CHAPTER-4

UNDERSTANDING OF RIGHTS BASED APPROACHES TO DEVELOPMENT, SOCIAL MOBILITY AND SOCIAL INCLUSION.

4.1. Understanding the concepts

4.1.1. Rights Based Approaches to Development (RBA).

Human rights hallowed along with mankind, however, over the years, have gone through a set of transformation. Needless to say, in the present times, human rights have become more and more advocate and in particular the human rights to development provide the values, principles and standards essential to safeguard the most precious of all rights, the right to be human. Human rights, human development and human security are closely interrelated and mutually reinforced as there can be no human security without a societal and political culture based on the protection of human rights. There are various dimensions of human rights out of which only civil and political rights have been focused upon for a long time. However, today the economic, social and cultural rights are also being given prominence. As such the human rights in the broader sense have paved the way to new laws, charters and covenants. This has contributed to the development of people and this is an attempt to understand the concept of Rights Based Approaches to Development.

4.1.2. Concept of Human Rights

Human rights are inherent in our nature and without which we cannot live as human beings. The universal declaration of human rights in 1948 and the covenant that followed have not specifically defined the expression. The human rights are the lawful claims of human souls for such conditions that are essential for the human beings to live with dignity and
with social security. It is a cry for freedom and a demand for conditions which would ensure development coupled with protection. ‘Human rights’ have been the subject of much jurisprudential discussion, which revolves around the idea of the entitlement of human beings to a range of legal rights, which are fundamental and inviolable in nature.

‘Human rights’ as “those minimal rights, which every individual must have against the State or other public authority by virtue of his/her being a member of the human family, irrespective of any other consideration.” Gewirth described human rights as “rights which all persons equally have simply insofar as they are human.” The way in which the expression ‘Human Rights’ is defined in the Protection of Human Rights Act, 1993, is complex. Human Rights will mean those interests of human beings, which are recognized and protected by the State. There are civil, political, legal and moral rights to a person. There is right to life, liberty, freedom of thought and expression and equality before law.

Though human rights are protected through Part III of the Constitution of India, there is no specific definition in the Constitution of India for ‘human rights’. Only through the enactment of the Protection of Human Rights Act, 1993 the Parliament of India attempted to define ‘Human Rights’. Section 2(d) of the Protection of Human Rights Act, 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.”

In India, ‘Human rights’ means rights relating to life, liberty, equality and dignity of the individual. Part III of the Constitution of India guarantees to persons certain rights called ‘fundamental rights’. When human rights are guaranteed by a written Constitution, they are called ‘Fundamental Rights’ because a written Constitution is the fundamental law of a State.
The Constitution of India guarantees six fundamental rights. They are:

1. Right to Equality (Articles 14 to 18);
2. Right to freedoms (Articles 19 to 22);
3. Right against exploitation (Articles 23 & 24);
4. Right to freedom of religion (Articles 25 to 28);
5. Cultural and Educational Rights (Articles 29 & 30) and

Universal Human Rights are enumerated in the International Covenant on Civil and Political Rights (ICCP) and International Covenant on Economic, Social and Cultural Rights (ICESC). Policy Rights emerge from Directive Principles in India. Justiciable Rights are received through the Constitution / Fundamental Rights.

Human rights refer to the ‘basic rights and freedoms to which all humans are entitled’. Examples of rights and freedoms which are often thought of as human rights include civil and political rights, such as the right to life, liberty, freedom of expression, equality before the law; social, cultural and economic rights, including the right to participate in culture, the right to food, the right to work, and the right to education.

Human rights reinforces the human rights to peace and to development, that is, the rights of human beings and nations to be free from aggression or other unlawful use of armed force and from mass impoverishment. These rights also include the right of human beings to benefit from the peaceful applications of science and technology and to have the capabilities of exercising choices and participating in decision-making that affect their lives.

Women's rights are now recognized as human rights. Human rights must empower the struggle against all forms of patriarchy everywhere and
accelerate the full accomplishment of a world based on respect for the dignity of all women. Such empowerment is not to be achieved by way of pre-emptive wars for regime. Change, but rather by acknowledging and supporting women’s struggles everywhere, the particular forms of oppression of which they are victims.

Dignity of labour is fundamental to human interdependence, social cooperation, and just development. Human rights education promotes conditions which foster respect for the inherent dignity of human labour and the rights of workers and their organizations.

4.1.3. Violation of Human Rights

Human rights, is said to be violated if a person’s basic needs are not fulfilled. India takes pride in the observance of rule of law; but large scale violation of human rights is a daily affair. Human Rights violation of women and children of down trodden class and caste, personnel of Marginalised Communities and of unorganized workers is a common feature. Incidents of mass killings, torture, widespread disappearances, arbitrary detention, excessive censorship of thought and expression are reported every day. The evils of injustice, exploitation, patriarchy, impoverishment, tyranny, civil strife, genocide, abuses of power, and catastrophic state failures have plagued human kind from time immemorial and produced humiliation and despair. They also spur action for social and economic transformation, which human rights education helps to define and put into practice. Genocidal practices and other massive human rights violations are a particular challenge for human rights. Every human being should be empowered through human rights education to expose and undermine the very possibility of such practices before they emerge and to join with others in ending such practices and holding the perpetrators accountable for their deeds and those who could help accountable for their silence and inaction.
4.1.4. Development approach
Development approaches must be viewed in regard to Rights Based. In this regard the active participation of the poor and vulnerable communities is important in the decision making of the development activities and processes. The other important aspect is to make aware the people that development must not be taken as a charity but as a right. The development hence achieved can be sustained.

