Chapter One
Introduction

1.1 Introduction

Education is the special manifestation of human kinds. It is the treasure, which can be preserved without fear of loss. It secures material pleasure and happiness. It is the teacher of teachers. It is Gods incarnation. It secures honour at the hands of State, not money. A man without education is equal to an animal. In Neethishatakan by Bhartruhari, (first century B.C.) education was described as below:

‘Learning is excellence of wealth that none destroy to man. To man naught else affords reality joy’.

The fundamental purpose of education is the same every time and everywhere. Education is to transfigure the human personality in a pattern of perfection through a synthetic process of the development of body the enrichment of mind, the sublimation of the emotions and illumination of the spirit. Education is a preparation for living a life here and hereafter.

In the context of a democratic form of Government which depends its sustenance upon the enlightenment of the populace, education is at once a social and political necessity for all. Education is a process of eradication of illiteracy which exists in a depressing measure. Victories are gained, peace is preserved, progress is achieved, civilization is built up and history is made not on the battlefields where ghastly murders are committed in the name of patriotism, not in the council of chambers where insipid speeches are spun out in the name of debate, not even in factories where are manufacture red novel instruments to strangle life, but in educational institutions the seed-beds of culture, where children are trained for the future school rankers will come out, when they grow up, as statesman, soldiers, patriots and philosophers, to determine the progress the of land. Children are the capital of a Nation.

In today’s times of globalization in every sphere, the development issues like poverty alleviation, industrial growth, employment generation, health, environment protection etc. need to be addressed keeping in view the human rights requirements of the society. With fast-changing world scenario, the political and socio-economical, educational equations are changing in every developing country. Human is not found in isolation. He/she needs his fellow beings to have their existence either directly or indirectly. But the modern humans, with their greatest
inventions and interventions, unconsciously and unintentionally, are going towards isolation and thereby towards destruction. Greed to expand territory, accumulate wealth and fear from aggression made him/her to make boundaries for material division and social hierarchy for social security and mobility. The egalitarian society is becoming an egocentric society.

There comes the violation of someone’s rights which are supposed to be respected and never to be interfered with. These violations of human evolution brought forth revolutions, bloodshed, loss of life, property, peace, etc., and in total ‘loss of life’. These effects are brought forth a great fear of suffering and destruction to the whole world. The spark of evil design spread and the 20th Century was faced with two great wars that shook the human hearts and brought destruction, fear and consequent realization of respecting human dignity and rights. Since time immemorial, great thinkers, statesmen, leaders, poets, social reformists, etc. around the globe have been trying to make the people realize the idea of ‘universal brotherhood’ or ‘happiness to all’ (‘Sarva Bhavntu sukhina’ in Indian literature means, ‘let all the people be happy’)

The propenders of human rights regard them as being inherent, universal. Inherent in the sense that, they have the birth rights of all human beings, in that, people enjoy these rights simply by reason of their being human beings and, as such they do not have to be granted or bestowed upon by the State. Inalienable in the sense that people cannot agree to give them up or have them taken away and Universal in the sense that they do not just apply to men’ or ‘citizens’ or minorities’, but to all persons regardless of their nationality, status, sex, or race. A person, who elevates his/her thoughts beyond his/her ‘self’ without any personal prejudices may come to know that, his/her ‘self’ is a part of the ‘universal self’ and he/she may find unity in spirit. For such an elevated person the world is a single family and an undivided unit.

Paul Sieghart pointed out that “The ultimate measure of whether a society can properly be called civilized is how it treats those who are near the bottom of the human heap.”

As we know the history of mankind is marked by efforts to insure respect for the dignity of human being. It was first time that in Universal Declaration of Human Rights, The expression “Human Rights” is recognized by law. On December 10, 1948 the United Nations approved the Universal declaration of Human Right and this declaration reaffirms the rights and freedom essential to human dignity as a common standard of achievement for all people of all nations.
1.1.1 Contexts of Human Rights:

a) Cyrus Cylinder:

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

b) Maurya Empire:

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

c) Early Islamic Caliphate:

Historians generally agree that, Muhammad preached against what he saw as the social evils of those days and that Islamic social reform in areas such as social security, family structure, slavery and the rights of women and ethnic minorities improved on what was present in existing Arab society at the time. He condemned the practices of the pagan Arabs such as female infanticide, exploitation of the poor, usury (lending money with unreasonable interest), murder, false contracts and theft.
d) Modern Period:

The conquest of the Americans in the 16th century by the Spanish resulted in vigorous debate about human rights in Spain. The debate from 1660–61 between La Casas and Juan Gines de Sepulveda at Valladolid was probably the first on the topic of human rights in European history. Seventeen century European philosophers most notably John Locke, developed the concept of natural rights, the notion that people are naturally free and equal. Though Locke believed natural rights were derived from divinity since humans were creations of God, his ideas were important in the development of the modern nation of human rights. Locke natural rights did not rely on citizenship or any law of the state, nor were they necessarily limited to one particular ethnic, cultural or religious group. The two major revolutions occurred in that century in the United States (1776) and in France (1789) The Virginia Declaration of Rights of 1776 set up a number of fundamental rights and freedoms. The later United States Declaration of Independence includes concepts of natural rights and famous states that all men are created equal that, they are endowed by their Creator with certain unalienable rights, which among these are life, liberty and the pursuit of happiness.

