In India, in certain States like Bihar, Gujarat, Uttar Pradesh, Madhya Pradesh, Maharashtra and Tamil Nadu, the evil practice has become widespread since it brings relief to the parents from the problems of paying dowry and spending a lot at the time of marriage. The rate of female infanticide and child mortality is lower in Kerala than in other States in India.
ii) Malnutrition of Children

The United Nation Declaration of Human Rights (1948) says that everyone has the right to Food. Many Five Year Plans have been passed but children still die of malnutrition and diseases caused by it. The World Health Organisation has reported that 50 percent of child deaths are caused due to malnutrition. In developing countries, every year, 12 million children under the age of 5 die and 55 percent of them, due to malnutrition. Two-thirds of the Indian children do not get nutritious food. Every year 60,000 children lose their eye sight due to vitamin A deficiency. Of every 1000 children 57 of them die before their first birthday. These figures do not spell a good future for India. As children are the future citizens the country's future lies in bringing up healthy individuals. Malnutrition causes diseases and diseases cause more malnutrition and lessens the natural immunity of the child. This is a vicious cycle. (Murugiah, 2001)

iii) Child Labour in India

Childhood is the most important period of life. It is considered as the base of life; the whole life depends upon it. Children engaged in labour activities are deprived of education. As per a UNICEF report, there are 24 crores and 60 lakhs child labours in developing countries. 60% of world's child labour is in Asia (Thinamalar Daily, 28.6.2003). Nearly 25% of the working children of the world are in India. Children mew the cattle, take care of the young ones at home, gather firewood and other forest products and sometimes work in the fields along with the elders. Some children work in hotels and road – side restaurants, automobile workshops, hosieries, tailoring houses, brick industry, match factories and fire works too. Some are employed as rag pickers, beggars and collect unused bottles and iron pieces meant for resale.
iv) Child Marriage, Compulsory and Conditional Marriage

During British regime, child marriage was made illegal in India and special acts were in force to safeguard it. Girls and boys at the age of 7 and 9 were found married. The Child Marriage Restraint Act (1929) and the Sharda Act did much to solve this problem. The conditional marriages that take place in a number of families where the girl had no role at all. She has to simply give up her personal right to marry is nullified here. A Jaipur Court has restrained a father from marrying off his two daughters aged 3 and 6 in a Rajasthan village. (Sivagami Paramasivam, 1998)

v) Child Prostitution

Child Prostitution is on the rise in India. Today about 15% of India's nearly 2 million prostitutes are believed to be children. The Report of the Ministry of Human Resource Development, Government of India (1994) reveals that about 30% of all prostitution in the major cities of India namely Calcutta, Bombay, Delhi, Madras, Bangalore and Hyderabad come under 20 years of age.

The Custom of `Devadasi' as prevalent in the border districts of Karnataka and Maharashtra had compelled nearly 80% of them to turn into prostitution. Year after year more than 10000 girls had been dedicated to the Godess Yellamma - Renuka in the Belgaum District of Karnataka on the full moon day of January, after which they are auctioned. Most of them are poor, dalits and illiterates too.
3.14.3 VIOLATION OF CIVIL RIGHTS

a) Police Torture

Police torture in general and to women in particular, is yet another problem to be given top priority. Severe beatings, hanging upside down, inserting pins and nails in the sensitive parts of the body etc had been some of the methods used by the police against prisoners in custody. Applying electric shock and burning the skin with ciagars etc had also been reported. In some cases, the victims were forced to be paralysed. Custodial deaths are common in almost all states and cities of India. Reports of such incidents appear regularly in the press but the police are never convicted.

b) Bonded Labour

"Bonded" means 'put into bond or a tie or an agreement'. 'Labour' means 'one works or labours'. The labour may either be physical or mental. By this, one is tied to it under his employer. Bonded labourers are the persons who are bound to perform certain forced labour. A bond is between two persons. One is a master and the other is a worker/labourer. Serfdom also is brought under this system. Here, the labourer or the tenant is bound to live and labour on the land belonging to another person. They have no freedom of movement. From serfdom came the forced labour, especially in agriculture. Here, the landlords or the money lenders are the masters. Poverty makes the labourers to borrow. The debt in turn makes them to become bonded men.