Human Right based approach to development is an idea that studies, views and applies all activities of social change with regard to rights. Development should be viewed as a right rather than charity. The development efforts for education, health, employment and other infrastructures must be decided with the participation of the people. Development must be taken through rights perspective rather than reward. If there is failure to ensure the participation of the community, development process cannot be completed and is treated irrelevant for community. Lack of participation means no sense of ownership towards development.

4.1.5. Rights Based Approach (RBA)
Andrea Assen (2000) admits that human rights-based approaches to development have been formulated and are being tested out in a period of neo-liberal globalization. Rights-based approach grew out of search to develop human-centered approaches to development in the1990s, responding to failures of contemporary processes of globalization to resolve fundamental problems of subsistence and security, social injustice, political oppression and recurring high levels of poverty, marginalization and social exclusion. The fact that at present more than one billion people live in severe poverty demonstrates that international human rights politics and law enforcement are still far from achieving its goal of ensuring people’s basic human rights to subsistence, participation and security.
UN Millennium Declaration (2000) was adopted at the largest-ever gathering of heads of state and government from both rich and poor countries. World leaders committed to achieve concrete steps toward advancing human development and reducing poverty by 2015 or earlier. The Declaration recognized “a collective responsibility to uphold the principles of human dignity, equality and equity at the global level,” and affirmed the determination “to establish a just and lasting peace all over the world in accordance with the purposes and principles of the Charter” of the United Nations. The Declaration considered certain fundamental values to be essential to international relations in the twenty-first century, including: freedom, equality, solidarity, tolerance, respect for nature, and shared responsibility. According to this Declaration, success in meeting these objectives depends on good governance within each country, but “it also depends on good governance at the international level and on transparency in the financial, monetary and trading systems.”

RBA focuses on the Content of Rights and working to get them for the disadvantaged through courts, legislature and executive. It also focuses on the Approach or the attitude of the Rights holders for changing the mindset. It ensures the Service delivery of rights by the State and ‘Claiming of rights’ by the marginalized themselves. It sets up systems that would institutionalize the rights and ensure their implementation or easy claiming. RBA works within the Legal and Ethical framework.

When something is identified as a right by the State, it is justiciable (it can be claimed legally). If it is not so identified attempts are made to persuade/pressurize that it gets so identified. RBA identifies lack of power as the root cause, and addresses that. A rights-based approach is eventually more sustainable – and sustainability increases to the degree the right is institutionalized and people-centered in its claiming.
Claiming something as a right, requires 'staying power' as it demands basic change in the outlook of those in power. Rights are fulfilled because it is an obligation of State & Civil Society to fulfill these. RBA fosters non-discrimination. The marginalized are empowered to claim their rights.

Devi (2005) noted the application of the human rights-based approach also favorably influences the development of programming which prioritizes the needs of the poor, marginalized and vulnerable groups. In India, for example, human rights-based strategies have been used in programmes to enable marginalized and vulnerable children gain access to primary education and to reclaim their right to food. The accountability structure pursued through a human rights-based approach facilitates the development of quantitative benchmarks and indicators for measuring progress in development planning and delivery. It also influences institutions to resolve grievances and moderate conflicts arising through the development process both at the project-level as well as the national level.

Peter (2004) pointed out that rights-based approach to development is the preliminary step for balancing the power dynamic between donors and recipients. This dynamic is prevalent in a needs-based approach. In the case of charitable giving, it is the donor who decides the needs of the recipient, undermining the empowering process of self-determination and choice. In a rights-based approach, there is more of an agreement between these parties, although there is some discussion in the debate between cultural relativism and universalism about the validity of this argument. Critics feel that the power imbalance remains intact in a rights-based approach because they claim the standards are based on Western moral judgments. By utilizing a rights-based approach, the development field is required to shift its priority from charity work and to focus on making changes to systems and structures so that development becomes a
permanent fixture of society. As a result, the dynamic of dependency can be diminished. In this way, development done through a rights-based approach has the potential to be sustainable.

Steiner and Alston (2000) mentioned that the utility of using a rights-based approach to development are respectively the distinct meanings and implications that arise from a needs-based language versus a rights-based one. A need-based approach is epitomized by charitable giving, with no sense of duty involved. In contrast, there is no place in a rights-based approach for charity, the act of mercy considered as being a factor of inequality for which the donor expects tokens of submissiveness or political flexibility on the part of the receiver.

Scott (1999) reveals that a new paradigm of rights based development is emerging among certain agencies. At this level, development and rights become different but inseparable aspects of the same process, as if different strands of the same fabric. The boundaries between human rights and development disappear, and both become conceptually and operationally inseparable parts of the same processes of the social change. All worthwhile processes of social change are simultaneously rights based and economically grounded, and should be conceived of in such terms. This makes initiative sense, because at the level of human experience these dimensions are indeed inseparable.

Parihan (1995) in her study entitled “Indian Family Ethical Dilemma of Human Rights to Development” indicates that human right to development has been recognized in the 41st session general assembly and in the recent world conference on Human Rights. Policy planning is likely where a choice is exercised as to the development goals and quality of life which they are sure to achieve in the policy whatever be its economic and other connotation.
One thing becomes clear that the development strategies so far adopted by the planning have adversely affected the institution of Family where the worst affected are the women in general and women in matrimony in particular.

Pandey (1993) pointed out that human rights are measured by two development indicators: rectification of five key United Nations Instrument and the status of political rights and civil liberties. The gradation of human freedom violation - ranging from some violations to substantial oppression” and to total denial”. The freedom belongs to two broad clusters. The freedom guaranteed from arbitrary Rule or from illegal arrests etc., the second cluster ‘freedom violated ‘comprises positive freedoms to do something-to take part in the community like, to organize opposition etc.

