APPENDIX-2

PART A

MODULES ON HUMAN RIGHTS AWARENESS
# MODULE 1
## INTRODUCTION TO HUMAN RIGHTS

<table>
<thead>
<tr>
<th>MODULE 1</th>
<th>INTRODUCTION TO HUMAN RIGHTS</th>
</tr>
</thead>
</table>
| OBJECTIVES | * Define the term Right.  
* Discuss the difference between rights and human rights.  
* Explain the concept of Human rights with special reference to Universal Declaration of Human Rights (UDHR). |
| CONTENT | * Definition of Human Rights.  
* Difference between right and human right.  
* Concept of Human Right.  
* Universal Declaration of Human Rights. |
| DURATION | 2 Hours |
| METHODOLOGY | * Brainstorming  
* Group Exercise  
* Presentation |
| RESOURCES | * Chart  
* Plain Papers  
* Marker Pens  
* Computer  
* LCD Projector  
* Handouts |
Teachers’ Guidelines

Step 1 : What is human right?
* In plenary, ask learners to share and discuss their understanding of human rights.
* Lead the learners to differentiate between right and human right.

Step 2 : Human Rights – Related Terms
* Through a brainstorming session, ask learners to write as many terms on human rights as they can.
* Ask learners to discuss, agree and come up with working definitions.
* Invite each group (upto 3 group members) to present discussion – progress within their group.
* The teacher summarizes the key points.

Step 3: Universal Declaration of Human Rights

* The teacher to write some problem areas (eg. hunger, homelessness, lack of adequate health care, discrimination, accessibility to public services, inadequate employment wages, illiteracy, disability etc.) on the chart paper.
* The teacher to pass out the copies of UDHR to each group.
* In groups, assign a task for learners to identify the human rights violations with regard to UDHR.

Assessment Indicator

* Distinguish between "Right to live" and "Right to live with dignity". Restrict your answer to five lines.
* Which are the six rights given in "Universal Declaration of Human Rights, 1948"
## MODULE 2
### HUMAN RIGHTS – HISTORICAL BACKGROUND

<table>
<thead>
<tr>
<th>MODULE 2</th>
<th>HUMAN RIGHTS : HISTORICAL BACKGROUND</th>
</tr>
</thead>
</table>
| **OBJECTIVES** | * Discuss the foundation / history of human rights.  
* Identify the major events that led to the evolution of human rights. |
| **CONTENT** | Historical Background  
- Renaissance  
- French Revolution  
- Bolshevik Revolution (Russia)  
- Industrial Revolution  
- World War II |
| **DURATION** | 3 Hours |
| **METHODOLOGY** | * Role Play  
* Group Exercise  
* Discussion |
| **RESOURCES** | * Plain Papers  
* Marker Pens  
* Charts  
* Computer  
* Handouts |

### Teachers’ Guidelines

**Step 1 : History of Human Rights**

* Ask the learners to explain major events which have affected human rights movement.
* The teacher to summarize the key points.

**Step 2 : Major Events that led to the evolution of Human Rights**

Role Play – “FERI SUMMIT”
* Define the problem “FERI Summit” which is to be explored upon.
Determine the number of actors needed in story.

a) Introduction
* Describe the purpose of the role play and briefly describe the various situations to all the participants.
* Brief the actors individually so as to allocate roles to the actors in a sensitive manner.
* Set the scene and recall the learning objective of the session.

b) Facilitation
* Tell the actors to begin and observe quietly on the sidelines.
* Monitor the line and stop the role play at an appropriate time. Afterwards, thank the actors using their real names.

c) Draw together the learning points
* Allow the ‘actors’ to comment on the experience and encourage the observers to describe their own feelings.
* Summarise the major issues depicted in the play.

Assessment Indicator
- Column I contains a few important aspects of Human Rights evolved as a result of historical events mentioned in Column II. Match them.

<table>
<thead>
<tr>
<th>Column I</th>
<th>Column II</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Right to &quot;Liberty, Equality &amp; Fraternity&quot;</td>
<td>i) World War II</td>
</tr>
<tr>
<td>b) Rights of industrial workers</td>
<td>ii) Industrial Revolution, 1930</td>
</tr>
<tr>
<td>c) Charter of Human Rights, 1948</td>
<td>iii) Renaissance</td>
</tr>
<tr>
<td>d) Right to live with dignity and self-</td>
<td>iv) French Revolution, 1789</td>
</tr>
<tr>
<td>determination</td>
<td></td>
</tr>
<tr>
<td>e) Rights of the free proletariat and rule by</td>
<td>v) Bolshevik Revolution 1917</td>
</tr>
<tr>
<td>the masses</td>
<td></td>
</tr>
</tbody>
</table>

Answer Key:

<table>
<thead>
<tr>
<th>Column I</th>
<th>Column II</th>
</tr>
</thead>
<tbody>
<tr>
<td>a)</td>
<td>(iv)</td>
</tr>
<tr>
<td>b)</td>
<td>(ii)</td>
</tr>
<tr>
<td>c)</td>
<td>(i)</td>
</tr>
<tr>
<td>d)</td>
<td>(iii)</td>
</tr>
<tr>
<td>e)</td>
<td>(v)</td>
</tr>
</tbody>
</table>
### Teachers’ Guidelines

**Step 1: Understanding “Fundamental Rights”.

* In plenary, ask learners to share and discuss their understanding of “Fundamental Rights”.

* Ask them to differentiate “rights” from “duties”.

**Step 2: Fundamental Rights and Duties

* Through discussion, ask learners to write as many fundamental rights and duties as they can.

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### MODULE 3

**INDIAN CONSTITUTIONAL PROVISIONS**

<table>
<thead>
<tr>
<th><strong>MODULE 3</strong></th>
<th><strong>INDIAN CONSTITUTIONAL PROVISIONS</strong></th>
</tr>
</thead>
</table>
| **OBJECTIVES** | * Define the term ‘Constitution / Fundamental’.
* Discuss the difference between rights and duties.
* Explain fundamental rights as human rights.
* Describe fundamental duties. |
| **CONTENT** | * Preamble
* Difference between rights and duties.
* Fundamental rights and duties. |
| **DURATION** | 3 Hours |
| **METHODOLOGY** | * Brainstorming cum discussion.
* Group Exercise.
* Creative Expression. |
| **RESOURCES** | * Charts
* Plain Papers
* Marker Pens
* Tape
* Coloured Pens / Paints / Brush / Pencils etc. |
* Reach on agreement on the commonly used terms and write them on the chart.
* Share and discuss these in plenary.