The landlords or the money lenders force the underprivileged people to work free or for very meagre wages on their lands. The rate of interest is abnormal. The debtor could not repay the borrowed amount with interest and it is compounded in due course. This makes him to work only for clearing the interest. As the debtors are illiterates, they are cheated by the money lenders. The debts are not cleared during their life-time.
c) Rural Injustices

In rural areas, a number of injustices occur every now and then. The reasons for such injustices are many and varied. Among them are poverty, forced labour, low wages, bonded labour, child labour, exploitation, raping, torture, suspicion, atrocities, communal clashes, caste problem, atrocities against women, police torture, housing problems, educational problems, women labourers, family problems, problems connected with property etc.

3.14.4 CAUSES FOR HUMAN RIGHTS VIOLATIONS

There are a number of causes for human rights violations that occur in various nations. For example the causes for the violation of women's rights are gender disparity, or male domination, social, cultural and religious factors, poverty, illiteracy, lack of values on the part of the husband, husband's evil habits like drinking, lack of will on the part of women etc. The causes for the violation of children's rights are poverty, illiteracy, parents' unemployment, drinking habit of the father, more number of children in the family etc. In general, poverty, unemployment, total workless conditions, the ups and downs in social strata also contribute to the violation of Human Rights. Third World Countries undergo the worst situation in the field of human rights and their violations. An ordinary man is forced to forego his possessions, his rights, his personal liberties etc. The downtrodden cannot escape hunger, starvation, disease, ignorance, insecurity, ridicule, torture and even death.

Whatever may be the steps taken by the developing nations to promote human rights, the fundamental human needs remain unsatisfied and the violations increase day by day. The lowest income groups also face such problems. The problems of poor and economic and social injustices also contribute to the violations of human rights.

It is a sad truism that violation of human rights is a universal phenomenon in economic, social, cultural, civil and political spheres as well as
individual and collective affairs and endeavours. This has necessitated the UNESCO to strive for the spread of Human Rights Education across the world with a view to create a new international economic, social and cultural order in such a way as to ensure that all people enjoy their human rights and promote and facilitate education on human rights at all levels.

3.15 HUMAN RIGHTS EDUCATION

3.15.1 MEANING

The human rights education spreads human rights culture. Values are the bases for developing human rights culture. The goal of the evolving human rights culture requires operating at various levels such as the following:

(a) Spreading awareness amongst masses, of and about these rights and also their duty for respecting the rights of others.

(b) Not only creating awareness amongst masses particularly amongst weaker, poor and vulnerable groups but also in imparting capacities and confidence in them to stand for protection and preservation of their rights.

(c) Requiring many to shed away some of their prejudices and reform some of the attitude which are derogatory to others’ dignity.

There is a growing consensus that education in and for human rights is essential and can contribute to both the reduction of human rights violations and the building of free, just and peaceful societies. Human rights education is also increasingly recognised as an effective strategy to prevent human rights abuses.

Human Rights are promoted through three dimensions of education. They are as follows:

(a) **Knowledge**: provision of information about human rights and mechanisms for their protections;

(b) **Values, beliefs and attitudes**: promotion of human rights culture through the development of values, beliefs and attitudes;
(c) **Action:** encouragement to take action to defend human rights and prevent human rights abuses.

Human Rights Education is a process that basically deals with a cognitive and moral transformation, a shaping of students’ consciousness and conscience which in turn, leads to have a change in students’ feelings, thinking and understanding, behaviour patterns, attitudes and activities, etc.

Amnesty International (1997) defines *human rights education or training* as program which aims to provide knowledge and understanding about human rights, and seeks to introduce human rights values in the teaching or training practices and curricula of both formal and non-formal educational programs.

Education about and for human rights includes the development of skills such as critical thinking, communication skills, problem-solving and negotiation, all of which are essential for effective human rights activism and participation in decision-making processes.