4.1.6. Rights to Education
Human rights education is widely considered to be an integral part to every person’s right to a quality education, one that not only teaches the 3 R reading, writing and arithmetic, but also strengthens the capacity to enjoy the full range of human rights and promotes a culture which is infused by human rights values. Human rights education promotes a holistic, rights-based approach that includes both “human rights through education,” ensuring that all the components and processes of education—including curricula, materials, methods and training—are conducive to the learning of human rights, and “human rights in education,” confirming that the human rights of all members of the community are respected.

Although many factors contribute to the effective integration of this approach, research and experience worldwide have identified five key components for success:
4.1.6.1. Educational Policies.
Understood as statements of commitment on the part of a Government, educational policies—including legislation, plans of action, curricula, and training policies and so on—should explicitly promote a rights-based approach to education. These statements infuse human rights throughout the education system. Policies are developed in a participatory manner in cooperation with all stakeholders and fulfill a country’s international treaty obligations to provide and promote quality education, such as those called for in the Convention on the Rights of the Child.

4.1.6.2. Policy Implementation.
To be effective, policies need a consistent implementation strategy, including measures such as the allocation of adequate resources and the setting-up of coordination mechanisms that ensure coherence, monitoring and accountability. Such a strategy should take into account the multiplicity of stakeholders at both the national level (e.g., ministry of education, teacher training institutions, research bodies, non-governmental organizations) and the local level (e.g., local government, head teachers and their staff, parents and students), and involve them in putting educational policy into practice. Above all a political will is required to implement the planned measures.

4.1.6.3 The Learning Environment.
Human rights education strives towards an environment where human rights are practiced and lived in the daily life of the whole school community and village communities. As well as cognitive learning, human rights education includes the social and emotional development of all those involved in the learning and teaching process. A rights-based environment respects and promotes the human rights of all school actors and is characterized by mutual understanding, respect and responsibility.
It enables children to express their views freely and to participate in school life, and the elders the same in their own communities and offers them appropriate opportunities for interacting with the wider community.

4.1.6.4 Teaching and Learning.
Introducing or improving human rights education requires a holistic approach to teaching and learning that reflects human rights values. Starting as early as possible, human rights concepts and practices are integrated into all aspects of education. For example, curriculum content and objectives are rights-based, methodologies are democratic and participatory, and all materials and textbooks are consistent with human rights values.

4.1.6.5 Education and professional development of personnel.
To serve as a model of human rights learning and practice, all personnel need to be able to both transmit and model human rights values. Education and professional development must foster educators’ knowledge about, commitment to and motivation for human rights. Furthermore, as rights-holders themselves, school personnel need to work and learn in a context of respect for their dignity and rights.

4.2. Human Rights Commissions.
4.2.1 National Human Rights Commission
The autonomy of the commission derives inter-alia, from the method of appointing its members, their fixity of tenure, and statutory guarantees there to, the status they have been accorded and the manner in which the staff is made responsible to the Commission – including its investigation agency-will be appointed and conducted themselves. The financial economy of the commission is spelt out in section 32 of the Act. The chair person and members of the commission are appointed by the President on the basis of recommendations of a committee comprising the Prime Minister as the Chairperson, the speaker of Lok Sabha, the Home Minister, and the leader of the opposition in the Lok Sabha and Rajya Sabha and the Deputy Chairman of the Rajya Sabha as members.

The functions to be performed by the National Human Rights Commission (NHRC) are stipulated in Section 12 of the Act. The basic function of the commission is to inquire into the received complaints against violation of human rights. Also it is under power to interfere into a judicial proceeding concerning allegation of human rights, spread human rights literary, encourage social activism, and review existing human rights laws and recommended measures for their effective implementation.

Every proceeding before NHRC shall be deemed to be a judicial proceeding and the Commission shall be deemed to be a Civil Court. While inquiring in to complaints under the Act, the NHRC shall have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, and in particular NHRC shall have the following powers:

- Summoning and enforcing the attendance of witnesses and examining them on oath;
- Discovery and production of any document;
- Receiving evidence on affidavits;
- Requisitioning any public record or copy thereof from any Court or office;
- Issuing commissions for the examination of witnesses or documents;

4.2.2. State Human Rights Commission

The respective State Governments may constitute a body to be known as the (Name of the State) Human Rights Commission. The State Human Rights Commission may inquire into violation of Human Rights only in respect of matters related to any of the entries enumerated in List II and List III in the Seventh Schedule of the Constitution. If any matter is already being inquired into by the NHRC or any other Commission duly constituted under any law then the SHRC shall not inquire into the said matter.

The State Government shall make available to the Commission, an officer not below the rank of a Secretary to the State Government, who shall be the Secretary of the State Commission; and such police and investigative staff under an officer not below the rank of an Inspector General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the State Human Rights Commission. The SHRC may for the purpose of conducting any investigation pertaining to the inquiry, utilize the services of any officer or any investigation agency of the Central Government or any State Government with the concurrence of the Central Government or the State Government, as the case may be. The investigating officer shall investigate into any matter pertaining to the inquiry and submit a report to the SHRC within the period specified by SHRC. The State Human Rights Commission is conferred with the power to regulate its own procedure. The functions and powers of the State Human Rights Commission are same as that of the National Human Rights Commission in state level under Act of Human rights regulation 1994 and code of civil procedure.
4.2.3. Human Rights Courts
The State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district, a Court of Sessions to be a Human Rights Court for the purpose of providing speedy trial of “offences arising out of violation of human rights.” The State Government shall specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for every Human Rights Court, for the purpose of conducting cases in the Human Rights Courts.