**Step 3: Creative Expressions**

- Ask the learners to creatively express their perceptions, ideas, emotions, feelings concerning fundamental rights and duties through any medium of art (e.g. slogan, article, essay, poetry, rangoli, poster, collage etc.).

**Assessment Indicator**

i) Describe the provisions of Human Rights in the Constitution of India under Fundamental Rights.

ii) state briefly Fundamental duties of an Indian citizen.
# MODULE 4
## TEACHER TRAINING IN HUMAN RIGHTS

<table>
<thead>
<tr>
<th>MODULE 4</th>
<th>TEACHER TRAINING TO HUMAN RIGHTS</th>
</tr>
</thead>
</table>
| **OBJECTIVES** | * Define the term “Teacher training in human rights”  
* Setting teaching goals for human rights awareness  
* Explain the activities/methods to foster awareness and knowledge of human rights |
| **CONTENT** | * Concept of teacher training in human rights  
* Teaching goals for human rights awareness  
* Activities and methods to foster human rights awareness |
| **DURATION** | 3 Hours |
| **METHODOLOGY** | * Brainstorming  
* Group Exercise  
* Question and answer technique |
| **RESOURCES** | * Chart  
* Plain Papers  
* Marker Pens/Pencils  
* Computer |
Teachers’ Guidelines

Step 1: Concept of teacher training in human rights
* Ask learners to share their understanding of teacher training in human rights.
* Let the learners discuss their responses in plenary.
* The teacher concludes by summarizing the main points.

Step 2: Teaching goals for human rights awareness
* In groups, assign a task for learners to set teaching goals for different level of education and how to implement in their curriculum.

Step 3: Activities and methods to foster awareness and knowledge of human rights
* Through a brainstorming session, identify diverse activities/materials/methodologies for creating human rights awareness.
* Discuss and agree on the best possible activities and write them on flip chart.
* Share these in plenary.

Assessment Indicator:

a) Formulate curriculum goals in human rights for i) elementary and ii) secondary level of education.

b) List three important strategies for teacher training in human rights.
# MODULE 5

**FORMAL MECHANISMS OF ENFORCEMENT OF HUMAN RIGHTS: INTERNATIONAL COURT OF JUSTICE**

<table>
<thead>
<tr>
<th>MODULE 5</th>
<th>INTERNATIONAL COURT OF JUSTICE</th>
</tr>
</thead>
</table>
| **OBJECTIVES** | * Explain the term ‘Formal Mechanism of Enforcement of Human Rights.*  
* Appreciate the respect for Human Rights is the best mechanism for their enforcement.*  
* Discuss the formation and working of International Court of Justice.*  
* Describe the summary of Annual Report 2010-11.* |
| **CONTENT** | * Mechanism of Enforcement of Human Rights.*  
* Formation and working of International Court of Justice.*  
* Process of addressing human rights issues.*  
* Key points of Annual Report of 2010-11.* |
| **DURATION** | 3 Hours |
| **METHODOLOGY** | * Brainstorming  
* Group / Plenary discussions.*  
* Question and answer technique.* |
| **RESOURCES** | * Chart  
* Plain papers  
* Marker Pens/Pencils  
* Handouts |

xix
Step 1: Enforcement of Human Rights

* The teacher let the learner share and discuss their understanding about the concerns and formal mechanism to enforce Human Rights.

Step 2: Formation and working of International Court of Justice

* Assign a task for learners to brief about the formation and composition of International Court of Justice.

* Ask the learners to discuss the working of International Court of Justice.


* The teacher to facilitate a discussion on Annual Report (2010-2011).

* The teacher summarizes the key points of the Annual Report.

* Through a brainstorming session, ask learners to suggest strategies to make the mechanism more effective.

Assessment Indicator

1. Which is the principle judicial organ of the United Nations?
2. Who is the present president of International court of justice?
3. Describe the composition of international court of justice.
## MODULE 6
### ADDRESSING HUMAN RIGHTS ISSUES (INDIAN CONTEXT)

<table>
<thead>
<tr>
<th>MODULE 6</th>
<th>ADDRESSING HUMAN RIGHTS ISSUES (INDIAN CONTEXT)</th>
</tr>
</thead>
</table>
| OBJECTIVES | * Explain the institutional framework of addressing Human Rights issues.  
  * Discuss the Role of NHRC.  
  * To appraise the performance of NHRC  
  * Discuss the role of N.G.O’s. |
| CONTENT | * Composition and Role of NHRC.  
  * NHRC – An appraisal  
  * Role of various NGOs. |
| DURATION | 3 Hours |
| METHODOLOGY | * Role Play  
  * Group Exercise  
  * Question and Answer |
| RESOURCES | * Chart  
  * Plain Papers  
  * Computer  
  * Marker Pens/Pencils  
  * Handouts |
Teachers’ Guidelines

Step 1: Institutional framework of addressing human rights issues.

* Ask the learners to explain institutional framework of addressing human rights issues with special reference to NHRC, its composition and working.
* The teacher to summarize the key points.

Step 2: (Role Play) Seminar on “Role of NHRC-An Appraisal”

* Define the problem “Role of NHRC-An Appraisal” which is to be explored upon.
* Determine the number of actors needed in story.

a) Introduction

* Describe the purpose of the role play and briefly describe the various situations to all the participants.
* Brief the actors individually so as to allocate roles to the actors in a sensitive manner.
* Set the scene and recall the learning objective of the session.

b) Facilitation

* Tell the actors to begin and observe quietly on the sidelines.
* Monitor the line and stop the role play at an appropriate time. Afterwards, thank the actors using their real names.

c) Draw together the learning points

* Allow the ‘actors’ to comment on the experience and encourage the observers to describe their own feelings.
* Summarize the major issues depicted in the play.