### 3.15.2 WHY IS HUMAN RIGHTS EDUCATION NECESSARY?

Pike and Selby (1990) noted that 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, tolerance and friendship among all nations, racial or religious groups and shall further the activities of the United Nations for the maintenance of peace. Human Rights Education is a prime concern for,

i) imparting and developing knowledge of Human Rights, in a graded manner to learners, of primary, secondary and tertiary levels.

ii) developing a fellow-feeling or a sense of regard for fellow being in the learners and,

iii) developing an attitude, a right attitude, positive and favourable, towards all matters concerning Human Rights. It is necessary to provide a vital content of Human Rights Education to teachers. The
most important need of inculcating Human Rights in educational institutions is to build imparting knowledge and skills thereby moulding appropriate attitude in students.

iv) encouraging participatory education

Prof. Ian Lister (1948) of the University of New York, has identified three dimensions of Human Rights Education. Teaching about Human Rights, Teaching for Human Rights (the securing and maintenance of) and teaching in Human Rights (teaching in institution which is characterized by an acceptance of, and a respect of Human Rights). Effective Human Rights Education has two objectives, namely:

i) Learning about Human Rights and

ii) Learning for Human Rights

a) Learning about Human Rights

Human Rights Education should be the **fourth ‘R’** with Reading, Writing and Arithmetic. Primary importance is given to historical and legislative learning and seems to add action skills.

- Knowledge of major "sign post" in the historical development of Human Rights and the range of contemporary declarations, conventions and covenants
- Knowledge of some major infringements of Human Rights
- Understanding of the basic conception of Human Rights and the relationship between individual, group and national rights
- Appreciation of one’s own prejudices and the development of tolerance and the rights of others.
- Sympathy for those who are denied rights
- Intellectual skills for collecting and analyzing information.

b) Learning for Human Rights

Education for Human Rights means understanding and embracing the principles of human equality and dignity and the commitment to respect and
protect the rights of all people. It has little to do with that one knows, the test for this kind of learning is how one acts.

i) **Start from Reality**: All learning must be based on needs, interests, experiences and problems of the participants.

ii) **Activity**: Learning must be active through a combination of individual and group activity.

iii) **Horizontal Communication**: Learning takes place through dialogue in which people share their thoughts, feelings and emotions in an atmosphere of mutual respect.

iv) **Developing the ability to be critical**: One must develop the capacity to be critical and to evaluate ideas, people and acts in a serious fashion.

v) **Promoting the Development and Expression of Feelings**: It is only possible to learn values if the training methodologies take into account participant’s feelings.

vi) **Promoting Participation**: The best way to learn is by participating, being consulted and taking part in making decisions.

vii) **Integration**: Learning is most effective when the head, the body and the heart are integrated in learning process.

### 3.15.3 SIGNIFICANCE OF HUMAN RIGHTS EDUCATION

Human rights education is significant in the following aspects:

i. The learning of human rights helps a student to become not only a good but a better citizen.

ii. The study of human rights helps students to become better informed about international organisations such as the United Nations and look at any problem in a global context.

iii. The study of human rights stresses non-discrimination of individuals on race, sex, language or religion.

iv. The study of human rights helps students to safeguard their civil and political rights.
3.15.4 OBJECTIVES OF HUMAN RIGHTS EDUCATION

According to Turney-Purta (2002), Human Rights Education has got four objectives:

i. To make the students aware of the universal desire / thirst for human life.

ii. To give the students basic knowledge about international organizations protecting human rights.

iii. To help students think critically about the issues and their application in cases where human rights have been denied.

iv. To develop concern or empathy for those who have experienced violations of their rights.

3.15.5 EDUCATION FOR PROTECTION AND PROMOTION OF HUMAN RIGHTS

The task of the protection and promotion of Human Rights education is a complex one and it requires the co-operation of all sections of society, government and non-government organizations and institutions. The goal is to promote human rights awareness, spread human rights literacy and create a culture of Human Rights across the length and breadth of the country.