Similarly, the French Declaration of the Rights of man and citizen defined a set of individuals and collective rights of the people. These are, in the document, held to be universal – not only to French citizens but also to all without exception. Declaration of the Rights of Man and of the Religion was approved by the national

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

f) Contemporary Period:

Right after the ‘World War I’, the potential causes for another war brought to the establishment of League of Nations. The international movement for human rights goes back to the treaties for the protection of minority’s in The East European states in 1939 under the supervision of League of Nations. That was the first attempt in forming an international organization for peace and understanding among the world countries.

But it became futile by the declaration of the World War II in 1939. During the same period the International Labour Organization promoted some convention to improve conditions of work and to protect the rights of trade unions. The World War II brought a great fear and the awareness among the people of the world. The dismal failure of the League of Nations, prompted the contributors to form a forum named ‘United Nations Organization the Charter of UN was signed on 26th June 1945. It states that the main objective of the new organization is ‘to save succeeding generations from the scourge of war’ and ‘to reaffirm faith in fundamental human rights’ One of the aims of the United Nations is to achieve international cooperation in ‘promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion’.

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

1.1.1.1 Indian Constitution and Fundamental Rights:

The Constitution of Republic India which was drafted in 1949 came into force on 26th January, 1950 with 395 articles and nine schedules; it is one of the most elaborate fundamental laws ever adopted. Naturally, the Declaration of Human Rights had its impact in its drafting. The Constitution lays down the basic framework of independent India's goals and the direction of its development as a nation. The Preamble proclaims the resolve of the people to constitute India
into a sovereign, socialist, secular, democratic republic. It ensures to all its citizens social,
economic and political justice; liberty of thought, expression, belief, faith and worship; equality
of status and opportunity; and fraternity, assuring the dignity of the individual and the unity and
integrity of the nation. Part III deals with the Fundamental Rights and Part IV with the Directive
Principles of State Policy. The human rights and fundamental freedoms laid down in the
Universal Declaration of Human Rights are included in Parts III and IV and various other
provisions of the Constitution. Part IV-A on Fundamental Duties, which was added to the
Constitution in 1976, lays down as the duty of every citizen to abide by the Constitution and
respect its ideas and institutions; to cherish and follow the noble ideals which inspired our
national struggle for freedom; to provide harmony and the spirit of common brotherhood
amongst all the people of India, transcending religious, linguistic and regional or sectional
diversities; to renounce practices derogatory to the dignity of women; to value and preserve the
rich heritage of our composite culture; to protect and improve the natural environment; to
develop the scientific temper, humanism and the spirit of inquiry and reform; to safeguard public
property; and to abjure violence. The following Six fundamental rights recognized by the
Indian constitution are; Article 14 to 32.

1. The right to equality. (Articles 14 to 18)

in public employment 17) Abolition of Untouchablity 18) Abolition of Titles

2. The right to freedom. (Articles 19 to 22)

Article 19) Protection of Certain Rights: Freedom of Speech and Expression, Assembly,
Association, Movement, Residence, Profession 20) Protection in Respect of Conviction for
offences 21) Protection of Life and Personal Liberty 21A) RTE Act 22) Protection against
Arrest and Detention

3. The right to freedom from exploitation. (Articles 23 to 24 Article)

23) Prohibition of Traffic in Human Being and Forced labour 24) Prohibition of Employments
of Children in Factories.
4. The right to freedom of religion. (Articles 25 to 28 Article)


5. Cultural and educational rights. (Articles 29 to 30)

Article 29) Protection of Interest of Minorities, 30) Right of Minorities to establish and Administer educational Institutions.

6. The right to property. (Removed/amendment) (Article -31)

Article 31: Right to Property has been elimited by 44th amendment Act 31 Article has been taken out of Part-3 made Separate Article 300A

7. The right to constitutional remedies (Article - 32)

1) Habeas Corpus 2) Mandamus 3) Prohibition 4) Quo-Warranto 5) Certiorary

The Fraternity assuring the dignity of the individual and the unity and integrity of the Nation. On the day of the adoption of Constitution of India. Dr. Ambedkar said, “….Constitution of our country would be found to be bulky ... It would be difficult for those who have been through it to realize it’s silent and special features”. Speaking about Article 32 of the Constitution, Dr. Ambedkar said, “... If I was asked to name any particular article in this constitution, as the important as one, without which this constitution would be nullity, I would not refer to any other article except this one...” He further said, “... It is the very soul of the Constitution and very heart of it...”

The right to property (Saving of certain Laws-44th Amendment made it a legal right and not a fundamental right) (The right to education became the fundamental right recently with the passing of the Right to Education Bill in 2008)

Other quotation which would like to mention at this stage is the answer given by Dr. B. R. Ambedkar to various amendments suggested by the members in the Draft Constitution Assembly, in regard to the provisions contained in part IV - Directive Principles of State Policy.
We know that the fundamental rights are followed by what are called directive principles, that is novel feature in the Indian Constitution framed for parliamentary democracy. Since the fundamental rights and directive principles find place in two different chapters - part III and part IV, obviously they are separate and independent.

1.1.1.2 Views on the Preamble of Indian Constitution and the Universal Declaration of Human Rights (UDHR)

The Constituent assembly knew that the fundamental rights are the basic human rights without which freedom of democracy was impossible. The Preamble is the key to open the minds of the makers of the Indian Constitution. ‘The Constitution makers were aware that the fundamental rights embodied in the Constitution are the basic human rights without which a true democracy was impossible.