Assessment Indicator

* What major steps have been taken by the Government of India towards enforcement of human rights?
* Name any five States where Human Rights Commissions have been established.
* Name any three NGOs operating in India which deal with specific human rights problem.
# MODULE 7

**ROLE OF PRESS AND MEDIA**

<table>
<thead>
<tr>
<th>MODULE 7</th>
<th>ROLE OF PRESS AND MEDIA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OBJECTIVES</strong></td>
<td>Discuss the role of press and media in addressing human rights issues.</td>
</tr>
<tr>
<td></td>
<td>Identify key human rights concerns.</td>
</tr>
<tr>
<td></td>
<td>Describe innovative strategies to generate human rights awareness.</td>
</tr>
<tr>
<td><strong>CONTENT</strong></td>
<td>Role of Press and Media.</td>
</tr>
<tr>
<td></td>
<td>Key Human rights concerns.</td>
</tr>
<tr>
<td></td>
<td>Strategies to generate human rights awareness.</td>
</tr>
<tr>
<td><strong>DURATION</strong></td>
<td>2.5 Hours</td>
</tr>
<tr>
<td><strong>METHODOLOGY</strong></td>
<td>Brainstorming cum discussion.</td>
</tr>
<tr>
<td></td>
<td>Group Exercise.</td>
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<tr>
<td></td>
<td>Presentation</td>
</tr>
<tr>
<td><strong>RESOURCES</strong></td>
<td>Charts</td>
</tr>
<tr>
<td></td>
<td>Plain Papers</td>
</tr>
<tr>
<td></td>
<td>Marker Pens</td>
</tr>
<tr>
<td></td>
<td>Computer</td>
</tr>
<tr>
<td></td>
<td>LCD Projector</td>
</tr>
</tbody>
</table>
Teachers’ Guidelines

Step 1 : Role of Press and Media

* In plenary, ask learners to share their experience and discuss the role of press and media.

Step 2 : Key human rights

* Through brainstorming session, ask learners to identify key human rights concerns.

* Share and discuss these concerns in plenary.

Step 3 : Strategies to generate human rights awareness

* Lead the learners to agree upon the best possible strategies to generate human rights awareness.

* Assign the groups to make their presentations.

Assessment Indicator

* Illustrate two incidents highlighted in the media which exhorted the government to take corrective measures.
## MODULE 8
### MECHANISM IN SCHOOL FOR THE PROTECTION OF HUMAN RIGHTS

<table>
<thead>
<tr>
<th>MODULE 8</th>
<th>MECHANISM IN SCHOOL FOR THE PROTECTION OF HUMAN RIGHTS</th>
</tr>
</thead>
</table>
| **OBJECTIVES** | * Explain what a mechanism in school for the protection of Human Right is.  
* Discuss the Human Rights Culture.  
* Identify various / diverse ways of building human rights culture. |
| **CONTENT** | * Mechanism in school for the protection of human right.  
* Human rights culture.  
* Ways of building human rights culture. |
| **DURATION** | 2.5 Hours |
| **METHODOLOGY** | * Brainstorming  
* Creative Expression |
| **RESOURCES** | * Charts  
* Plain Papers  
* Marker Pens  
* Tape  
* Coloured Pens / Paints / Brush / Pencils etc. |
Teachers’ Guidelines

Step 1: Mechanism in school for the protection of human rights

* Ask the learners to explain what they understand by the mechanism in school for the protection of human rights.

Step 2: Building Human rights culture in school

* The teacher to facilitate a discussion on building a human rights culture.

Step 3: Ways to build human rights culture

* Through a brainstorming session, let the learners suggest different ways to build human rights culture.

* In buzz groups, assign the learners to express their views through column, essays, poetry, fiction based stories or any other form.

* The teacher concludes by summarizing the key points.

Assessment Indicator

- What should be the composition of human rights enforcement committees in the schools?
- Suggest different ways to build human rights culture in schools.
## MODULE 9
CHILD RIGHTS: PROVISIONS IN THE CONSTITUTION AND LEGISLATIVE MEASURES (INDIAN CONTEXT)

<table>
<thead>
<tr>
<th>MODULE 9</th>
<th>CHILD RIGHTS : PROVISIONS IN THE CONSTITUTION AND LEGISLATIVE MEASURES (INDIAN CONTEXT)</th>
</tr>
</thead>
</table>
| **OBJECTIVES** | * Explain major milestones in the adoption of child rights  
* Describe the provisions made by the Government of India in the constitutional for child rights.  
* Enumerate and discuss the legislations enacted by Government of India to protect the child. |
| **CONTENT** | * Provisions in the Indian Constitution for child rights.  
* Legislative measures (for child rights) adopted by Government of India. |
| **DURATION** | 5 Hours |
| **METHODOLOGY** | * Role Play (Street Play)  
* Group Exercise  
* Discussion |
| **RESOURCES** | * Charts  
* Plain Papers  
* Marker Pens  
* Computer  
* Handouts |
Teachers’ Guidelines

Step 1: Provisions in the Constitution

* In plenary ask the learners to share major milestones in adoption of child rights.
* Ask the learners to explain some provisions in the constitution for child rights.
* The teacher to summarize the key points.

Step 2: Legislative Measures (Role Play) “Nukkad Natak”

* Define the problem “Child rights – Legislative Measures” which is to be explored upon.
* Determine the number of actors needed in each story.

a) Introduction
* Describe the purpose of the role play and briefly describe the various situations to all the participants.
* Brief the actors individually so as to allocate roles to the actors in a sensitive manner.
* Set the scene and recall the learning objective of the session.

b) Facilitation
* Tell the actors to begin and observe quietly on the sidelines.
* Monitor the line and stop the role play at an appropriate time. Afterwards, thank the actors using their real names.

c) Draw together the learning points
* Allow the ‘actors’ to comment on the experience and the encourage the observers to describe their own feelings.
* Summarize the major issues depicted in the play.

Assessment Indicator

* Which article of the constitution is concerned with providing free and compulsory education to all children?
* State any five legislations enacted by Government of India for the protection of the child.
# Module 10

## Problems and Issues Faced by Children

### Objectives
- Identify problems faced by child.
- Address the issues concerning child.
- Review the measures of dealing with the problems and issues.