For Human Rights Education, the easiest and most practical way would seem to include in all educational institutions textbooks, materials, audio-visuals, mass communication and media specialized training and orientation programmes, conferences, seminars and workshops, exhibitions, professional courses, celebration of important events, days, etc. It is hoped that human rights awareness will trickle down from the established academic institutions and reach the community.
3.15.6 LEVELS OF HUMAN RIGHTS EDUCATION

Human rights education can be given to students from the primary level to the university level; however, the objectives of human rights education can be made different at each level. For example, at the primary level, among all students the interest or desire towards human rights and basic human values can be instilled through stories or songs or plays. At the high and higher secondary level, the basic knowledge (like United Nations) protecting human rights can be given. This can be done by reading the literature on international organizations. At the college and university level, every student should be helped through suitably designed curricular experiences to think critically about issues and the human rights problems. The students may be encouraged to take role-plays on human rights issues. They can be motivated to involve in human rights movements in order to solve problems of human rights violations.

3.15.7 DEVELOPING HUMAN RIGHTS EDUCATION CURRICULUM

The Centre for Human Rights is in the process of developing curricula for education on human rights for the primary, secondary and university levels of education. These activities are intended to assist in the building of human rights culture by encouraging the inclusion of human rights concepts in existing programmes, and assisting in the adaptation or modification of curricula where necessary.

Today the immediate urgency of the nation is to develop a human rights culture, for which human rights values and education should be propagated in the entire nation. These alone can create human rights culture and balance between individual and communal rights. Mutual tolerance through education alone can inculcate human rights values and respect among the functionaries and in the entire population. Emphasis should be given to generate human rights awareness among the people. For this, special courses at all levels of education should be started.
In general, the Human Rights Education syllabus may include the following: concepts of human rights, oppression and depreciation, classes of human rights (civil, political, social, economic, cultural, etc.) and using human rights laws.

a) Co-Curricular Programmes in Human Rights Education

Education, sports and games, health, rest, etc., are the basic rights of students. In the light of above rights, the educational institutions may organize the following co-curricular programmes to develop human rights awareness and practice among students. (Mohanasundaram, 2001).

- Organising exhibitions on the different aspects of constitutional provisions and their violations
- Organizing public meetings by involving students to develop awareness among public on human rights
- Analysing the violations of human rights
- Studying the media reports like newspaper, radio, television, etc., on the violations of human rights
- Encouraging the students to participate in the state and the national programmes of human rights education
- Studying the conditions of work of students at home and other places.
- Contributions to mass media by the students, teachers, and so on, to promote public awareness on human rights
- Granting of fellowships to the local social workers concerning human rights
- Arranging field trips to home for mentally handicapped persons, subjail, factory etc., to study the practice of human rights
- Encouraging the students to participate in sports and games, N.C.C, N.S.S., activities which inculcate values like tolerance, co-operation, respecting others and make the students to practise human rights
- Organising programmes through parent-teacher's association to develop human rights awareness and practise among public.
- Hostel life will promote social life. Encouraging the hostlers to practise human rights in the hostel.
- Encouraging the students to participate in the cultural functions and festivals of the society in order to understand the cultural and religious rights of the human beings.

3.15.8 INTERNATIONAL CONFERENCE ON HUMAN RIGHTS EDUCATION

The First Conference on Human Rights Education was the International Congress on the Teaching of Human Rights (Vienna, Austria, 1979). It emphasised that human rights education and teaching must aim at (a) fostering attitudes of tolerance, respect and solidarity, (b) providing knowledge about human rights and (c) developing the individual's awareness of the ways and means by which human rights can be translated into social and political reality. The Second Congress was held in Malta in 1987. It evolved guidelines for human rights education at international, national and regional levels, and stressed the necessity to create a complete system of human rights teaching and education with the wider participation of public organisations and media. The Third Congress took place in March 1993 in Montreal, Canada, in collaboration with Canadian Commission and UNESCO. It stressed the intimate and inseparable link between human rights and democracy. The World Plan of Action on Education for Human Rights and Democracy, adopted by the Congress represented by 171 states, declared that education for democracy is an integral part of education for human rights which is not only a prerequisite for the realization of human rights, democracy and social justice but is itself a human right. The main lines of action identified in the Plan include (a) identification of target groups, (b) the development of appropriate curricula, (c) research into education for human rights and democracy, (d) the revision of school text books with the aim of eliminating stereotypes, (e) the building of
networks among educators, (f) increasing resources for education for human rights and democracy, and (g) the design of cost-effective and sustainable educational programmes. The Plan also identifies the obstacles to be overcome in the field of human rights education. The Advisory Committee on Education for Peace, Human Rights and Democracy established in December 1994, and composed of twelve high level experts representing all regions of the world, is invited to present recommendations for the implementation of UNESCO instruments and to encourage activities aimed at promoting education for human rights, democracy and peace at national, regional and universal levels.