4.3. Community based Human Rights Education.
Human rights education for the community can be defined as education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and molding of attitudes directed to:

- The strengthening of respect for human rights and fundamental freedoms;
- The full development of the human personality and the sense of its dignity;
- The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- The enabling of all persons to participate effectively in a free and democratic society governed by the rule of law;
- The building and maintenance of peace;
- The promotion of people-centered sustainable development and social justice.

The concept underpinning community based human rights education is that education should not only aim at forming trained, professional
workers, but also at contributing to the development of individuals who possess the skills to interact in a society. Human rights education aims at providing pupils and students with the abilities to accompany and produce societal changes. Education is seen as a way to empower people, improve their quality of life and increase their capacity to participate in the decision-making processes leading to social, cultural and economic policies.

Human rights education implies the learning and practice of human rights. A holistic approach to human rights education means that human rights are implemented at all levels of the education system, and that they are taught through both content transmission and experiences. The responsibilities of all citizens in a democratic society are inseparable from the responsibility to promote human rights. To flourish, both democracy and human rights require people’s active participation. Human rights education includes learning the skills of advocacy – to speak and act every day in the name of human rights. Human rights education also provides a basis for conflict resolution and the promotion of social order. Rights themselves often clash, such as when one person’s commitment to public safety conflicts with another’s freedom of expression. As a value system, based on respect, equality and dignity of all people, human rights can create a framework for analyzing and resolving such differences. Human rights education also teaches the skills of negotiation, mediation, and consensus building.

4.3.1. Guiding Principles of Human Rights Education
Universal Declaration of Human Rights has inspired both a new consciousness and a body of law defining and protecting the conditions of being fully human. This new consciousness includes awareness that all of our human rights are imperiled if a single human being is unable to express the highest potential of what it means to be human. The right of individuals, groups, associations, and nations to education in human
individual and collective human right. Human rights education is collective endeavor of individuals and agencies that are both participatory and exemplary of the virtues it seeks to apply to others. Human rights now constitute the common heritage of humankind; accordingly, human rights education is the means for accessing that heritage through the universal commitment to the dignity and worth of each human person.

The mission and the mandate of human rights education extends to the creation and development of cultures of rights wherein the basic material and non-material needs of all human beings are met and all victims of historic discrimination, including indigenous peoples, excluded peoples, and ethnic minorities stand redressed.

Human rights education builds on solidarities and social networking among participants in the global movement for human rights education, which should benefit from the support of national governments and international institutions, especially the United Nations. The dedication of nation-states and of the United Nations system to human rights education is a first step and the modest efforts pursued during the first United Nations Decade for Human Rights Education (1995-2004) must be redoubled to build stronger solidarities through the message of the dignity and equal worth of every human person.

### 4.3.2. Human Rights Education in India

Human rights are fundamental freedom of life, liberty and equality which are indispensable for every human being to meet his/her basic needs of survival and to ensure compressive growth of human being. But the unequal and oppressive social structures like caste, property and patriarchy, along with the state, continue to violate the rights of marginalized groups like Dalits, tribal, women, agrarian laborers and the poor in India.
In India where the whole social structure is based in institutionalized inequality, it is hard to “teach” human rights subject. The entire environment and the social and cultural influence arising from it are geared to ensuring that every child accepts inequality as normal in equalities are income based, gender based, caste based and region based. For example, people from North East are considered inferior to someone from a more mainstream” state. In such scenario, the whole premise of human rights, viz. That all men are born equal, is on a practical level absurd and can only be appreciated on an intellectual level, most of the time not even then. Furthermore; to argue that the rag pickers are on some front equal to the boys is unrealistic. On the caste front, certain castes are considered not worth our attention.

The purpose Right to Education is to create consciousness and to disseminate information about legal and institutional safeguards and to protect and promote human rights among the target groups and to build a more humane world, whereby the role of violence in social conflicts can be reduced. Besides, this will equip the community to address human rights violations in day to day life and facilitate institutional reforms in Police, Judiciary and Prisons. Democratisation of the dominant structures of authority like patriarchy, caste, property and the state is also a part of it.

Hence, Human rights education is a deliberate, participatory practice aimed at empowering individuals, groups and communities through fostering knowledge, skills and attitudes consistent with internationally recognized human rights principles. As a medium to long-term process, human rights education seeks to develop and integrate people's cognitive, affective and attitudinal dimensions, including critical thinking, in relation to human rights. Its goal is to build a culture of respect for and action in the defense and promotion of human rights for all.
There are two main aspects to the relationship between human rights and education. In one sense the denial of education itself is to be seen as the violation of a basic human right and a synonym for disempowerment. The other has to do with the content of the curriculum and the extent to which it possesses a human rights orientation. As to the first, hundreds of millions are still denied this right and remain illiterate with South Asia, accounting for the largest number in any single region in the world. But, a matter of equal concern is the content of the curriculum that most of those lucky enough to get an 'education' are exposed to.

According to Amartya Sen (2003), '...there is need to pay attention to the narrowing of horizons, especially of children, that illiberal and intolerant education can produce....Indeed, the nature of education is quite central to peace in the world....every human being's identities have many different components, related to nationality, language, location, class, occupation, history, religion, political beliefs, and so on. A Bangladeshi Muslim is not only a Muslim, but also a Bengali and possibly quite proud of the richness of the Bengali literature and other cultural achievements. Similarly, the history of the Arab world with which an Arab child today can potentially relate is not only the achievements of Islam (important as they are), but also the great secular accomplishments in mathematics, science and literature which are part and parcel of Arab history.

