CHAPTER I

INTRODUCTION

Human rights are the birthrights of every human being and they form an integral part of the socio-cultural fabric of mankind all over the world. But they are vulnerable to abuse and violation. It is the duty of the nations to protect and sustain these rights by constitutional measures. The situation in most of the third-world countries is quite disturbing. The economically weaker segments of population suffer much in their daily lives. This is due to flagrant violation of human rights by many groups. People having an influence and people belonging to higher castes are the culprits. They indulge in such violations because they are powerful in one way or the other. They have muscle power, money power and support from other powerful sections in the society. Indian constitution gives its citizens all the basic human rights. It has also provisions to protect the same by democratic means. The architects of our constitution believed that socio-economic growth is possible only if human rights are safeguarded.
In spite of all the safeguards, India witnesses violations of human rights. As a result the poor and those belonging to the so-called low castes suffer much.

Individuals should be protected from the violation of human rights. The government should also take steps to create favourable societal conditions in which individuals may develop their maximum potentiality.

1.1 Meaning

Human rights are the fundamental rights, which are essential for man to lead a dignified life. They are defined as those rights and freedoms which are a must for all human beings. They include all rights that should be enjoyed by every individual irrespective of class, gender, age, caste, religion, language, creed, status, and beliefs. Human rights include rights to life, rights to adequate food, rights to shelter, rights to clothes, rights to pollution free air, rights to noise free surroundings, rights to have safe drinking water, rights to vote, rights to participate in all social, economic and political activities, rights to embrace any religion, rights to speak and the like. The fundamental rights of all human beings are the rights to life. It includes almost all rights listed out above. Human rights should be enjoyed by every member of the human family. Hence, they are absolute, universal and inalienable. No power on earth can deprive an individual of his/her rights.
1.2 Definition

Human rights though defined variously by different scholars the main stress is on the rights of human beings to live the life with dignity. In the Preamble of the Universal Declaration of Human Rights it is said, “Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of the freedom, justice and peace in the world” (Dev et al., (ed) 1996, p.27). Section 2(d) of the Protection of Human Rights Act, 1993, says “Human rights mean the rights relating to life, liberty, equality and dignity of the individuals guaranteed by the constitution or embodied in International Covenants Conventions and Treaties to which India is a party” (in Sharma, G. 2003, pp.722&723).

David Selby says, “Human Rights pertain to all persons and are possessed by everybody in the world because they are human beings, they are not earned, bought or inherited nor are they created by any contractual undertaking” (in Ray, 2004, p.45).


It is inferred that a few define human rights as natural rights and some others as state permitted rights.
1.3 Natural Rights

Human rights, possessed by all human beings, are generally called Fundamental Rights or Natural Rights or Rights of Man. They are not the gifts of a state or a government. Hence they can not be withdrawn by authorities. But human rights, based on considerations of justice, are natural, immutable and inalienable, which no force can take them away. In the past, it was considered natural to have fundamental differences. Inequality was justified as natural. The varna system was a proof of this.

1.4 State Permitted Rights

Another group argues that human rights are not above the state. Hence the rights permitted in the constitution or the rule of law should be respected and the rights permitted in the institutions are the real human rights. Hence, certain rights can be easily enjoyed and certain other rights can not be enjoyed easily. They have only relative claim. Thus, human rights are classified into negative rights and positive rights.

1.4.1 Negative Rights or Concrete Rights

Some rights are negative in the sense that they are aiming at allowing a person not to have to do something or in prohibiting the state from doing something to someone, such as torturing someone. Civil and Political rights are generally considered negative rights. They are for freedom of people from all social and political suppressions. (Shinde, 2005).
1.4.2 Positive Rights or Abstract Rights

Economic and Social rights are treated as positive rights or abstract rights. Positive rights include provisions for safe drinking water and sanitation facilities, fresh air to breathe, good shelter to live and all facilities to maintain a good standard of living. Such rights require huge resources for their fulfilment. Hence, positive rights can not make absolute claims on resources, but only relative claims as resources are only limited in any country. (Kanmony, 2005).