### 3.15.9 PROCLAMATION OF HUMAN RIGHTS EDUCATION DECADE

In accordance with recommendations of the Vienna Conference (1979), the United Nations Decade for Human Rights Education (1995-2004) was proclaimed. The objectives of the Decade (1995-2004) were spelled out in the Plan of Action. They include:

a) The assessment of needs and the formulation of effective strategies for the furtherance of human rights education at all school levels, in vocational training and formal as well as non-formal learning.

b) The building and strengthening of programmes and capacities for human rights education at the international, regional, national and local levels.

c) The coordinated development of human rights education materials.

d) The strengthening of the role and capacity of the mass media in the furtherance of human rights education, and

e) The global dissemination of the Universal Declaration of Human Rights in the maximum possible number of languages and in other forms appropriate for various levels of literacy and for the disabled.

Coordination for the implementation of the Decade’s Plan of Action has been entrusted to the United Nations High Commissioner of Human Rights. The plan foresees that UNESCO should play a central role in the design, implementation and evaluation of projects contained therein and should

UNESCO concentrated its efforts on assistance to member states in elaborating national strategies for human rights education, and on preparation and dissemination of teaching and curricula. The ultimate goal of these manifold activities is the creation of a culture of adherence to the basic values of human rights and democracy and readiness to defend them in daily life.

3.15.10 HUMAN RIGHTS EDUCATION INDIAN CONTEXT

In India in 1993, the Protection of Human Rights Acts was enacted by the Government of India and it brought into being the National Human Rights Commission (NHRC) to operate as the nodal agency for promoting and fostering the culture of human rights and to oversee the implementation and infringements of human rights. NHRC accords importance to education, training and environment – building for human rights, besides its statutory functions. The policy initiatives of the NHRC include the following:

a) Dialogue with the Ministry of HRD (Department of Education) and NCERT as well as State Governments to pursue the question of human rights instruction at various levels of schooling.

b) Preparation of a source book by NCERT on human rights material for facilitating access by teachers and academics.

c) Preparation of teacher training modules for pre-service and in-service stages by NCERT.

d) Review of text books with a view to deleting from them reference which may be prejudicial to human rights and replacing them with material
aimed at inculcating genuine sensitivity to and understanding of such rights.

e) Dialogue with the University Grants Commission, Vice-Chancellors and Deans of Law Faculties suggesting that human rights find a place in undergraduate and post-graduate courses.

e) Promotion and cooperation with NGOs active in this sphere.

g) Special emphasis on orientation and training of officers and men of the armed forces, paramilitary forces and the police to sensitize them to human rights.

3.15.11 METHODOLOGY TO TEACH HUMAN RIGHTS EDUCATION

Teaching for and about human rights involves the use of participatory methodology.

Participatory or interactive methodology has been found by educators to be the most relevant and appropriate way to develop skills and attitudes, as well as knowledge, in both children and adults. Such methodology involves students fully in their own learning. They become active explorers of the world around them rather than passive recipients of the educator’s expertise. This methodology is particularly appropriate when dealing with human rights issues, where there are frequently many different points of view on an issue, rather than one ‘correct’ answer.

a) Pedagogical Process

The methodological process of human rights education can be in terms described of a hermeneutic transformative circle having six inter-related moments: (1) individual contextual experience, (2) individual response, (3) small group response, (4) classroom response, (5) teacher response, and (6) individual and social transformative response (Subramonia Pillay, 1998). It is given in Figure 3.1
i) Contextual Experience