### Content
- Problems and Issues in:
  - Home
  - Classroom
  - Community
  - Children with special needs
- Strategies to address these issues

### Duration
2 Hours

### Methodology
- Brainstorming
- Group Exercise

### Resources
- Charts
- Plain Papers/Sheets
- Marker Pens/Pencils
Teachers’ Guidelines

Step 1 : Problems and issues faced by children

* Through a brainstorming session, let the learners discuss varied problems and issues faced by children.

Step 2 : Strategies to address the issues

* In buzz group, assign learners to discuss and agree on the strategies to sensitize people and society.

* Assign the groups to make their presentations

Assessment Indicator

* Specify any three forms of major exploitation faced by children in the society at large.

* Briefly state the activities which can be undertaken to build positive societal attitudes towards the rights of the child.
APPENDIX -2
PART B
HANDOUTS FOR HUMAN RIGHTS AWARENESS
UNIVERSAL DECLARATION OF HUMAN RIGHTS

Of all the international attempts, the Universal Declaration of Human Rights, 1948 has won a place of honour as a basic international code of conduct by which performance in promoting and protecting human rights is to be measured.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

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

Article 5

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

Article 6

Everyone has the right to recognition everywhere as a person before any incitement to such discrimination.
Article 7

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

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purpose and principles of the United Nations.

**Article 15**

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

**Article 16**

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

**Article 17**

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

**Article 18**

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

**Article 19**

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

**Article 20**

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.
Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable condition of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

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

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literacy or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the Community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing the recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as imply for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.
HANDOUT FOR MODULE-2

EVENTS WHICH AFFECTED HUMAN RIGHTS MOVEMENT

(A) RENAISSANCE

Historical background

The renaissance emerged in Italy roughly between 1300 A.D. and 1550 A.D. Renaissance literally means re-birth. It is the epithet traditionally given to the outpouring of intellectual and artistic energies that accompanied the passage of Europe from the middle to the modern epoch. Renaissance also encompassed a unique ‘renaissance spirit’ which transformed all aspects of life including political, economic and religious along with the intellectual and artistic. The early phase of Renaissance was described as a period of revival (of old learning) and latter phase as a period of innovation as new knowledge generated from this phase laid the foundation for growth of modern thought. Rational thinking tempered with a spirit of scientific enquiry about the universe and the existence of humanity in it, became the important characteristic of renaissance outlook.

The Italian Renaissance in Context

Fifteenth-century Italy was unlike any other place in Europe. It was divided into independent city-states, each with a different form of government. Florence, where the Italian Renaissance began, was an independent republic. It was also a banking and commercial capital and, after London and Constantinople, the third-largest city in Europe. Wealthy Florentines flaunted their money and power by becoming patrons, or supporters, of artists and intellectuals. In this way, the city became the cultural centre of Europe, and of the Renaissance.

The New Humanism: Cornerstone of the Renaissance

Thanks to the patronage of these wealthy elites, Renaissance-era writers and thinkers were able to spend their days doing just that. Instead of devoting themselves to ordinary jobs or to the asceticism of the monastery, they could enjoy worldly pleasures. They travelled around Italy, studying ancient ruins and rediscovering Greek and Roman texts.
To Renaissance scholars and philosophers, these classical sources held great wisdom. Their secularism, their appreciation of physical beauty and especially their emphasis on man’s own achievements and expression formed the governing intellectual principle of the Italian Renaissance. This philosophy is known as “humanism.”

**Renaissance Science and Technology**

Humanism encouraged people to be curious and to question received wisdom (particularly that of the medieval Church). It also encouraged people to use experimentation and observation to solve earthly problems. As a result, many Renaissance intellectuals focused on trying to define and understand the laws of nature and the physical world. For example, Renaissance artist Leonardo Da Vinci created detailed scientific “studies” of objects ranging from flying machines to submarines. He also created pioneering studies of human anatomy. Likewise, the scientist and mathematician Galileo Galilei investigated one natural law after another. By dropping different-sized cannonballs from the top of a building, for instance, he proved that all objects fall at the same rate of acceleration. He also built a powerful telescope and used it to show that the Earth and other planets revolved around the sun and not, as religious authorities argued, the other way around. However, perhaps the most important technological development of the Renaissance happened not in Italy but in Germany, where Johannes Gutenberg invented the mechanical movable-type printing press in the middle of the 15th century. For the first time, it was possible to make books—and, by extension, knowledge—widely available.

**Renaissance Art and Architecture**

During the Italian Renaissance, art was everywhere. Patrons such as Florence’s Medici family sponsored projects large and small, and successful artists became celebrities in their own right.

Renaissance artists and architects applied many humanist principles to their work. For example, the architect Filippo Brunelleschi applied the elements of classical Roman architecture—shapes, columns and especially proportion—to his own buildings. The magnificent eight-sided dome he built at the Santa Maria del Fiore cathedral in Florence was an engineering triumph—it was 144 feet across, weighed 37,000 tons and had no buttresses to hold it up—as well as an aesthetic one.
Brunelleschi also devised a way to draw and paint using linear perspective. That is, he figured out how to paint from the perspective of the person looking at the painting, so that space would appear to recede into the frame. After the architect Leon Battista Alberti explained the principles behind linear perspective in his treatise Della Pittura (On Painting), it became one of the most noteworthy elements of almost all Renaissance painting. Later, many painters began to use a technique called chiaroscuro to create an illusion of three-dimensional space on a flat canvas.

The End of the Italian Renaissance
By the end of the 15th century, Italy was being torn apart by one war after another. The kings of England, France and Spain, along with the Pope and the Holy Roman Emperor, battled for control of the wealthy peninsula. At the same time, the Catholic Church, which was itself wracked with scandal and corruption, had begun a violent crackdown on dissenters. In 1545, the Council of Trent officially established the Roman Inquisition. In this climate, humanism was akin to heresy. The Italian Renaissance was over.