1.5 Human Rights Violation

The denial of human rights and fundamental freedom to any individual or group of individuals is the cause for both individual and political tragedies and creates conditions for social and political unrest, sowing the seeds of violence and conflict within and between societies and nations.

In a multicultural and multilingual society like ours, conflicts and discriminations have become a day to day affair. Political violence is on the rise inhibiting the smooth functioning of democracy. Terrorism creates the environment of fear through indiscriminate acts of violence, threat, kidnapping and killings. These violations include breach of civil and political rights, discrimination against minority, women and weaker sections of society like scheduled caste and scheduled tribes, arbitrary arrest, torture and death of suspected culprits under police custody,
religious violence, child labour, ethnic killing and kidnapping for ransom and the list of violence goes on. (Pandey, 2005).

1.6 History of Human Rights

The historical background of human rights can be traced even from the Vedic times, Babylonian Laws, Magna Carta, Virginia Bill of Rights and the French Declaration of the Rights of Man. During the World Wars, several nations suffered serious set backs and human sufferings and miseries taught the humanity of the world the importance of basic human rights. In the Greek period, there was no concept of human rights as it was then considered natural to have fundamental social difference among people. Natural inequality was forwarded for justifying social political inequalities. For this reason slavery was justified as a natural and just institution.

The concept of human rights started developing in the thirteenth century. In 1215, the concept of human rights first came into existence, when the rebellion of feudal bottoms against King John of England brought about the proclamation of ‘Magna Carta’. The other important events in the ‘history of human rights’ are Habeas Corpus Act and French Declaration of the Rights of Man and the Citizen in 1715. Human right is the product of the liberal political thought of post seventeenth century. The Habeas Corpus Act (1674), American Declaration of Independence (1746), American Bill of Rights (1791),
French Declaration of Rights of Man and Citizen (1789) influenced a lot the principles of human rights and liberties.

The middle age dominated by monarchy, the Roman Catholic System of Church, Government or jurisdiction of the Pope and feudalistic society was not favourable for human rights and their employment as well. Most of the vocabulary of human rights today is inherited from the eighteenth century Europe. Another milestone in the genealogy of human rights is abolition of slavery in the British Empire in 1825. The United States abolished slavery in 1850. In 1945 the Charter of the United Nations in support of human rights set up a Human Rights Commission. It was followed by the Universal Declaration of Human Rights, which was adopted by the General Assembly of the United Nations in 1948. In this sequence, the Decade 1995-2004 has been declared the Human Rights Decade (Malhotra, 2005). The year 1958 was observed as international year of human rights. Every year December 10 is observed as human rights day. (Malholtra et.al., 2005)

1.7 Generations of Human Rights

The use of the term ‘generation’ was never meant to imply any distinct historical difference or hierarchy of one generation over another. This is largely due to interrelatedness of all human rights. The “First Generation” in the seventeenth and eighteenth century human rights are represented by civil and political rights of the individuals or the
liberty oriented rights. The “Second Generation” human rights, correspond to the protection of economic, social and cultural rights. They are called security oriented as they provide for social, economic and cultural security. They are more positive in nature than negative. The “Third Generation” human rights are also called “solidarity rights”. They are concerned with the rights of groups and people, rather than of individuals. They are not universally accepted in the international community as such.

The human rights mentioned and discussed above are not allowed to be enjoyed by every individual. Women, children SC/ST persons, religious minorities, HIV/AIDS patients, refugees and other marginalized sections of the society are much prone to human rights violation. Hence, this study aims at bringing out to light the torments suffered by victims of human rights violation. As it is not possible to include all the groups in a study, only select groups of very important nature namely, women and dalits are included in the present study.

1.8 Rights of Women

Woman, just like man, should be allowed to enjoy all rights to live a dignified life. She has the right to claim equal opportunities in all walks of life. She could not be treated like a second grade citizen not only at home but also in the society. She has the right to life, liberty and security, the right to education, the right to undergo any training, the right
to do any job, the right to enjoy all social, economic and cultural benefits and the rights to be free from torture. In short, every woman is eligible to enjoy all rights and freedoms set forth in the Universal Declaration of Human Rights (DHR), 1948 without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status (Karthikeyen, 2005).