On 26th November 1949, when the constitution was declared as passed, and, thereafter, preamble of the Constitution was signed out. Our Constitution was around the same time. The part III (fundamental rights) and part IV (Directive to Principle of State Policy) of the constitution of India are best perceived within the ethos and spirit of United Nations Declaration. It is important that our approach in the Constitution is not to impose some western concept of rights but rather to act as a facilitator in promoting and protecting human rights which have been recognized by the whole world and formally codified in the United Nations covenants concerning the civil and political and economical, social and cultural rights. The preamble of Indian Constitution. It can be a prominent example for this. It says;

“We the people of the India, having solemnly resolved to constitute India into Sovereign, Socialistic, Secular, Democratic, Republic and to secure to all it citizens: Justice, Social, Economic, and Political liberty of thought; expression, belief, faith and worship, equality of status and of opportunity and to promote among them all fraternity a assuring the dignity of the individual of the unity and integrity of the Nation………’

The Preamble of the Constitution is a key to open the mind of the makers of the Constitution or the ideals and inspiration intended to be realized by enacting the provisions in the Constitution. The preamble goes on to state that purpose of the Constitution is to secure to all its citizens:
Justice - Social, Economic and Political;
Liberty of thought, expression, belief, faith and worship;
Equality of status and of opportunity and to promote among them all;

Sad truth is that even after 67 years of our independence, the common man does not know that he is the holder of human rights even though our Constitution is primarily shaped and moulded for the common man. Therefore, human rights education is essential for democratic citizenship.

The Indian Constitution and Universal Declaration of Human Rights have meaningful reflection and co-relation between them. Universal Declaration of Human Rights have total no. of 30 Articles .Which are divided into three parts-

1) Assurance of Human Rights for All (Articles no 1 – 2)
2) Civil Political Human Rights (Articles no. 3 - 21).
3) Cultural, Social Economic of Human Rights for All (Articles no. 22- 30)

These Articles are directly related to Values and principles of Preamble of Indian Constitution. Such as Equality, Liberty, Justice, Fraternity.

1.1.1.3 Review According to Universal Declaration of Human Rights:

1. Every person is born free and equal in dignity and rights
2. Every person has Human rights regardless such as race, color, sex, language, religion.
3. Every person has the right to life, liberty and security.
4. Slavery and the slave trade shall be prohibited in all their forms.
5. No Person shall be subjected to torture.
6. Every person has the right to recognition as a person before the law.
7. Every person is entitled without any discrimination to equal protection of the law.
8. Every person has the right to an effective remedy by the competent national tribunals.
9. No Person shall be subjected to arbitrary arrest, detention.
10. Every person is entitled in full equality to a fair and public hearing.
11. Every person shall be consider innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

12. Every person has the rights and his privacy, family, home or correspondence.

13. Every person has the right to freedom of movement and residence within the country, including his own, and to return to his country.

14. Every person has the right to asylum from persecution.

15. Every person has the right to a nationality.

16. All adults have the rights to marry of their own fine will and to found a family.

17. Every person has the right to own property alone as well as in association.

18. Every person has the right to freedom of thought, conscience and religion.

19. Every person has the right to freedom of opinion and expression.

20. Every person has the right to freedom of peaceful assembly and association.

21. Every person has the right to take part in the government of his country, directly or through freely chosen representatives.

22. Every person has the right to of the economic, social and cultural rights.

23. Every person has the right to work to equal pay for equal work. Ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

24. Every person has the right to rest and leisure.

25. Every person has the right to adequate standard of living.

26. Every person has the right to education.

27. Every person has the right freely to participate in the cultural activities and benefits.

28. Every person is entitled to a social human rights can be fully realized.

29. Every person has duties to the democratic society according to law.

30. No person can take away these rights interpreted as the rights and freedoms.

On these Articles one of the most important Articles no. 26 of the Universal Declaration of Human Rights, 1948, it says that: Everyone has right to education……

Education shall be directed to the fullest development of human personality and to the strengthening of respect for human rights and fundamental freedoms. That is why, it is said that, ‘all men are born free and equal in dignity and freedom’. This Article further declares that,
human rights education shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further activity the United Nations for the maintenance of peace.

Human Rights Education cannot be reduced to a single introduction of human rights content. It brings about a profound reform of education, which touches upon curricula of inservices and pre-service training programme, textbooks, various subject methodology, classroom management and the organization of the education system at all levels. Human rights education implies the learning and practice of human rights. Therefore, human rights education should not be theoretical but must be relevant of people’s lives. 6th sense of that, such education must also provide opportunities for young people to develop and practice the skills to respect the human rights and citizenship through school/college life.

Human rights education, training and public information are, therefore, necessary and essential for the promotion and achievement of stable and harmonious relations among the communities and for fostering mutual understanding, tolerance and peace. Through the learning of human rights as a way of life, fundamental change can be brought about to eliminate or eradicate poverty, ignorance, prejudices, and discrimination based on sex, caste, religion, and disability and any other forms among the people at large. We ourselves are required to discover the human rights remedies for human maladies, to eradicate these short falls in human rights.

In that case, all must become human rights educators, human rights monitors are implementers for generations to generations. Advocacy and the actions for gender equality, and equal protection invariably follows insight gained by learners by law in socio-economic justice. Now, human rights inform a Universal value system protect by law.

Human Rights Education services as means of understanding and embracing principles of human equality principles, dignity, and commitment to respect and protect the rights of all. Once the people grasp human rights concept, they begin to look for their realization in their own lives, examining their communities, families and personal experiences through the human rights lens.