Suggested Readings:

http://www.history.com/topics/italian-renaissance


(B) FRENCH REVOLUTION

Of all the upheavals that have shaken the western civilization in the modern era, the French revolution stands out as the most dramatic and complex. It not only disrupted the lives of the people in France but virtually also of all Europeans. The French revolution was rooted in the social and political conditions of France in the 18th century and the ideas prevailing throughout the Europe in the Age of Enlightenment. French revolution also originated from the basic tensions and problems that characterized the contemporary society.

The French revolution paved the way for the secular system of governance that we now see governing most of the countries of the world. From the perspective of freeing
the people from unjust monarchist regimes that committed all sorts of crimes under
the banner of religion it can be seen as a successful and valiant effort on the part of
the people.

**Meeting of the Estates Summary**

The nature of the internal affairs in France made it an ideal stage for a revolution to
take place. The deteriorating economy as the result of fiscal mismanagement and the
long years of feudal oppression had long been testing the public’s patience. With
subsequent unsuccessful attempts to restore the taxation problem the King was forced
to call on the ancient assembly of three states representing all the classes in France.
This resulted in the first break away from the oppressive regime as the third class,
which consisted of the only tax paying class chose to declare itself sovereign as it
consisted of the vast majority of the people of France. This revolutionary assembly
attracted many members from the other assemblies who decided to join it in
opposition to the existing governing constitution.

**Short Summary French Revolution**

After the Tennis Court Oath (leaders of National Assembly not to separate until they have drafted a constitution for France), marked the actual beginning of French revolution. From here onwards began the civil disobediences that would eventually pave the way for the revolutionary regime to get noticed and put the changes in effect. The fall of the Bastille (an old fortress) prison in the East of Paris on the 14th of July is regarded as being the landmark event that led to the social disorder. This was done in the attempt to gain arms and ammunitions from the prison. Inspired by this event the peasants revolted against their feudal lords eventually freeing themselves of the unfair contracts that they were signed into.

**Brief Summary after the French Revolution**

In the events that were to follow the national assembly did frame a constitution which could restore the social unrest but differences within the assembly over whether to retain the monarchy or completely abolish it led to further mishaps. The Girondin led assembly declared war against Austria and Prussia due to the hostile stance that they took against France. The Girondin led National party was overthrown by the Jacobins who were led by Robespierre who wreaked havoc over the next 7 weeks. This period is known as the reign of terror as many executions were held and all efforts were taken to curb any
counter revolutionary activities. Robespierre was executed by his own men which paved the way for the Thermidorian Reaction which was eventually overthrown by means of a military coup under the leadership of Napoleon Bonaparte who put an end to the revolution by declaring himself the ‘First consul’ of France.

Suggested Readings:

http://www.britannica.com/EBchecked/topic/219315/French-Revolution


(C) THE BOLSHEVIK REVOLUTION IN RUSSIA (1917)

The Stage Is Set

The Bolshevik Revolution in Russia in 1917 was initiated by millions of people who would change the history of the world as we know it. When Czar Nicholas II dragged 11 million peasants into World War I, the Russian people became discouraged with their injuries and the loss of life they sustained. The country of Russia was in ruins, ripe for revolution.

Causes of the Russian Revolution :

1 Peasants clamoured for social dignity and economic security.
2 The working class in the emergent urban sector were paid very low wages and back breaking working hours.
3 The ‘intellectuals’ advocated individual liberty and political reform of a radical nature.
4 The different subject nationalities (Jews, Poles, Finns etc.) who bitterly resented the policy of ‘Russification’ of the country.

Provisional Government Established

During a mass demonstration of women workers in February of 1917, the czar’s officials called out the army to squelch the protesters. The women convinced the soldiers to put their guns away and help them in their cause. Czar Nicholas II was dethroned in Russia during this, the "February Revolution." The Provisional Government was formed to replace the void left by the deposed czar. This provisional
government was made up of bankers, lawyers, industrialists, and capitalists. The provisional government was very weak and failed to live up to its promise of ending Russia's involvement in the war. They kept Russia in the war and just made things worse for themselves and for Russia.

The Rise of the Bolshevik Party

The Provisional Government was opposed right away by the soviets, or councils of workers and peasants, who wanted the right to make their own decisions. When V. I. Lenin arrived from exile in the spring of 1917, he joined the Bolshevik Party in Russia whose goal was to overthrow the Provisional Government and set up a government for the proletariat. The soldiers began to ask for land, just as their fellow peasants were. When the Provisional Government refused to distribute the land fairly, the peasants took matters into their own hands by taking the land themselves. The Bolshevik party went on the offensive and tried to educate the workers and soldiers, convincing them to seize power and land for themselves. In July 1917, the workers challenged the Provisional Government and ended up defeated, with their leader jailed and Lenin going into hiding. At the point when everything looked very bad for the Bolsheviks, two very good things happened. First, the Provisional Government ordered a big war offensive that ended up in ruin, with thousands being either killed or injured. Late in August, the soldiers of the Provisional Government began to fall away from their support of the Provisional Government and began to support the workers. They were becoming closer and closer to being Bolsheviks themselves. Second, in September, during the so-called Kornilov Affair, a pro-czar section of the military threatened Petrograd, which was the city occupied by the Bolsheviks and the Provisional Government. The Bolsheviks had established themselves as the only party which stood in opposition to continuing the war effort. The Bolshevik workers had to unite and fight as one against the military. Now that the Bolsheviks had the support of the workers, they were able to win the important elections in early September in important Russian industrial centres. By the middle of September, the Bolsheviks had formally acquired a majority in the St. Petersbourg Soviet.

The Revolution

In early October, Lenin convinced the Bolshevik Party to form an immediate insurrection against the Provisional Government. The Bolshevik leaders felt it was of the utmost importance to act quickly while they had the momentum to do so. The
armed workers known as Red Guards and the other revolutionary groups moved on the night of Nov. 6-7 under the orders of the Soviet's Military Revolutionary Committee. These forces seized post and telegraph offices, electric works, railroad stations, and the state bank. Once the shot rang out from the Battleship Aurora, the thousands of people in the Red Guard stormed the Winter Palace. The Provisional Government had officially fallen to the Bolshevik regime. Once the word came to the rest of the people that the Winter Palace had been taken, people from all over rose and filled it. V. I. Lenin, the leader of the Bolsheviks, announced his attempt to construct the socialist order in Russia. This new government made up of Soviets, and led by the Bolsheviks. By early November, there was little doubt that the proletariats backed the Bolshevik motto: "All power to the soviets!"