However, women are treated as child bearing machine. They are not allowed to have any say even in the matter of conceiving a child. Cases of female foeticide, female infanticide and sexual abuse of children have become a common phenomenon throughout the world. Trafficking in women has assumed alarming proportions. Gender bias and gender apartheid exist even in the developed world. Women have suffered much under the oppressive, socio-political and economic systems. Many customs and traditions have neglected women to the status of second class citizens. Most of such victims, however, are from Asia, Africa and South America (Veer, 2000).

Though offences against women are a global phenomenon, the Indian women seem to be exploited from cradle to grave. As a girl child, she is bargained for a bridal price, as a grown-up girl, she is looked upon as a supplier of dowry and as a widow, she is expected to immolate herself on her husband’s pyre or condemned to spend her days in a state of living death.
1.9 Rights of Dalits (SC/ST)

SC/ST persons are also human beings and so they are also eligible to enjoy all the rights that are enjoyed by other groups of people in society. They have the right to own land and property, the right to gender equality, the right to hold any job, the right to get proper medical care, the right to be free from all kinds of atrocities, torture, abuses and ill-treatment and the right to enjoy all the basic necessities required to lead a dignified life.

Indian Constitution is full of ideals of liberty, equality and justice in social and political matters. Though Articles 14 to 17 provide social reconstruction through constitutional provisions and equality before the law and equal protection of the law, the scheduled caste and scheduled tribes are the most disadvantaged group. They have been oppressed throughout the recorded history of India. They are at the bottom-most footing of the society. They have been stripped of their human dignity and denied their basic human rights. Centuries of oppression have resulted in severe poverty. An illiterate person is for more likely to be a scheduled caste/scheduled tribes. A poor person is more likely to be an SC/ST than a non-SC/ST. Further, majority of the bonded labourers are SC/ST, serving mostly under caste Hindus.

They are not allowed to take bath in common ponds/ tanks meant for taking bath. They are not allowed to sit with other caste people.
They are not allowed to draw water from the common well. They are not allowed to enter the village temples. In certain areas, separate tumblers and plates are used in hotels for serving tea and meals. They are eligible to do ugly jobs like cleaning roads and toilets, removing dead-bodies and dirty works which are assigned to them but not done by others. Hence they are considered polluted persons and so some upper caste people do purification ceremony, if the SC/ST people enter temples/houses or touch the upper caste people. Besides, their properties are taken away, the females are ill-treated, raped, sexually harassed and eve-teased and they are assaulted if they try to ascertain their rights. Lastly, education which is an empowerment tool is denied to their children. The percentage of enrolment of SC/ST children is very low in comparison to the enrolment of other caste children.

1.10 India and Human Rights Violation

Violation of human rights is also a global phenomenon. In India, in spite of various constitutional safeguards, violation of human rights takes place every day in a variety of forms such as breach of civil and political rights, discrimination against minority, women and weaker sections of society like SC/ST and their children. Terrorism creates the environment of fear through indiscriminate acts of violence, threat, killings, kidnapping and extortion. But the method and procedures adopted by the authorities to control terrorism again lead to violation of human
rights (Malhotra, 2005). To a large extent, political violence in India is a form of human rights violation. Caste violence is predominant in states like Bihar, Uttar Pradesh, Tamil Nadu and Andhra Pradesh.