This is the students' experience of a social context related to human rights directly, or in some other manner. In the syllabus, this context is represented by the content in the form of texts, provisions of the constitution and conventions, poems, verses and quotes and activity exercises. These mediate the actual social context and as such are expected to draw the students to the reality of the life itself and not stop only with the medium. To facilitate the students' effort to encounter the actual reality, the content presents everyday life situation at one or other level: personal life-experience of students, situation of any individual and family life, village environment, neighbourhood society, city lane surroundings, school milieu and society at large. While presenting these varied situations, no effect is made to provide any elaborate or exhaustive analysis of the social processes concerning human rights promotion or violation, not any explanations related to the causes and effects of such processes, not any theoretical reflection on any ideas to be pursued. Besides, neither didactic approach nor moralistic stance is adopted as a way of teaching human rights.

For example, to explain women's rights, a picture showing a woman being beaten by her husband or an incident published in the newspaper describing a husband setting fire on his wife. The picture is shown to the learners. And the newspaper incident is read to the students. No explanation is given here.

The contextual experience refers to the first of the five-stage process, wherein the students are enabled to encounter the social reality through various textual forms – stories, social events and incidents, conversations, etc. These forms have certain characteristics which make possible the hermeneutic process:

- **Parabolic**: The imaginatively woven stories or the paraphrased events and incidents, or the narration of certain situations draw the interest of the young students to read and discover the core message contained
therein. In the above example, the picture is shown and the newspaper incident is read. If it is a story of human rights violation, it is narrated.

- **Evocative**: They sensitize or stimulate the students to recollect their personal life – experience, similar to those portrayed in these stories and events. Here, in the above examples, the story or incident or a song on human rights theme evokes the feelings of the learner.

- **Symbolic**: These are pointers towards two directions, the existential reality of human dignity and rights in both life shadow dimensions, and the future ideal towards which the student is expected to direct her/his life with dignity and worth.

- **Participative**: In the process of being sensitized, the student is helped to become aware that she/he is not merely an observer but part of the existing human situation, whether it be a case of violation of someone else's rights or situation where someone's dignity and rights are upheld; she/he also is enabled to assume responsibility, as a participant of human society, to positively work towards taking a critical stance at violations, to prevent such occurrences and to safeguard and promote humanness.

**ii) Individual Response**

The encounter with the contextual experience leads one towards engaging oneself in a dialogue between oneself and the social context and within oneself. In other words, a process of self-introspection takes place, and the outcome is an interpretation of the meaning of this social context for oneself, and the meaning of one’s own self for oneself in the light of the meaning emerging from the social situation.

The students are helped to enter into such dialogue and interpretation through the classroom and home activity experience, by posing a variety of questions. They are asked to identify personalities appearing in the texts, or are given opportunities to characterize theses personalities, or are
helped to recognize their own feelings. Sometimes they are given space for expressing themselves and their innermost feeling through the medium of: drawing, poem-writing, letter-writing, inquiry with family members and neighbours, collection of symbolic materials, interviews, role-plays, questionnaire responses, etc.

iii) Small Group Response

The reference point of this collective interactions is the textual medium, the recollected memories of the individuals and the actual social context. If guided carefully, this group process has the benefit of testing the validity of the subjective perception of the messages coming from the social reality and from oneself. It has also the great advantage of building up the collective identity of the group, which is a pre-requisite for a collective human rights intervention in society in future. Above all, the group process reinforces the dignity and self-worth of each participant. It is in the group process that each one's dignity and rights are affirmed, protected, nurtured and sustained. But then in this process, the task of the teacher becomes very crucial.

iv) Classroom Response

Almost all the class and home activity experience require the student to share their individual and group findings with all their class-mates. Through this process, the scope of their collective identity becomes wider. The space for their “we-feeling” is made larger. This sharing is done through a variety of ways, reading aloud in the class of what they have written; listening their responses on the backboard; displaying newspaper cuttings or drawings on the class noticeboard; placing news items, sketches, posters, etc. on the school noticeboard for the benefit of all the students in the school; arranging flowers, plants pictures, household items like rice depicting basic human needs, etc. on a table in the classroom. All these are done not merely as a physical activity but as interpretation of certain realities of life and as expressions of the message of human dignity, human worth and human rights. The students are,
therefore, required to articulate the message through speaking, writing, drawing, etc.