Amnesty International defines Human Rights Education (HRE) as a process whereby people learn about their rights and the rights of others, within a framework of participatory and interactive learning. HRE is concerned with changing attitudes and behavior, learning new skills, and promoting the exchange of knowledge and information. HRE is long-term, and aims to provide an understanding of the issues, and equip people with the skills to articulate their rights and communicate this knowledge to others. HRE includes a varied range of innovative and effective education programs in the formal, informal and non-formal
sectors. It recognizes the universality and indivisibility of human rights; increases knowledge and understanding of human rights; empowers people to claim their rights; assists people to use the legal instruments designed to protect human rights; uses interactive and participatory methodology to develop attitudes of respect for human rights; develops the skills needed to defend human rights; integrates the principles of human rights into everyday life; creates a space for dialogue and change; encourages respect and tolerance.

Vishiesh Verma (2001) reiterates that the network of education on India is one of the largest in the world. They have more than seven lakhs educational institution. 3.1 million Teachers, 100 million students with the annual expenditure of rupees 25 billion. India has achieved to a large extent the first objective of the qualitative expenditure of education. Currently Govt. of India have meaningfully accorded the highest priority to education both as Human Rights and as means for bringing about transformation towards more human and enlighten societies. Article 45 of Indian constitution provides that “with in a period of ten years from the commencement of the constitution that is by 1996 the states endeavor to provide for free compulsory education for all children until they completed the age of fourteen years”. The target has not been achieved till today. He pointed out that the constitution and Supreme Court can lay down education as fundamental right but the rights become meaningful if the recipients are anxious to exercise the right to education.

Virendra Dayal (2000) discusses various steps adopted by NHRC to make human rights education more effective and meaningful. He feels that human right education must contain the issue of liberation of Dalits, Decentralization, autonomy etc. and these aspects need to be understood from an international setting. Bureaucracy alone cannot be entrusted with this task and all thinking elements of civil society must be involved in it.
HRE must be powerful and comprehensive enough for the people to find a way of living in dignity.

Raghu Ram (2000) reports that human rights education must not remain confident to the institutional framework alone and it should be integrated with human sufferings in society at large. Human rights education is to target different sections of the people as each of them has a distinct role to play in protecting and promoting human rights. The curricula of human rights education must help in bringing about positive change.

Joseph Gathia (2000) argues through his study on ‘Human rights Education and Vulnerable Group’s that Human right education is based on the approach of right to development will be instrumental in inculcating a sense of solidarity with the vulnerable groups. The use of human rights language in curriculum does not necessarily means that human rights concept has been understood. There is an evident problem of rhetoric. The concern is more between the so-called human rights objective and evaluation of HRE. One of the possible methods for implementing human rights for vulnerable group is through the human rights education.

Jaswa (1999) stressed that it was to educate about the Human rights which would help protection and observance of human rights. His views that the fundamental obligation to provide free primary education should be discharged without further loss of time irrespective of economic resources. He suggested the primary education should be Human Rights oriented. Quality of Education depends upon the amount one could afford to pay and it created inequality from the very beginning.

4.3.3. Educational Intervention for Critical Consciousness
Jean Dreze (1999) enunciates that education itself must be seen as human rights. He views that human rights education from a broader perspective
and does not restrict it to legal rights. He suggests that other means of intervention should be taken into consideration. Given the Indian context, he does not find any serious incompatibility between Indian tradition and human rights values, with regards to right to compulsory education to a child he argues is the responsibility of a state, parents, teachers, employers who employ child labour etc. a distinction between right to education and compulsory education in a situation the latter may provoke authoritarian sanctions against recalcitrant parents.

Ambrose Pinto (1999) advocates for human rights as the capacity to arouse critical consciousness among the masses. This capacity can be acquired if Humana Rights education addresses the people. He views human rights violation as the result of two civilization crises-caste system at social level and capitalist system at economic level Human rights teaching has to be centered on dialogue enabling the students to get rid of pre-conceived notion on hierarchy inequality and justice.

Rajni Kothari (1998) mentioned about the two pedagogies in Human rights Education –one , transmitting the knowledge and thinking on human rights developed in middle class circles. Another one, going on in the society and among the people –their struggles against hegemony and for due regard and dignity for human beings. Prof. Kothari argues that human rights education must be promoted in the context of Indian society which is presently caught between two thrusts-the thrust of globalization and an upsurge of democratic aspiration from the people.

4.3.4. Declaration on Human Rights Education

Jaswal and Nishtha Jaswal (1997) reported that right to education as a fundamental right yet it is for the state to secure it for all people. It is beyond any doubt that education is of transcendental importance and it has fundamental significance to the life of an individual and the nation. Without education, the human rights cannot be secured to the people and
the basic objective set forth in the preamble to the constitution would fail. Therefore the crying need of the day is that elementary and available free education to all. Further in view of the Universal Declaration of human rights and international covenant on economic social and cultural Rights. The education should be devoted to the full development of human personality and it should strengthen the respect of Humana rights and the fundamental freedom. Thus it is suggested that the right to education should include human rights education and it should be made compulsory from the tremendous stage itself.

Report on the fiftieth session of commission on Human Rights (1994) noted that human rights education is a priority as it contributes to a concept of development consistent with dignity of human person. Human rights education involves more than providing information to students. It is a comprehensive life long process by which people at all levels of development and in all strategies of society respect for the dignity of other. It means a method of ensuring the response in all societies. The individuals most commonly known human rights as a comprehensive concept encompassing the civil, cultural, economic, political and social rights.

The World Conference on Human Rights (Vienna,1993) observes that human rights education, training and public information were essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. The Conference recommended that States strive to eradicate illiteracy and direct education towards the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. It called on all States and institutions to include human rights, humanitarian law. Democracy and the rule of law shall be subjects in the curricula of all teaching institutions in the formal and non-formal settings.
The Convention on the Rights of the Child attaches particular importance to the process by which education is to be promoted, as underlined in the general comment: “Efforts to promote the enjoyment of other rights must not be undermined, and should be reinforced, by the values imparted in the educational process. This includes not only the content of the curriculum but also the educational processes, the pedagogical methods and the environment within which education takes place”. Accordingly, human rights should be learned through both content transmission and experience, and should be practiced at all levels of the school system.