Suggested Readings:


Industrial Revolution (1930)

'The Industrial Revolution' refers to a period of massive economic, technological, social and cultural change which affected humans to such an extent that it's often compared to the change from hunter-gathering to farming. At its simplest, a mainly agrarian world economy based on manual labour was transformed into one of industry and manufacturing by machines. The precise dates are a subject for debate and vary by historian, but the 1760/80s to the 1830/40s are most common, with the developments beginning in Britain and then spreading to the rest of the world, including the United States.

The Industrial Revolutions:

The term 'industrial revolution' was used to describe the period by the 1830s, but modern historians increasingly call this period the 'first industrial revolution', characterised by developments in textiles, iron and steam led by Britain, to differentiate it from a 'second' revolution of the 1850s onwards, characterised by steel, electrics and automobiles led by the US and Germany.
What Changed – Industrially and Economically:

- The invention of steam power, which was used to power factories and transport and allowed for deeper mining.
- Improvement of iron making techniques allowing for vastly higher production levels.
- The textile industry was transformed by new machines – such as the Spinning Jenny - and factories, again allowing for much higher production at a lower cost.
- Better machine tools allowed for more and better machines.
- Developments in metallurgy and chemical production.
- Creation of new and quicker transport networks thanks to first canals and then railways.

What Changed – Socially and Culturally:

- Rapid urbanisation leading to dense, cramped housing and living conditions.
- New city and factory cultures affecting family and peer groups.
- Debates and laws regarding child labour, public health and working conditions.
- Anti-technology groups such as the Luddites.

Causes of the Industrial Revolution:

- The end of feudalism changes economic relationships.
- Higher population because of less disease and lower infant mortality allowed for a larger industrial workforce.
- The agricultural revolution frees people from the soil, allowing – or driving – them into cities and manufacturing.
- Proportionally large amounts of spare capital for investment.
- Inventions and the scientific revolution allowing for new technology.
- Colonial trade networks.
- The presence of all the required resources close together.
- Culture of hard work, taking risks and developing ideas.
World War II

World War II, or the Second World War (often abbreviated as WWII or WW2), was a global conflict that was underway by 1939 and ended in 1945. It involved most of the world's nations—including all of the great powers—eventually forming two opposing military alliances: the Allies and the Axis. It was the most widespread war in history, with more than 100 million military personnel mobilised. In a state of "total war", the major participants placed their entire economic, industrial, and scientific capabilities at the service of the war effort, erasing the distinction between civilian and military resources. Marked by significant events involving the mass death of civilians, including the Holocaust and the only use of nuclear weapons in warfare, it is the deadliest conflict in human history, resulting in 50 million to over 70 million fatalities.

Major Causes:

1. The Versailles Treaty as a major contributor.
2. The League of Nations failed to implement the idea of collective security.
3. The Great Depression wreaked devastation on European countries.
4. Hitler’s concept of pan-German unity envisaged the conquest of Czechoslovakia, Austria, Poland and territories in Eastern Europe.

Although Japan was already at war with China in 1937, the world war is generally said to have begun on 1 September 1939, with the invasion of Poland by Germany, and subsequent declarations of war on Germany by France and most of the countries of the British Empire and Commonwealth. Germany set out to establish a large empire in Europe. From late 1939 to early 1941, in a series of campaigns and treaties, Germany conquered or subdued much of continental Europe; amid Nazi-Soviet agreements, the nominally neutral Soviet Union fully or partially occupied and annexed territories of its six European neighbours, including Poland. Britain and the Commonwealth remained the only major force continuing the fight against the Axis.
in North Africa and in extensive naval warfare. In June 1941, the European Axis launched an invasion of the Soviet Union, giving a start to the largest land theatre of war in history, which, from that moment on, tied down the major part of the Axis military power. In December 1941, Japan, which aimed to dominate Asia, attacked the United States and European possessions in the Pacific Ocean, quickly conquering much of the region.

The Axis advance was stopped in 1942 after the defeat of Japan in a series of naval battles and after defeats of European Axis troops in North Africa and, decisively, at Stalingrad. In 1943, with a series of German defeats in Eastern Europe, the Allied invasion of Fascist Italy, and American victories in the Pacific, the Axis lost the initiative and undertook strategic retreat on all fronts. In 1944, the Western Allies invaded France, while the Soviet Union regained all territorial losses and invaded Germany and its allies. The war in Europe ended with the capture of Berlin by Soviet and Polish troops and the subsequent German unconditional surrender on 8 May 1945. The Japanese Navy was defeated by the United States, and invasion of the Japanese Archipelago ("Home Islands") became imminent. The war in Asia ended on 15 August 1945 when Japan agreed to surrender.

The war ended with the total victory of the Allies over the Axis in 1945. World War II altered the political alignment and social structure of the world. The United Nations (UN) organisation was established to foster international cooperation and prevent future conflicts. The Soviet Union and the United States emerged as rival superpowers, setting the stage for the Cold War, which lasted for the next 46 years. Meanwhile, the influence of European great powers started to decline, while the decolonisation of Asia and Africa began.

Suggested Reading:

HANDOUT FOR MODULE-5

INTERNATIONAL COURT OF JUSTICE REPORT (2010-2011)

Summary

Composition of the Court

1. The International Court of Justice, the principal judicial organ of the United Nations, consists of 15 judges elected for a term of nine years by the General Assembly and the Security Council. Every three years one third of the seats falls vacant. The next elections to fill such vacancies will be held in the last quarter of 2011.

2. At 31 July 2011, the composition of the Court was as follows: President: Hisashi Owada (Japan); Vice-President: Peter Tomka (Slovakia); Judges: Abdul G. Koroma (Sierra Leone), Awn Shawkat Al-Khasawneh (Jordan), Bruno Simma (Germany), Ronny Abraham (France), Kenneth Keith (New Zealand), Bernardo Sepúlveda-Amor (Mexico), Mohamed Bennouna (Morocco), Leonid Skotnikov (Russian Federation), Antônio Augusto Cançado Trindade (Brazil), Abdulqawi Ahmed Yusuf (Somalia), Christopher Greenwood (UK), Xue Hanqin (China) and Joan E. Donoghue (USA).