v) Teacher Response

In the entire hermeneutic transformation process, the role of the teacher is very crucial. As one senior in age, as having had manifold experiences in life, as one who is knowledgeable in different academic subjects and as one who commands personnel, moral and administrative authority and influence, the teacher has a decisive say in the information of students. For their growth and well-being, the students in turn, have a great stake in the personality – role and functions of the teacher. The students are also provided with opportunities to share their own life experiences. The assumption here, is that the seed of human dignity and worth is innate to any human being and that, therefore the students too have life experiences which can be shared with others. In essence, sharing of life experiences, and of life as such, is by nature a mutual process. It is this truth that forms the basis of the special role of the teacher involved in human rights education.

vi) Individual and Social Transformative Response

A transformative response effects changes within the students, the teachers and in the social context.

3.5.12 STRATEGY TO TEACH HUMAN RIGHTS EDUCATION

There are many methods and techniques, which can be effectively used to teach human rights. Important considerations include purpose and benefits of the method, procedures for using the method, and application in the teaching situation. These techniques and devises are listed here below (Punithambal, 2001): Steps of each are presented in Appendix No.XI.

i) Brainstorming, ii) Case study, iii) Talk by Community Resource Persons, iv) Debates, v) Field Trips, vi) Games, vii) Group

Human Rights Education should not be taught in isolation. Topics of human rights have to be included in the curriculum at all levels of schooling. They can find place in language, sciences, mathematics, moral education, economics etc.

3.15.13 SCHOOL SUBJECTS, TEACHING STRATEGIES AND HUMAN RIGHTS TOPICS

In a nutshell, the different strategies and examples of topics are presented below [Padmini, 2001]. It is presented in table 3.1.


<table>
<thead>
<tr>
<th>SUBJECTS</th>
<th>TEACHING STRATEGIES</th>
<th>TOPICS</th>
</tr>
</thead>
<tbody>
<tr>
<td>LANGUAGES</td>
<td>Brainstorming, discussion, debate, community service, role-play, dramatization, play-reading, story-telling, simulation, interview, cooperative learning, dialogue, case study, giving or arranging guest lecture, film show etc.</td>
<td>Any topic related to HR issues selected from the community, social groups or the mass media; biographies or auto-biographies</td>
</tr>
<tr>
<td>SOCIAL STUDIES</td>
<td>Field trip, inquiry, discussion, interview, simulation, role-play, brainstorming survey, cooperative learning, guest speech, conflict resolution, work experience, SUPW map-reading, film show, research etc.</td>
<td>Universal Declaration of Human Rights; UN Convention of the Rights of the Child etc.</td>
</tr>
<tr>
<td>MORAL EDUCATION</td>
<td>Dramatization, play-reading, story-reading, role-play etc.</td>
<td>Issues relating to violation of individual or social rights</td>
</tr>
<tr>
<td>SCIENCES</td>
<td>Inquiry, brainstorming, investigation approach, research, concept mapping, field trip, cooperative learning, project, problem-solving etc.</td>
<td>Use of biological weapons—Anthrax; pollution and so on.</td>
</tr>
<tr>
<td>MATHEMATICS</td>
<td>Concept-mapping, cooperative learning, discussion, project, problem-solving, research etc.</td>
<td>Statistical reports on violation and restoration of Justice etc.</td>
</tr>
</tbody>
</table>
The above strategies can be used at the secondary and at the higher secondary levels. The above stated strategies with others like conflict resolution, value analysis and action groups, clubs, class, school journals, experiential learning can be used to teach different subjects at the higher secondary stage.

The above strategies can be successfully implemented not only in the curricular areas but also in the co-curricular and extra-curricular areas as in the school assemblies, meetings; celebrations of days of importance like the Human Rights Day, United Nations Day, celebration of key figures in the struggle for human rights like Martin Luther King, Gandhiji, Nelson Mandela and so on; awards and presentation ceremonies; games, personality development, etc. to convey the fundamental values of human rights.