Theodor Meron (1984) pointed out that the knowledge and awareness of human rights is equally important in the time of peace and war. Human rights education is essential for the formulation of public opinion and the generation of public pressure compliance with human rights for observance and advance of human rights. Only those people who are educated and aware of the human rights can demand that they must observe those rights. Knowledge of human rights is essential as a tool for the observance and the promotion of human rights and for creation of climate of public opinion in which gross violations of human rights are unacceptable.

4.3.5. Advocacy on Human Rights.
Advocacy is the pursuit of influencing outcomes –including public-policy and resource allocation decisions within political, economic, and social systems and institutions- that directly affect people’s lives. There are several forms of advocacy, each representing a different approach in the way change is brought into society. Human rights remain inseparable from and integral to the formation and sustenance of human rights cultures. By “culture” we mean here the values, beliefs, symbols and sentiments increasingly shared by all human beings, which represent ways of living and being in this world. Advocacy on Human rights is mainly for the spreading human rights culture.
Its goal is to help people understand human rights, value human rights, and take responsibility for respecting, defending, and promoting human rights. An important outcome of human rights education is empowerment, a process through which people and communities increase their control of their own lives and the decisions that affect them. The ultimate goal is people working together to bring about human rights, justice, and dignity for all. It is for the welfare and development of the human being. The experts conceive that the right way of education on human rights leads better form of sustainability. Advocacy is the tool for spreading human rights education. The Government and non-governmental organizations provide various techniques of advocacy for educating the mass.

4.4 Literature related to Human Rights
Hilde Hey (2007) pointed that human rights stem from acknowledging the equal dignity of all human beings. They refer to civil and political as well as to economic, social and cultural rights. The fact that all human beings everywhere, whatever their status in society, have equal dignity and hence the universality of human rights. Furthermore, human rights are recognized as being indivisible, interrelated and interdependent. This implies that no category of rights is “more important” than another category. Economic and social rights are of the same legal order and importance as political and civil rights and vice versa. It also implies that for the enjoyment of one right, the other rights are also to be respected, protected and fulfilled. Acknowledging the interdependence of human rights resonates well with multi-sectoral approaches in current development policies and strategies. At the operational level, human rights have become an important cross-cutting issue for many bilateral or multilateral agencies during the past years, despite a number of differences between such agencies.

According to Bhargava (2001) human rights are based on respect for the dignity and worth of all human beings and seek to ensure freedom from
fear and want. They are rooted in ethical principles and usually inscribed in a country’s constitutional and legal framework. Violation of human rights is one of the most worrying problems of our times for the entire world civilization. The responses to the worst human rights violations of 20th century, to totalitarian oppression have created a verifiable human rights culture. The discourse of institutional human rights has become a medium for the condemnation of local abuses, regardless of how these abuses may otherwise be characterized or rationalized within domestic political schemes. Talk on rights can affect local dialogue and in this way structures domestically political development.

Sehgal (1999) pointed that the concept of human rights has assumed importance globally during the past few decades and subject to international summits by the old body, it indicates member states for violation while there is increasingly widespread corner for universal respect. Also observances of human rights gross violation of internationally recognized norms continue unabated in almost all parts of the world.

The overall situation has been characterized by large-scale breakings of civil and political rights as well as economic, social and cultural rights. The right to life, an adequate standard of living, freedom of expression, protection from torture and inhuman treatment, arbitrary arrest and meaning of the common standards of achievement for all people and nations are far from realization now, as ever. The obligation set out in the course of international conventions and multilateral treatment for the promotion and protection of human rights and accepted by the most of the governments is flouted by them with important.

Anandaraman (1997) states that “Human Rights in the media “, has expected that, every country in the world faces human rights violations in some form or other, admittedly a large number of the communities have given credence to human
rights by noncooperation. There is a fundamental right in the constitution. Yet, a UN’s study in April 1997 brought to light that the half of the world population has been suffering violation of human rights.

Bajwa (1996) argues that human rights are inherent in all individual because being human and irrespective of the cast, religion, sex, language, ideologists etc, these rights originated with the very birth of the individuals and are essential for the adequate development of human personality and for human happiness and progress. It is indispensable for the physical and mental upliftment of human race. The right is inviolable because they are vital for development of human personality and without which human being will be reduced to the level of animals. These rights emanating from natural law deserve protection both at national and international level.

Khajuria (1995) stressed that human rights issues were unfortunately not being treated objectively and fairly but as political weapons by developed countries like United States of America. Their own record in respect of human rights was not good. He emphasized that we should be unduly bothered about the motivated criticism. According to him, the concept of human rights was rooted in our traditional culture and value system. He continued that, we should change the impression that we are not working on human rights but reacting human rights.

Hilde Hey (2007) mentioned in his study that HRBA to development defines the fulfillment of human rights as a central part and objective of development. The international and regional human rights frameworks provide a guide for the results and impacts that should be achieved with support of development cooperation. Under human rights law, actors in development cooperation are obliged not to infringe human rights, i.e. not to undertake or omit undertaking any action that will violate human rights. Germany having ratified all major human rights treaties, German development agencies is also under an obligation to support partner
countries to fulfill their human rights obligations under international and regional treaties.