The ultimate goal of education for human rights is empowerment, giving the knowledge and the skill to take the control of their own lives and decisions that affect them.
Dissemination of knowledge of human rights and duties must therefore, aim at bringing about attitudinal changes in human behavior. Attitude is everything. It is commonly acknowledged that, students are the dynamic and progressive component of citizenry and when properly trained and guided they can become instruments for ensuring social justice and social development human rights education in the classroom and developments in society. Similarly, teachers have a crucial role a developing awareness among the students to transfer the human rights into social and political realities.

A prime function of Human Rights Education is to seek to further effective democratic participation in the political, economic, social and cultural shall be utilized as a means of promoting economic and social progress and people centered sustainable development.

Remember that, as Eleanor Roosevelt said respect for universal human rights being in “small places, close to home.” She recognized that ultimately, the protection and promotion of human rights is “IN YOUR HANDS!”

**Human rights are not mere “Moral function”. The notions of ‘Humankind’ still make logical and political sense.**

To become both good citizens and good human beings every individual needs to have conviction and stability based on faith in the all powerful and ever vigilant creator.

Surely, the secular society is calling people to all kinds of pleasures of the world (like nice house, nice car, fashion, jobs, companionship, fame, positions etc). Human Rights are accepted by all government and major religions in the world as universal standard and are, therefore, the basis of the system of values that is independent of any particular culture be at ideological, religious or national.

They provide a criterion or benchmark against which evaluative judgments can be made. This is a wonderful time to be alive and to be an Indian. We are living in time of peace and growing prosperity. We have good fortune to be living in the most important country in the world — a nation dedicated to democracy, freedom, equality, dignity of individual, and a quality education for all. So now is the right time to set new expectations for human rights education to continue our efforts to create a “democracy of excellence” for all Indians.
Human Rights Education, should promote societal transformation based upon human rights and democracy. The Human Rights Education must therefore, involve special and anticipatory strategies aimed at preventing on break of violent, complex and related human rights violation. A Nation’s ability to convert knowledge into wealth and social good through the process of innovation is going to determine its future. Earlier there was emphasis on tangible assets as the index of wealth; there is now a paradigm shift towards emphasis on intangible intellectual assets. Economic knowledge is the scientific study of improving governance to human development.

The goal of Human rights education is both to acquire knowledge by using to convert it into wealth and social good. Education is the most effective tool for empowerment and human development to acquire knowledge and Human Rights Awareness. The task of human rights education is to articulate a vision of justice of just civil society, a just State - embodied in the totality of authoritative human rights emaciations.

1.1.2 Meaning of Rights:

The term ‘right’ has two meanings: one is moral and the other is political or legal. In the moral sense, right refers to what it is ‘right’ to do from a moral perspective. The second sense of the word refers to a relationship between right and duty or obligation in the context of the law.

The Dictionary meaning of the word “Right” is that which a person has a just claim to, or that which belongs to a person by law, privilege, tradition or nature.

1.1.3 What are Human Rights?

“To educate a man in mind and not in morals is to educate a menace to society”.

Theodore Roosevelt

One way would be to simply point to the statements made in the various human rights declarations, treaties, covenants and the laws. Thus there are civil and political rights’ - such as rights to life, liberty, free speech, movement, political thought and religious practice, a fair trial, privacy, etc. Economic, social and cultural rights’- such as rights to adequate food and water, health care, education, a clean environment, respect for cultural practices, and welfare assistance;
Human rights - that is the rights of those who are involved in, or affected by. Armed conflict, such as the treatment of prisoners of war, of the wounded or sick or shipwrecked, of civilians, and of women and children in particular;

Various categories of rights as defined by the nature of the holders - such as the rights of workers, women, children, minority groups, refugees, indigenous people and people with a disability etc.

Thus to basic civil and political rights are added crucial social, economic and cultural rights, including the right to an adequate standard of living; the right to education; the right to work and to equal pay for equal work; and the right of minorities to enjoy their own culture, religion and language. Of particular importance to this view is the protection and advancement of the rights of underprivileged, unprivileged, and disadvantaged.

Thus, the following are basic features of the human rights:

**Inherent in Nature:** Human Rights, being the birth rights are, therefore, inherent in all the individuals irrespective of their cast, creed, religion, sex and nationality.

**Natural Rights:** Human rights are not created by any legislature. They assume the position of natural rights in human life.

**Fundamental for Man’s Existence:** These are fundamental in nature and are inevitable for existence of people. The Human Rights being eternal part of the nature of human beings are essential for development of individual personality and human qualities, the intelligence, talent and consciences and to enable them to satisfy the spiritual and other higher demands. Being born as human beings, persons possess certain basic and inalienable rights, which are commonly known as human rights.

**Inalienable:** The human rights cannot be transferred from one person to another, from one generation to another, etc. Also because no one gives these rights and none can take them away, these rights are inalienable undoubtedly.

**Universal:** Human rights are universal which means they belong to everyone, no matter what their race, religion, caste, sex, economic status or place of birth is.

**Interrelated and Indivisible:** Human rights are called by various names and sometimes separated into different categories - like civil and political rights, economic, social and cultural
rights. Every right depends on another for its fulfillment. No right can really be practised without other rights. Thus, these rights are called as indivisible and interrelated. For example, the right to education is classified as a social right but would be impossible for all persons to get that right if there was no right to equality or if there was no court to uphold that right.” Human rights recognize that, each person is special with their own individual talents and abilities and that no one is inferior or superior to another. All persons are entitled to live with dignity and no one, i.e., the State, the community, family or society has any right to discriminate or to treat anyone unfairly or unjustly.