3.15.14 APPROACHES TO TEACH HUMAN RIGHTS EDUCATION

Effective teaching of Human Rights Education (HRE) using any one or a combination of different strategies depend on the approach a teacher follows. Compartmentalisation of HRE is not advocated by any one. Interdisciplinary approach is one way of integrating human rights themes into two or more subjects so that the message gets reinforced with continual application. Democratic approach is also necessary to infuse confidence in young minds. They develop and practise skills necessary for their own and others' rights without bias.

Social, political, economical abuses cannot happen in isolation. They are mostly inter-related. Such themes can be integrated and solutions can be sought. This sort of Integrated approach can help students to get a holistic picture of the nature of the problem.

A problem can be attacked from several angles to arrive at a solution. Attacking a problem through a multipronged approach may help the groups working at it in order to come to a consensus.
Teaching of human rights education is mostly like teaching of basic human and moral values. Hence, the approaches suited to teach value education may also be applicable to teach human rights education. They are i) Direct approach, ii) Indirect approach and iii) Implicit approach.

a) The Direct Approach

The direct approach involves inculcating the values and concepts related to Human Rights directly. In this approach, Human Rights Education is imparted to the students as a separate discipline. Sri Prakasa Committee (1960) recommended one or two periods per week in schools exclusively for instruction in inculcating values, through stories at primary stages and through discussion at secondary stages.

b) The Indirect Approach

The indirect approach involves the use of curricular subjects as vehicles for teaching human right concepts and values. For instance, the teaching of literature and history and even science provides significant resources for human right values. Students can identify moral dilemmas, moral reasoning and oral decision-making in novels and history. This indirect approach is partly based on the assumption that understanding in humanities demands the development of imagination and intuition that can enhance moral sensitivity in human rights. It gives the student an opportunity to evaluate the realization or non-realization of human right values in his or her own life. Any value concept related to human rights in any discipline which are inculcated by teaching leads to develop human rights culture among students. So this type of approach may be called indirect approach.
c) The Implicit Approach

Educationists in general are of the view that “Values cannot be taught, but they can only be caught”. The implicit approach depends largely on the personality of the teacher. This approach involves such strategies as integrated learning, teaching, ways of knowing and perception. In this context, integrating how teachers teach is as important as integrating what teachers teach. The teacher here, is a role – model to the students. “What he does” counts more than “What he speaks”. He must set an example to the taught. His life ought to be an open book for the educands.

Education on human right concepts and values should provide a means of helping students to develop values, attitudes and habits that are important in the progress of a society. Therefore, the approaches and strategies employed by the teachers must provide students with the opportunities to see and relate issues and problems from a human right perspective.

3.15.15 ATTITUDES, SKILLS AND FUNCTIONS OF A TEACHER OF HUMAN RIGHTS EDUCATION

The teacher should play a vital role in developing human rights awareness and practice among students. A few of the important attitudes, skills and functions of a human rights education teacher may be as follows:

a) Attitudes

b) Skills

c) Functions
   i) Enabler, ii) Animator, iii) Integrator, iv) Motivator and v) Guide
3.15.16 INFLUENCE OF INSTITUTIONAL CLIMATE IN PROMOTING HUMAN RIGHTS EDUCATION

The teacher besides playing a vital role in developing human rights awareness and practice among students should develop a desirable institutional climate for promotion of human rights culture. Following points can be helpful in creating a soothing atmosphere:

- Teacher – student relationship and all other relationships should be made friendly, respectable and should be based upon faith
- Administrators should have the sympathetic, helping and co-operative attitude
- The educational institute should have a democratic and transparent atmosphere where every one can express themselves without any fear.
- Everyone should have concern with each other and take care of others also
- Belief in the progress of all

3.16 CONCLUSION

Whatever approach or strategy a teacher advocates, it should not be rigid. A teacher has to be a facilitator following a flexible approach. As no single approach is best suited, an eclectic or multi-strategic approach can serve a teacher’s purpose. Therefore, a teacher has to use his discretion and follow the strategies and approaches that best suits him and the learners. The present chapter has thus, elaborately discussed the conceptual frame work of the study. The succeeding chapter deals with the review of related research studies.