As the present study is related to only two groups, women and dalits, the crimes against women and SC/ST persons along with total IPC crimes recorded from 1996 to 2007 are presented in Table 1.1.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total IPC</th>
<th>Women</th>
<th>SC/ST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>1709576</td>
<td>115723</td>
<td>36413</td>
</tr>
<tr>
<td>1997</td>
<td>1719576</td>
<td>121265</td>
<td>32588</td>
</tr>
<tr>
<td>1998</td>
<td>1778815</td>
<td>131475</td>
<td>29914</td>
</tr>
<tr>
<td>1999</td>
<td>1764629</td>
<td>135771</td>
<td>29543</td>
</tr>
<tr>
<td>2000</td>
<td>1771084</td>
<td>141273</td>
<td>29645</td>
</tr>
<tr>
<td>2001</td>
<td>1769308</td>
<td>143795</td>
<td>39718</td>
</tr>
<tr>
<td>2002</td>
<td>1780330</td>
<td>143034</td>
<td>40281</td>
</tr>
<tr>
<td>2003</td>
<td>1716120</td>
<td>140601</td>
<td>32141</td>
</tr>
<tr>
<td>2004</td>
<td>1832015</td>
<td>154333</td>
<td>32422</td>
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<tr>
<td>2005</td>
<td>1822602</td>
<td>155553</td>
<td>31840</td>
</tr>
<tr>
<td>2006</td>
<td>1878293</td>
<td>154158</td>
<td>32860</td>
</tr>
<tr>
<td>2007</td>
<td>1989673</td>
<td>174921</td>
<td>35563</td>
</tr>
</tbody>
</table>

Percentage of Change  
16.38  
51.15  
-2.33


A close look at the above table shows that the total IPC crimes increased from seventeen lakhs in 1996 to nearly 20 lakhs in 2007, a change of 16.38 per cent. The crimes against women show 51.15 per
cent change between 1996 and 2007 while crimes against SC/ST, the percentage of change is negative (-2.33).

1.11 Tamil Nadu and Human Rights Violation

Tamil Nadu, which is a developing state and boasts of high rate of literacy, is not an alien to all types of human rights violation. The state government, NGO’s, the State Human Rights Commission and several other agencies have taken a number of steps to combat this menace. Hence, crimes against the study groups show a significant fall. Details regarding the crimes against women and SC/ST persons recorded in Tamil Nadu from 1996 to 2007 are given in the following table.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total</th>
<th>Women</th>
<th>SC/ST</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996</td>
<td>131497</td>
<td>9232</td>
<td>1897</td>
</tr>
<tr>
<td>1997</td>
<td>141867</td>
<td>9044</td>
<td>1630</td>
</tr>
<tr>
<td>1998</td>
<td>149293</td>
<td>11201</td>
<td>1593</td>
</tr>
<tr>
<td>1999</td>
<td>145709</td>
<td>12670</td>
<td>988</td>
</tr>
<tr>
<td>2000</td>
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<td>13732</td>
<td>1305</td>
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<td>2001</td>
<td>154801</td>
<td>10111</td>
<td>2345</td>
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<tr>
<td>2002</td>
<td>166942</td>
<td>9798</td>
<td>2174</td>
</tr>
<tr>
<td>2003</td>
<td>157186</td>
<td>8888</td>
<td>1562</td>
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<tr>
<td>2004</td>
<td>166606</td>
<td>9332</td>
<td>1183</td>
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<tr>
<td>2005</td>
<td>162360</td>
<td>8648</td>
<td>1219</td>
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<tr>
<td>2006</td>
<td>148972</td>
<td>6489</td>
<td>NA</td>
</tr>
<tr>
<td>2007</td>
<td>185312</td>
<td>7811</td>
<td>1760</td>
</tr>
</tbody>
</table>

Percentage of Change: 40.92 -15.39 -7.22

From the Table 1.2, it is very clear that in absolute term, the total crimes increased from 131497 in 1996 to 185312 in 2007. It means that it increased 40.92 per cent over a period of 12 years. The crimes against women also increased from 9232 in 1996 to 13732 in 2000 and with some oscillation it reached 8648 in 2005. Again it reduced to 7811 in 2007. In comparison with 1996 the year 2007 shows a decrease of -15.39 per cent. But, as far as crimes against SC/ST persons are concerned it decreased from 1897 in 1996 to 1219 in 2005 and then increased to 1760 in 2007. As a whole, it decreased by -7.22 per cent.