3. The Registrar of the Court is Mr. Philippe Couvreur, of Belgian nationality. The Deputy-Registrar of the Court is Ms Thérèse de Saint Phalle, of American and French nationality.

4. The number of judges ad hoc chosen by States parties in cases during the period under review was 28, the associated duties being carried out by 18 individuals (the same person is on occasion appointed to sit as judge ad hoc in more than one case).

Role of the Court

5. The International Court of Justice is the only international court of a universal character with general jurisdiction. That jurisdiction is twofold.
6. In the first place, the Court has to decide upon disputes freely submitted to it by States in the exercise of their sovereignty. In this respect, it should be noted that, as at 31 July 2011, 193 States were parties to the Statute of the Court and that 66 of them had deposited with the Secretary-General a declaration of acceptance of the Court’s compulsory jurisdiction in accordance with Article 36, paragraph 2, of the Statute. Further, some 300 bilateral or multilateral treaties provide for the Court to have jurisdiction in the resolution of disputes arising out of their application or interpretation.

7. Secondly, the Court may also be consulted on any legal question by the General Assembly or the Security Council and, on legal questions arising within the scope of their activities, by other organs of the United Nations and agencies so authorized by the General Assembly.

**Cases referred to the Court**

8. At 31 July 2011 the number of contentious cases on the Court’s List stood at 141. An advisory proceeding was also pending before the Court at that date. The above-mentioned contentious cases came from all over the world: four were between European States, four between Latin American States, three between African States, and one between Asian States, while the remaining two were intercontinental in character. This regional diversity once again illustrates the Court’s universality.

9. The subject-matter of these cases is extremely varied: territorial and maritime delimitation, environmental concerns, jurisdictional immunities of the State, violation of territorial integrity, racial discrimination, violation of human rights, interpretation and application of international conventions and treaties, etc.

**Organization of the Court**

A. Composition

10. The present composition of the Court, as at 31 July 2011, is as follows: President: Hisashi Owada; Vice-President: Peter Tomka; Judges: Abdul G. Koroma, Awn Shawkat Al-Khasawneh, Bruno Simma, Ronny Abraham, Kenneth Keith, Bernardo Sepúlveda-Amor, Mohamed Bennouna, Leonid Skotnikov, Antônio Augusto Cançado
11. The Registrar of the Court is Mr. Philippe Couvreur. The Deputy-Registrar is Ms Thérèse de Saint Phalle.

12. In accordance with Article 29 of the Statute, the Court annually forms a Chamber of Summary Procedure, which is constituted as follows:

Members
President Owada
Vice-President Tomka
Judges Koroma, Simma and Sepúlveda-Amor
Substitute Members
Judges Skotnikov and Greenwood.

Jurisdiction of the Court

A. Jurisdiction of the Court in contentious cases

13. As at 31 July 2011, 193 States were parties to the Statute of the Court (the 193 States Members of the United Nations). 14. Sixty-six States have now made a declaration (some with reservations) recognizing as compulsory the jurisdiction of the Court, as contemplated by Article 36, paragraphs 2 and 5, of the Statute

Functioning of the Court

A. Committees constituted by the Court

15. The committees constituted by the Court to facilitate the performance of its administrative tasks met regularly a number of times during the period under review; they were composed, at 31 July 2011, as follows:

(a) Budgetary and Administrative Committee:
President Owada (Chair), Vice-President Tomka, and Judges Keith, Sepúlveda-Amor, Bennouna, Yusuf and Greenwood; (b) Library Committee: Judge Simma (Chair), and Judges Abraham, Bennouna and Cançado Trindade.

16. The Rules Committee, constituted by the Court in 1979 as a standing committee, also met a number of times during the period under review; at 31 July 2011, it was
Judicial work of the Court

A. General overview

17. During the period under review, 17 contentious cases and one advisory procedure were pending; 14 contentious cases and one advisory procedure remain so at 31 July 2011. 18. During this period, two new contentious cases were submitted to the Court.

B. Pending contentious proceedings during the period under Review

- Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)
National Human Rights Commission (NHRC)

The National Human Rights Commission (NHRC) of India is an autonomous commission constituted by the Central Government to protect human rights in India under the Protection of Human Rights Act (PHRA) of 1993.

**Composition:**

Under the PHRA, the National Human Rights Commission is to consist of:

- A chairperson who has been a Chief Justice of the Supreme Court;
- One member who is or has been, a Judge of the Supreme Court;
- One Member who is or has been, the Chief Justice of a High Court;
- Two Members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights; and
- The Chairperson of the National Commission for Minorities, the National Commission for the Scheduled Caste and Tribes, and the National Commission for Women, as ex-officio Members.

**Present Composition of NHRC**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon'ble Justice K.G. Balakrishnan</td>
<td>Chairperson</td>
<td>91-11-23382514(O)</td>
</tr>
<tr>
<td>Hon'ble Justice Govind Prasad Mathur</td>
<td>Member</td>
<td>91-11-23387328(O)</td>
</tr>
<tr>
<td>Hon'ble Justice Shri Babulal Chandulal Patel</td>
<td>Member</td>
<td>91-11-23385069(O)</td>
</tr>
<tr>
<td>Shri Satyabrata Pal</td>
<td>Member</td>
<td>91-11-23387244(O)</td>
</tr>
<tr>
<td>Shri P.C. Sharma</td>
<td>Member</td>
<td>91-11-23382432(O)</td>
</tr>
<tr>
<td>Shri Wajahat Habibullah</td>
<td>Chairperson</td>
<td>91-11-24690592(O)</td>
</tr>
<tr>
<td>National Commission for Minorities</td>
<td>Ex-officio Member</td>
<td>91-11-24698410(O)</td>
</tr>
<tr>
<td>Ms. Mamta Sharma</td>
<td>Chairperson</td>
<td>91-11-23230785(O)</td>
</tr>
<tr>
<td>National Commission for Women</td>
<td>Ex-officio Member</td>
<td>91-11-23236204(O)</td>
</tr>
</tbody>
</table>
As per Chapter III of the PHRA, the following functions shall be performed by the NHRC:

(a) inquire, suo motu or on a petition presented to it by a victim or any person on his behalf, into complaint
   - Violation of human rights or abetment thereof or
   - Negligence in the prevention of such violation by a public servant.