1.1.3.1 There are two main approaches adopted to explain the nature and meaning of human rights:

1. Philosophical or Theoretical Approach: There are five main theories philosophical approach to explain the rights of man. These are:

a) **The Natural Rights Theory:** In the traditional doctrine of nature law, the rights are against other people. These rights are having corresponding duties in the sense that, some other person is under duty towards the holder of the right. Human Rights are claim against State, its representatives and functionaries. According natural right theories, there are three characteristic features of Human Rights:
   - Human Rights are said to be recognized,
   - Human Rights are to be inalienable, natural and inherent,
   - All human beings are said to be essentially equal.

b) **The Legal Right Theory:** As expounded by Jeremy Bentham, this theory says that, rights are the creation of the States; hence they are neither absolute nor inherent in the nature of man. These rights such as right to life, liberty or property are artificially created by recognized by the States and hence protected by the State.

c) **Historical Theory of Rights:** According to this theory, rights are the creation of historical process. It is a long-standing custom in the course of time concretized in the specific form of rights. Thus, customs have been given maximum magnitude.

d) **The Social Welfare Theory/Social Expediency Theory:** The supporters of this theory say that, law; custom and natural rights all are conditioned by social expediency.
e) Idealistic Theory Personality Theory: The theory insists on the inner development of man, on the development of his full potentiality and treats right of personality as a supreme and absolute right. All other rights such as right to life, liberty and property are derived from fundamental rights.

2. Pragmatic Approach:

Here every right whether it has been perceived as inalienable or otherwise can have validity and effectiveness only through some process or institution. Thus, it cannot be defined without reference to some institutional structure.

1.1.3.2 Classification or Kinds of Human Rights:

Louis B. Sohn has classified human rights in the following three categories:

i. The First Generation of Human Rights:

The various rights contained in the Covenant on the Civil and Political Rights come under this category that sees their origin in the 13th century in Magna Carta. These rights are those which protect right to life, personal liberty, right to privacy, home and correspondence, right to own property, freedom from torture, inhuman and degrading treatment, etc. Also rights which allow a person to participate in the Government of a State are included in this category. These rights are the rights of the first generation which evolve from the seventeenth and eighteenth century reformist theories which are associated with the English, American and French revolutions.

ii. The Human Rights of Second-Generation:

These rights refer to the economic and social rights which are considered to have been originated in the Russian Revolution of 1917 and in the Paris Peace Conference of 1919. These rights include right to adequate food, clothing, housing and adequate standard of living and freedom from hunger, right to work, right to social security, right to physical and mental health,
education etc., that have been provided in the International Covenant on Economic, Social and Cultural Rights.

iii. The Human Rights of Third Generation:

Collective Rights: Louis B. Sohn has argued that, individuals are also members of such units, groups or communities as a family, religious community, social club, trade union, professional association, racial group, people, nation and State. It is not supervising, therefore, that international law not only recognizes inalienable rights of individuals, but also recognizes certain collective rights exercised jointly by individuals who are grouped into larger communities, including people and nations. These rights include a right to self-determination, right to development, right to peace, etc. The right to self-determination is one of the most basic collective rights. By virtue of this right, people have right not only to freely determine their political status but also to freely pursue their economic, social and cultural developments. Right to peace is also another most important collective right.

1.1.4 Human Rights Education:

Education is universally considered as one of the powerful instruments to inculcate the human rights values. Human Rights Education shall promote understanding and peace among all the human beings.

*Act defines the human rights to mean the rights relating to life, liberty, equality, and dignity of the individual guaranteed by the Constitution and embodied the International covenants, which are enforceable by Courts in India.*

The problems of today are different from those of yesterday. The ideas, the hopes and expectations of people have changed and shall be changing. The demand today is for fuller and happier life for all and not for a few individuals only. The common man is awakened and wants to be assured of many comforts and necessity of life. Therefore, it is high time that, people at grass root should know what their human rights are. If we are serious about human rights, we must first address ignorance in all its forms through education to build a genuine and lasting respect for human rights.
Therefore, education alone is not sufficient for the fulfillment of mankind. In this context, it is useful to quote what, Mahatma Gandhi said, 'It has always been a mystery to me how men can feel themselves honored by the humiliation of their fellow beings’.

This re-enforces the dictum that, formal education by itself is not sufficient in the real human life. Although we learn that human rights are universal’ what we actually experience in daily life all over the world is their universal violations.

If we want to find out why this so happens? The violation of Human Rights we need again to recall what Mahatma Gandhi spoke about seven social sins which make difficult to realize the values in human life: Wealth without work, pleasure without conscience, knowledge without character. Commerce without morality, science without humanity, worship without scarifies and politics without principle. Likewise, it is said, ‘Men hate each other because they fear each other, they fear each other because they do not know each other, they do not know each other because they have no communication, and there is not communication because they are separated.

The awakening of the heart is reflected in the worldwide urge to active character, channelize the services and to institutionalize fellowship. If education is always to be conceived along the antiquated line of mere transmission of knowledge, there is little to be hoped in the betterment of man’s nature. For what is the use of transmitting knowledge, if the individual’s total development lags behind?

Human Rights Education is education about; Following Significant human rights aspects. For example:

Teaching people about international law or about human rights violations such as how somebody torturing about human rights.

Teaching people how to respect and protect rights, is teaching for human rights. Human Rights Education is all about helping people to develop to the point where they understand human rights and where they feel that, they are important and should be respected and defended.