4.5. Historical Background of upward Social Mobility in India

4.5.1. Indian History

Indian History is primarily divided into 4 periods. The Ancient Hindu, Medieval Dark Age of Islamic invasions, the Raj era and the post-Independence era. No aspect of Indian history has excited more controversy than India's history of social relations. During the colonial period social divisions and inequities were a convenient tool in the arsenal of the colonizers. Caste-like divisions are neither uniquely Indian nor has Indian society been as socially stagnant as commonly believed. In all non-egalitarian societies where wealth and political power were unequally distributed, some form of social inequity appeared and often meant hereditary privileges for the elite and legally (or socially) sanctioned discrimination against those considered lower down in the social hierarchy.

In India, caste and gender discrimination appear to become more pronounced with the advent of hereditary and authoritarian ruling dynasties, a powerful state bureaucracy, the growth of selective property rights, and the domination of Brahmins over the rural poor in agrarian villages. But this process was neither linear nor always irreversible. As old ruling dynasties were overthrown, previously existing caste equations and caste hierarchies were also challenged and modified.

Social challenges to absolute monarchical rule and the immense power of the priestly class probably led to a crescendo during the Buddhist period when Brahmin hegemony received challenges from several quarters - from radical atheists such as the Lokayatas, from Jain agnostics, and heterodox Hindus and Buddhists who wanted to reconstruct society on a less discriminatory and more humane basis.
It is also worth noting that the classical four varna division of Hindu society (as described in the *Manusmriti*) does not appear to have had much practical significance if one were to go by the accounts of the Greek chronicler, Megasthenes. In his accounts of Mauryan India, Megasthenes appears to list a seven fold social order in which he differentiates between the priest and the philosopher (who he ranked much above the priest, and who could have been a Brahmin, Jain or Buddhist) and also gives special attention to court bureaucrats such as record keepers, tax collectors and judicial officials. He also ascribed to the peasantry a higher status than might be inferred from the *Manusmriti* and noted with amazement how the peasantry was left unharmed during battles.

Over time, Islamic rule in India created a much stronger and more unified elite, which made it more difficult for the ordinary masses to resist regressive social changes, particularly in the realm of philosophical choice, religious pluralism, regional and local autonomy in matters of religion, gender equity, freedom of sexual expression and sexual choice.

However, an even greater blow to equitable social relations came during the period of British rule. Just prior to British rule, Mughal rule had virtually collapsed and power had gone into the hands of Sikh rulers in the North and the Maratha kings in much of Central and Southern India. The Sikhs had been at the forefront of powerful social reforms as they fought against the intolerable burden of high taxes imposed by the Mughals. Gender equality received particular attention from the early Sikh Gurus, as did caste discrimination. During the time of Guru Gobind Singh - women not only participated as warriors but they also led some of the battles, and 40% of the spiritual leadership came from the ranks of women.
After 1857, the cynical strategy of divides and conquers not only impacted relations between Hindus and Muslims, but also aggravated caste tensions. But even independently of conscious attempts by British administrators to inflame caste tensions, the ruination of the Indian economy alone led to a disastrous degradation in social relations.

The Zamindari system particularly disenfranchised the peasantry whose status dropped dramatically in comparison to those castes who were able to find a foothold in the new administration, or find some employment in the new colonial cities. The enormous burden of high taxes led to unprecedented levels of indebtedness and the privileging of the money-lending castes. The economic devastation caused by the Mahalwari system of taxation in the Awadh region led to higher levels of gender discrimination, and an increase in coercion in matters related to dowry. Differential access to modern education and jobs in the colonial administration increased the distance between the favored castes - and the Indian masses.

Economic factors were also crucial in determining caste rank and caste relationships. In periods of intense economic exploitation, caste discrimination intensified, and the reverse took place in periods of economic expansion. For instance, most historians are in agreement that the Gupta period was a period of rising prosperity and also a period of increasing social mobility. Improvements in agricultural productivity led to concomitant improvements in the social rank of the cultivators.

The caste system survived not just because it was enforced by the legal writ of an elite class, but as much because it served a social purpose in an era in which it was difficult if not impossible to organize the educational and productive activities of society in a more flexible and democratic way.
All through human history, property-less classes have suffered social discrimination of one kind or another. Economic disparities remain a serious contributor to social inequities today. Any social system that is based on unequal access to economic assets - (whether they are land, raw materials, industrial or commercial wealth) will inevitably lead to some form of social discrimination and inequity. Victims of older forms of discrimination will either continue to be victimized, or simply become victims of new forms of discrimination.

4.5.2. Understanding different aspects of Social Mobility

4.5.2.1 Inter- and Intra-generational mobility

Intra-generational mobility ("within" a generation) is defined as changes in social status over a single life-time. Inter-generational mobility ("across" generations) is defined as changes in social status that occur from the parents' to the children's generation. Intra-generational mobility occurs when a person strives to change his or her own social standing. In some societies, this type of change is not possible. In social systems where people are divided into castes, social mobility cannot occur. Whatever caste a person is born into, is what they will remain for the entirety of their life. However, in cultures based on merit, people are free to move up and down the social ladder.

Intra-generational mobility can move a person either higher or lower in the social ladder. If one starts at a low level, they can improve their status by working hard, getting a better job, or becoming more culturally sound, to name a few. Inter-generational mobility occurs across generations. This mobility is both merit- and non-merit-based. Ability and hard work affect social mobility, but so does parents’ wealth, race, gender, and luck. Fiona Devine wrote a book, *Class practices: how parents help their children get good jobs*, specifically on inter-generational mobility and how parents’ influence can affect the child’s social mobility. Nearly every chapter emphasizes the importance of a good education in order to be successful.
Parents also help children make important connections with people in order to expand their social network. Parents that can create social capital for their children tend to increase their child’s social mobility.

**4.5.2.2. Rules of status: ascription and achievement**

Achieved status is a position gained based on merit, or achievement (used in an open system). An open system describes a society with mobility between different social classes. Individuals can move up or down in the social rankings; this is unlike closed systems, where individuals are set in one social position for life despite their achievements.