1.12 Human Rights Violation in Tirunelveli District

Tirunelveli district is the nearby district in the northern side of Kanyakumari district. Tirunelveli district is not a fertile region, where most of the people are ordinary workers living on very low wages. Tirunelveli district has a wide area and a huge population. Hence any type of violation jeopardizes the normal life of the people of the district. It is reported that in Tirunelveli district not only total IPC crimes but also right violations against women and dalits show a rising trend. The total IPC crimes increased from 6939 in 1996 to 7474 in 2007, while crimes against women increased in 2007. As far as reported crimes against SC/ST persons is concerned, it increased from 48 in 2001 to 97 in 2007.
1.13 Statement of the Problem

Human rights violations have a great impact on the lives of the persons, whose rights are being violated. Human rights violations affect the victims’ economic conditions, social positions and sometimes even physically and psychologically. Hence, it is the bounden duty of every democratic country to take necessary steps to ameliorate the status of such victims. In this background, any study on human rights violations may help the government and local authorities to take certain remedial measures. Hence, the present study “Human Rights Violation against Women and Dalits and its Economic Impact with Special Reference to Tirunelveli District” is carried out to estimate its impact particularly economic impact and to find out all possible solutions to the problems of human rights violations.

1.14 Objectives of the Study

The study is based on the following objectives:

1. To estimate the number of human rights violations against women and their nature.

2. To find out the number of human rights violations encountered by the dalits.

3. To understand the socio-economic conditions of women and dalits who are the victims of human rights violation.
4. To study the causes of women rights violation and the violation of rights against dalits.

5. To estimate the socio-economic outcomes of violations against women and dalits.

1.15 Hypotheses

1. Dalits and women are affected with violation of rights irrespective of their literacy level.

2. Economically poor are the frequently affected victims of women’s rights violation.

3. Among the victims of rights violation against dalits, the worst affected are the have-nots.

4. Dalits violations cause more economic loss than women rights violations.

1.16 Need for the Study

Violation of human rights creates a lot of economic and emotional problems. It affects the nature and welfare of human beings, and creates a lot of disorders. A closer analysis of the available studies shows that studies on the social and economic consequences of women and dalits in Tirunelveli caused by human rights violation are very less. So the researcher was motivated to undertake this study, since he strongly feels that violation creates disorder in the society and this study would create
awareness among the people, of the various problems caused by human rights violation.

1.17 Significance of the Study

The significance of the present study is that the study will pave the way for other researchers to conduct similar studies in other districts in Tamil Nadu and other states and other countries to bring to limelight the heinous crimes committed against the marginalized and vulnerable groups. They can also employ other variables not used in the present study.

1.18 Scope of the Study

The present study explains the human rights violation and its economic significance in Tirunelveli district. The duration of the research is three years, 2005-2007 and the survey was conducted between the end of 2006 and the beginning of 2007.

1.19 Limitations of the Study

No research can encompass every aspect of a problem. Every study has its own limitations. The present study has the following limitations.

- The present study has a limited scope as it is limited to the study of crimes against women, and SC/ST in just one district in Tamil Nadu.
• Secondly, the study analyses secondary data only for twelve years, i.e. from 1996 to 2007. Considering the history of crimes committed against the groups the study is very short. But the study gives a graphic account of the isolations of human rights against the said groups during this period.

• Thirdly there may be other groups who are also subject to such violations. But the present study chose to study only two groups, women and dalits.

• Finally, other economic, political, regional and linguistic factors that might have deprived many of their rights. But, they are not taken into account in the present study.

1.20 Plan of the Study

After a brief introduction about human rights and human rights violation in the first chapter, the review of earlier studies has been presented in the second chapter.

The theoretical background has been elaborated in the third chapter.

In the fourth chapter the investigator provides details regarding the study area and methodology adopted and the important concepts used in the thesis.

The socio-economic conditions of the sample households are given in the fifth chapter.
In chapter sixth the economic impact of violations against women and dalits has been analysed in detail.

A summary of findings and the conclusions arrived at have been given in the seventh chapter.