The various activities are giving to children for developing their SKILLS, KNOWLEDGE and ATTITUDES which they will need to work towards a world free of human rights violations. These aspects are encapsulated in each of the activities by a
participative, interactive educational METHODOLOGY. Participative methodology has been found by human rights educators to be the most efficient and most powerful way to develop skills and attitudes, as well as knowledge, in both children and adults. Following illustration can be helpful to visualize this relationship of skills, knowledge, attitudes and methodology.

What are SKILLS? Such as listening to others, making moral analysis, cooperating, communicating and problem solving, and questioning the status quo. These skills help children to:

- Analyse the world around them to understand that human rights are a way to improve their lives and the lives of others
- Take action to protect human rights.

What Is KNOWLEDGE? Such as knowing that, human rights documents exist and which rights they contain, and that, these rights are universally applicable to all human beings and inalienable. Also knowing the consequences of violating human rights. This knowledge helps children to protect their own rights and the rights of others.

What Is ATTITUDE? Such as that, human rights are important that, human dignity is inherent in all people that, rights should be respected, that cooperation is better than conflict that, we are responsible for our actions and that, we can improve our world if we try. These attitudes help children to develop morally and prepare them for positive participation in society.

What Is METHODOLOGY? Participative, interactive methodology involves children fully in learning. Alongside their teacher, they become active explorers of the world around them, rather than passive recipients of the teachers’ expertise. This methodology is particularly appropriate when dealing with human rights issues, where there are often many different points of view on an issue, rather than one ‘correct’ answer.

1.1.4.1 Need for Human Rights Education:

Do our schools and colleges bring the basic awareness upon the students? Is replacing of human rights from the curriculum justified? Do the HSS teachers know about human rights? Had they studied human rights during their school or higher level? If they had not, had they undergone any in service training, seminars, workshops? The knowledge is flooded with so many subjects and topics. There is a need for researches what to include and not. In this heavy syllabus and subjects, introducing human rights in the existing curriculum or separately as a subject need to be studied. What is the attitude of the teachers about human rights education and
their assimilation into the syllabus? What are the human rights violations found in the school, family, and workplace? Do the students, who have studied human rights, changed their attitude towards their fellow beings or they have taken the knowledge for the sake of knowledge of for the sake of examinations? There are so many questions about human rights around to be answered. Ironically, no research has been conducted on this topic or related to this. At the national level a very few researches have been undertaken and some are completed and some not. Therefore, the present study is a felt need of the hour and this should be followed by further researches on matters and topic related to human rights.

1.1.4.2 Importance of Human Rights Education:

A special effort is needed to bring human rights education to the classroom, so that when citizens begin to play their part in public life they can help restore the values on which culture is based and practise them in their daily lives. In the same year of Declaration of UN Decade for Human Rights Education (1995), Asian Institute of Human Rights Education (AIHRE) was established at Bhopal, India. The AIHRE formulated curriculum and preparation of sample lessons with the collaboration and cooperation of other human values.

The National Policy on Education -1986 visualized the Human Rights. SCERT of Madhya Pradesh and DIET, Bhopal. As our Constitution was being drafted when the Declaration of Human Rights (1948) was proclaimed and the Constituent Assembly incorporated many Human Rights in the form of Fundamental Rights of the citizen. These are included in the school curriculum from the elementary level along the National Curriculum Framework with a common core as a basis for building the National System of Education.

The National Curriculum for Elementary and Secondary Education; A Framework 1988 was published as per the recommendations of NPE-1986. The NPE-1986 spells out equality with other core values like democracy, secularism, inculcation of scientific temper, equalization of opportunities, etc. The Curriculum Framework 2000 reiterated the importance of education to fight inequality. The core human rights values were integrated into the existing courses and not treated them as a separate area of study. To promote, protect, strengthen and propagate human rights values.

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

1.1.4.3 The World Programme for Human Rights Education:


To promote the development of a culture of human rights;
To promote a common understanding, based on international instruments, of basic principles and methodologies for human rights education;
To ensure a focus on human rights education at the national, regional and international levels;
To provide a common collective framework for action by all relevant actors;
To enhance partnership and cooperation at all levels;
To take stock and support existing human rights education programmes, to highlight successful practices, and to provide an incentive to continue and/or expand them and to develop new ones.

Munene (2010) argued that, to make human rights a reality in every Community, the World Programme should promote a common understanding of the basic principles and methodologies of human rights education. It must provide a concrete framework for action and to strengthen partnerships and cooperation from the international level down to the grass roots. It recognises that, the situation of human rights education in school systems differs widely from country to country, from well-developed policies and actions to little or none. Whatever the status of human rights education or the situation or type of education system, the development of human rights education should be on each country’s education agenda. Each
country should establish realistic goals and means for action in accordance with its national context, priorities and capacity.

Let us join our efforts with a view to making human rights a reality for everyone, everywhere and every day.

1.1.5 Children’s Rights:

India has signed the Convention on the Rights of the Child (CRC). The three most important principles of this convention are the rights to participation, right to association and the right to information (Saksena, 1991). CRC does not concern only with the protection of children and provision of services and programmes. Convention on the Rights of the Child gives children the right to express their views freely in all matters affecting them and to exercise freedom of expression. Children are frequently denied the opportunity to participate in decision making processes and activities that affect their lives and futures. The principle of participation should be integrated into all areas of concern of children.

The organized participation of children and youth, especially the more disadvantaged gives children strength, access to information, confidence, an identity and ownership. Their coming together also enables them to find collective ways to solve problems.