Ascribed status is a position based on who a person is, not what they can do (used in a closed system). When this ascriptive status rule is used, people are placed in a position based on personal traits beyond their control. Mobility is much more frequent in countries that use achievement as the basis for status. However, societies differ on the amount of mobility that occurs due to the direction of structural changes in their overall status systems. The process by which an individual *alters* the ascribed social status of their parents into an achieved social status for themselves is called Social Transformation.

**4.5.2.3. Structural and exchange mobility**

Structural mobility is a type of forced vertical mobility that results from a change in the distribution of statutes in a society. It occurs when the demands of a particular occupation reach its maximum and more people are needed to help fill the positions. Exchange mobility is that which is not structural. The key word "exchange" means trade-off. This means instead of positions reaching the max and more people are needed, positions are dropped and someone else must step up to fill the position. When ascriptive status is in play, there is not much exchange mobility occurring.
4.5.3 Upward and downward mobility

Upward social mobility is a change in a person's social status resulting in that person receiving a higher position in their status system. Likewise, downward mobility results in a lower position. A prime example of an opportunity for upward mobility nowadays is athletics. There are an increased number of minorities seeking careers as professional athletes which can either lead to improved social status or could potentially harm them due to neglecting other aspects of their life (ex. education). Transformative assets would also allow one to achieve a higher status in society, as they increase wealth and provide for more opportunity. A transformative asset could be a trust fund set up by family that allows you to own a nice home in a nice neighborhood, instead of an apartment in a down trodden community. This type of move would allow the person to develop a new circle of friends of the same economic status.

4.5.3.1 Educational factor

Wages and earnings tend to correlate with the amount of education a person has obtained. Higher educational opportunities are necessary in order to pull away from the poverty line. Of the 30 fastest growing occupations, more than half require an associate’s degree or higher. Yet, these jobs are less likely to supply additional jobs to the labor market; meaning, the majority of job growth is found in low-wage jobs (Jacobs 2005). These low-wage jobs are associated with those people who have less education. Workers in these areas are deemed unskilled because it does not require a great amount of education in order to perform these jobs, so the stereotype jobs. Therefore, it can be understood that education is a main determinant for potential social mobility.

4.5.3.2 Gender and race factor

When examining status mobility one must consider the role that race and gender have. History has shown us that women and minorities have a disadvantage in earning promotions; thus, being a woman or minority is
one of the main determinants in hindering status mobility within the labor market. Women and minorities hold jobs with less rank, authority, opportunity for advancement, and pay than men.

4.5.4 Symbols and perceptions influence on social mobility

Theory suggests that there is a connection between Social Psychologists understanding of collective identity and the way sociologists conceive it. Individuals are always seeking ways to define themselves with regard to the world around them and they can do this with the meaning given to community and the concept that people are different from others because of arbitrary differences.

Boundaries could be sexual, racial, or lingual, or they could look at other definitions of boundaries. Geographical boundaries are an example that is strongly reinforced but not as apparent without extra symbols. Sports teams are an excellent example of symbols that define geographic boundaries. When people place themselves, they must find a balance between their community or subgroup and larger communities and out groups (which are groups that can be perceived as having a distinct difference). Scientists “have been studying the segmentation between ‘us’ and ‘them.’”

4.5.5 Sociological views on the neighborhood boundaries.

According to Sampson, Morenoff, and Gannon-Rowley’s article Assessing “Neighborhood Effects”: Social Processes and New Directions in Research on the relationship between adolescent behavior and indicators of residential differentiation. “Robert Park and Ernest Burgess laid the foundation for urban sociology by defining local communities as 'natural areas' that developed as a result of competition between businesses for land use and between population groups for affordable housing.” This indicates that resources that are available to the community will largely be affected by the wealth of the population.
There is change that happens in communities however, and they evolve over time. This study suggests that longitudinal studies could observe trends in the community over time. As neighborhood dynamics change, there could be a movement of social groups into proximity with other similar groups creating a hybrid of the two cultures. Another possibility is that the groups in an area move around, but do not intermingle, and when they feel pressure that threatens their hold of an area, they could fight back at the local level, or choose to relocate to a place where economic conditions restrict entry.

4.5.6 Social mobility vs. economic mobility:
The ability for an individual to become wealthy out of poverty does not necessarily indicate that there is social mobility in his or her society. Some societies with low or nonexistent social mobility afford free individuals opportunities to initiate enterprise and amass wealth, but wealth fails to "buy" entry into a higher social class.

4.6 Social Inclusion
Social inclusion refers to a policy designed to ensure that all people are able to participate in society regardless of their background or specific characteristics, which may include: race, language, culture, gender, disability, social status, age, and other factors. Compared to the general population, groups with such special characteristics are much more likely to face low education, unemployment, homelessness -- and resulting poverty and social exclusion.

The goal of social inclusion is to give all people an equal chance for participation in society. In order to achieve this goal, the barriers to participation in all aspects of life, such as education, employment, leisure, and citizenship must be addressed. The barriers may be material, such as physical inaccessibility; but very often the barriers are intangible, for example, discrimination, which serves to exclude.
Social exclusion refers to processes in which individuals and entire communities of people are systematically blocked from rights, opportunities and resources (e.g. housing, employment, healthcare, civic engagement, democratic participation and due process) that are normally available to members of society and which are key to social integration.

An inclusive society, by definition, is characterized by respect for identity of all and a reasonable balance between the rights and duties of all individuals and society as a whole.

In the study area, the characteristics of exclusion is very evident and so appropriate strategies needs to be adopted for developing an inclusive approach to development which also needs to be rights based contrary to the need based approaches developed.

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