Pandey (1999) remarked that India has the population of more than 380 million children – the largest population of children in the world. A large number of them are between the age group of 6 to 14 years. It is a difficult task to provide free education to them; similar task is to prevent child labor. It has to be seen that, the tender age of children are not abused and that children are not forced by economic necessity to enter avocation unsuited to their age or strength and that children should be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity. Childhood is required to be protected against exploitation and against moral and material abandonment. The only way by which it can be prevented is to provide education to the children. Government of India has estimated that the financial expenditure to implement the free education to child would be nearly forty thousand crore rupees. The Government alone is not responsible to incur such expenditure. It is also the duty of the parents and guardians to provide education to their wards as per Article 51(A) of the Indian Constitution.
1.1.5.1 The Right of Children to Free and Compulsory Education Act, 2009

The RTE Act was passed by the Indian parliament on 4 August 2009, describes the modalities of the provision of free and compulsory education for children between 6 and 14 in India under Article 21A of the Indian Constitution. India becomes one of the 135 countries to make education a fundamental right of every child when the Act comes into force on 1 April 2010. The Act makes education a fundamental right of every child between the ages of 6 and 14 and specifies minimum norms in elementary schools. It requires all private schools to reserve 25% of seats to children from poor families. It also prohibits all unrecognized schools from practice and makes provisions for no donation or capitation fees and no interview of the child or parent for admission.

The Act also provides that no child shall be held back, expelled or required to pass a board examination until the completion of elementary education. There is also provision for special training of school drop-outs to bring them up to par with students of the same age. The Right to Education of persons with disabilities until 18 years of age has also been made a fundamental right. A number of other provisions regarding improvement of school infrastructure, teacher-student ratio and faculty are made in the Act. The Act provides for a special organization, the National Commission for the Protection of Child Rights, an autonomous body set up in 2007, to monitor the implementation of the act together with Commissions to be set up by the states.

1.2 Need of the Research:

Human Rights awareness is educational Socio demographical or psychological subject. It is not also compulsory subject but it indicates our whole life style, human life’s, culture of equalization, it also gives the way of practicing one’s right without hurting others. So that everybody understands the concept of Human Right and its implementation theme, to find out the awareness of the higher secondary school teacher towards Human Right is very essential.

Into the Universal Declaration of Human Rights (UDHR) there are many articles, it is a need to understand every articles and its proper illustration, to enable to understand content with the help of awareness programmers the teacher can understand concept. UDHR, issues, Case of Human Rights awareness that way the present research is more essential for the teacher, every member of society. We must, therefore, to understand the role of human rights is empowering individuals and community. By protecting these rights, we can help prevent the many conflicts
based on poverty, discrimination and exclusion (social economic and political) that continued to pledge humanity and destroy decade’s development efforts.

**The fundamental purpose of education of human right is to promote, protect and practice human rights whereby we promote understanding, compassion and tolerance.**

It changes attitudes and it is the basis upon which a genuine and lasting respect for human rights is founded. A critical dimension of the Universal Declaration of human rights is its linking of rights with responsibilities. It is the responsibility of every individual and every organ of society to promote respect for human rights and to secure their Universal reorganization and observance.

All human being should towards one another in a spirit of brotherhood. The ultimate goal of education for human rights is empowerment, governing people with the knowledge and the skills to take control of their own lives and decisions that affect them. Several United Nation development strategies have particular relevance for human rights. The human rights and sustainable development as inextricably linked complimentary and multi-dimensional to make a man’s life meaningful, complete and worth living. These rights are as permanent and inalienable.

I think there are one Institute namely Universities who are equipped to lead the way to afford the dignity and rights of human beings. The universities have an indispensable role in teaching and training the leaders of tomorrow by their rich and increasingly extensive experience in conducting training, disciplinary research and thereby overcoming traditional boundaries. By their fundamental nature, as engines of knowledge Universities have a major role to play in a world in which national boundaries are dissolving daily into ever smaller regional entities.

I believe, it is important to keep in mind the national policies for reform, the linkage between the human rights agendas and the development agendas. We will not enjoy development without protecting human rights; we will not enjoy human rights without development, and we will not enjoy either without respect for human rights. Human rights are social protections owed to everyone.

Human Rights are means to overcome the worst inequalities among humans based on the caste, race, religion or inequalities of power and wealth, gender inequalities and other forms of
prejudices and discrimination. In order to understand human rights in its proper perceptive we need to understand, direct or indirect inequalities that are prevailing in our society. The principle of equality is a basic principle in the human rights philosophy.

United Nation’s World Conferences on human rights, particularly on UN document “Developing Priorities for the 21st Century” you will find that there is a new approach to development. This new understanding to development serves a dynamic process of developing statistic indicators. This document gives more focus to the human rights dimensions such as the people - (centered dimensions, sustainable dimensions, gender - sensitive dimension and social dimension. This will help in developing more sensible statistics for human rights dimensions.

You will see that human rights education is needed to everyone that is young children, parents, teachers, principles, educators in all fields, police, military officials, doctors, nurses. Lawyers, prosecutors, judges, social workers generalist, voluntary organizations, activist, public office holders, where elected or appointed, power holder members of corporate houses, Industries, banking sectors, businessman in small or big, landowners, landlord, traditional and religious leaders. Anyone whose decisions or policies affect many people lives needs to human rights education.

By this research we can create a new education system which will be related to teaching all people alike without any discrimination of caste, color occupation race, sex, place, etc. also create awareness of fundamental rights & duties. The researcher has been working as Asst. Professor in Teacher Education College and has visited many higher secondary schools in Solapur and has an informal discussion with higher secondary school teachers. It was found that teachers are not that much aware of Human rights in better context which is necessary for inculcating values among students so the researcher has set the following research question.
1.3 Research Problem:

A STUDY OF HUMAN RIGHTS AWARENESS AMONG THE HIGHER SECONDARY SCHOOL TEACHERS IN SOLAPUR DISTRICT

1.4 Objectives of the Research:

1. To study the extent level of Human Rights awareness among higher Secondary School teachers in aided higher secondary schools.

2. To compare Human Rights Awareness among male and female higher Secondary School teachers in aided higher secondary schools.

3. To study the extent level of Human Rights awareness among higher Secondary School teachers in Un-aided/ Permanent Non grant Higher secondary schools.

4. To compare Human Rights Awareness among male and female higher Secondary School teachers in Un-aided/ Permanent Non grant Higher secondary schools.

5. To compare of Overall extent level of Human Rights Awareness among Higher Secondary School Teachers in Urban and Rural Area of Solapur District.

1.5 Operational Definitions:

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

2. **Human rights awareness:** - The higher secondary school teacher perception that they have rights and that they have them because they are human beings irrespective of any social or other distinction. It also means the people’s ability to easily distinguish various aspects of human rights – to life, security, religion, expression, education, etc. – and that they understand the importance of these aspects in relation to human survival and dignity.”

3. **Higher Secondary School Teachers:** - Teachers Teaching Independent 11th & 12th standard classes or 11th & 12th standard classes connected to Secondary Schools or Senior Colleges.
4. **Solapur District**: - According to Maharashtra state land and revenue code — 1966(MLRC-1966) Solapur is one of the districts under the Pune revenue division in the state of Maharashtra.

5. **Extent Level**: - The Z-score obtained after administrating Human Rights Awareness Test and interpreted as Extremely High, High, Above Average, Average, Below Average, low, Extremely Low is called the extent Level of Human Rights Awareness among higher secondary school teachers.


7. **Un-Aided / Permanent Non grant Higher Secondary School**: - The Higher Secondary Schools which are self financed and which do not get any type of Financial Support or Grants from Government of Maharashtra State.

1.6 **Scope of the Research:**

   In this the research the researcher has studied the extent level of human rights awareness among higher secondary school teachers in aided and un-aided HSS in Solapur District.

   In this research researcher has studied HRA among both male and female higher secondary school teachers from all faculties: Arts, Science & Commerce.

   The researcher has compared the Human rights awareness among higher secondary school teachers in HSS in urban and rural areas of Solapur district.

   In this research an attempt has been made to measure the Higher Secondary School teacher’s overall Human Rights Awareness.

1.7 **Limitations of the Research:**

   In this research researcher has not studied HRA among secondary school teacher and Sr. College teachers.

   In this research only the extent of Human Rights Awareness among HSST has been studied; no other subjects & themes are considered for this research.

   In this research researcher has not studied any other awareness of higher secondary school teachers except human rights awareness.
In this research the researcher has not studied HRA among teacher from other disciplines and faculties expected Arts, Science, and Commerce.

1.8 Hypotheses of The research:

Null Hypotheses:

H$_0$ (1): There is no significant association between Gender and overall HRA among higher secondary school teachers.

H$_0$ (2): There is no significant association between location of HSS (Rural/Urban) and overall HRA among higher secondary school teachers.

H$_0$ (3): There is no significant association between financing status and overall HRA among higher secondary school teachers.

H$_0$ (4): There is no significant association between faculty (Arts, Science, and Commerce) and overall HRA among higher secondary school teachers.

1.9 Importance of the Research:

The Main purpose of the research and Human Right Awareness is that, it has produced for a reliable set of finding about the state of human rights awareness among higher secondary school teacher in Solapur District.

The present research is important and significant to strengthen the understanding of human rights awareness among higher secondary school teachers. Through this research we can identify and address issues and challenges surrounding the realization of human rights.

This research is important for human Rights needs and fulfill the gaps of Human Rights Awareness the research is important to monitor and evaluate the impact of human rights interventions.

The research will important and help governments to lay the ground work for developing human rights policies and programmers by providing baseline which can be used further. Human rights abuses or violations on the part of completion, individual government or civilian body do not fall into the research preview.
The research will important and help teachers to understand the concept of Human Rights, its awareness Universal Principle of Equality, Secularism, Justice and Fraternity which are given by Indian Constitution and UDHR.

The research is to provide excellent Social inclusion attitude to any level of the teachers. The research will provide significant information of our fundamental rights and duties. By the research teacher will enable to understand various people have different kind of rights.

The research will important and help Students to provide a wealth of knowledge on the awareness of and attitude towards is human rights, its Human Rights documents at International level. Also this research will provide knowledge about correlation between Indian Constitution and various Human Rights documents at International.

The research will important and help Common People to provide the information of Indian Constitution and various Human Rights. The research will provide Common People to new lifestyle, new tradition, and to new Human religion as like we the Republic Indian People, we did not followed cast,race,touchablity,any kind of discrimination, , we did not followed only we are equal Human Being.

However, this research is an important step to gain a better understanding of the human rights awareness of higher secondary school teacher in Solapur district and the only comprehensive study under taken to date. Its relevance and use depend on how the finding and report are utilized by the educational system.

**1.10 Summary:**

In this chapter researcher has discussed about the Human Rights Awareness aspect, generation and concept of Human Rights. Also the researcher has stated need, objectives, hypotheses, importance, scope and limitations of the present research. However, it is important to make a detailed study of relevant research and reference material in order to lay a strong foundation for the present research. Thus, the information about related literature about human rights and various related research references in India and abroad which are reviewed by the researcher is given in the nest chapter.