(b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court.

(c) visit, under intimation to the State Government, any jail or any other Institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon.

(d) review the safeguards provided by or under the constitution of India

(e) review the factors, including acts of terrorism that inhibit the enjoyment of human rights and recommend appropriate remedial measures.

(f) study treaties and other instrumental instruments on human rights and make recommendations for their effective implementation.

(g) undertake and promote research in the field of human rights.

(h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminar and the other available means.

(i) encourage the efforts of NGOs and institutions working in the field of human rights.

(j) such other functions as it may consider necessary for the protection of human rights in India.
(A) Background

- India is among those countries where, in addition to a national human rights institution, other watchdog bodies have been set up. India has a National Commission each for Minorities, for Scheduled Castes, for Scheduled Tribes, for Women and for the Protection of Children.

- The PHRA also provides for the establishment of State Human Rights Commissions (SHRC). The NHRC has urged State Governments to set up SHRCs and is pleased that so far 18 States have done so. The SHRCs complement the work of the NHRC, which convenes meetings with them, and invites their representatives to its workshops and seminars, to coordinate the prosecution of their common objectives.

- Under the PHRA, the Central Government has made available to it an officer of the rank of Secretary to the Government of India, who is the Secretary General of the Commission, an officer of the rank of Director General of Police, as well as other officers and staff, all selected by the Commission.

(B) Complaints & Petitions

- Complaints can be and were made to the NHRC in Hindi, English or any other language recognized in the Constitution of India, and sent through post, telegram, fax or e-mail. Urgent complaints can and were lodged, after the working hours of the Commission, through a mobile number. No fee is charged on complaints; applicants can check on the status of their complaints through the NHRC’s website: www.nhrc.nic.in.

- While only 496 complaints were made to the NHRC in 1993-94, the first year of its establishment, the numbers rose exponentially as it became better known. Over the last four years, it has received, on average, 400 complaints a day. Even after weeding out frivolous complaints, and transferring 5933 others to the SHRCs, in the financial year 2009-10 (April to March), the NHRC registered 82021 fresh cases and completed action on 86050.

- Under the PHRA, the NHRC, while enquiring into complaints under the Act, has all the powers of a civil court trying a suit under the Code of Civil
Procedure. It processed complaints, and issued directives to the Central and State Governments, through the following four mechanisms:

i) **Full Court**: The Commission meets as a court, with lawyers present on behalf of both the complainant and of the State, in particularly serious cases. In 2009-10, it held Full Court hearings on the problems faced by people from Jammu & Kashmir.

ii) **Full Commission**: The Full Commission met once a week to consider very serious complaints, usually involving deaths in police action or in their custody, or political and socio-economic problems that had an impact on the human rights of large numbers of people. In 81 hearings in the year, it took up 1024 cases.

If not satisfied by the action taken by the State on its directives, the Commission summoned officials, including the senior-most, to ensure that they were responsive to the needs of the complainants. Among those summoned by the Full Commission in 2009-10 were

- the Chief Secretary of Orissa, to report on steps being taken to ensure that there was no starvation in three districts under his jurisdiction;

- the Chief Secretary of UP, on an abattoir in the city of Meerut that was causing environmental damage to the locality; and

- the Chief Secretary of Andhra Pradesh to report on corrective measures to stop the exploitation of bonded and migrant labour.

iii) **Division Benches**: Late in 2009, the Commission decided to set up Division Benches to take over part of the workload of the Full Commission. Two Division Benches were set up, with two Members on each, and these meet twice a week, taking up in particular cases of deaths in police custody or in police action. They took up 594 cases in 63 hearings, helping to sharply bring down the backlog of cases before the Commission.
iv) **Single Member Benches**: Every day, even on those days that the Full Commission or the Division Benches convene, each Member considers, as a one-man Bench, between 60-80 complaints in various stages of processing.

- During this year, the Commission recommended the payment by Government agencies of **interim relief in 400 cases amounting to Rs. 63,483,000/-**.

C. **INSTRUMENTALITIES**

- **Core Groups**: In order to tap the experience and knowledge of experts, academics and civil society, the NHRC has set up a number of Core Groups, which it consults on key issues. The subjects on which these Groups have been set up also give an indication of the range of the Commission’s work.

- Presently, the NHRC has Core Groups on **mental health**, the **right to food**, on **health**, and on **disability**, together with a **Core Group of Lawyers** to advise it on emerging legal issues that have an impact on human rights. Members of the Commission with sectoral responsibility for these issues convene the Groups, and, as in other years, received useful recommendations from them in 2009-10.

- In addition, the NHRC has a **Core Group of NGOs**, which is convened by and meets with the Full Commission, the last two meetings having been held in September 2009 and in May 2010. The 12 leading NGOs on the Core Group offer constructive criticism of its work, and make suggestions for improvement, or for a sharper focus on some areas, all of which the Commission finds helpful.

- **Special Rapporteurs**: The Commission has also appointed as Special Rapporteurs individuals with a special expertise either in a particular sphere of work or in a region of India. They make field visits to monitor developments in sensitive regions, assess how far assurances given by State Governments to the NHRC are being implemented, and make recommendations for next steps. In 2009-2010, several of their
reports were of immense help to the Commission in supplementing information received from officials, and in holding them accountable.

D. CIVIL & POLITICAL RIGHTS

- The NHRC uses the full range of its instrumentalities to monitor the responsiveness of public servants on human rights. After evolving a stringent reporting system and guidelines, in 2009-10 the Commission continued to monitor custodial deaths and rapes, deaths in alleged fake encounters etc. It also monitored conditions in prisons, with special attention to over-crowding, medical care for prisoners and the sensitization of prison staff. The Commission continued to stress the need for systemic reforms in the police and in prisons.

2. Custodial deaths During the year, 2,029 cases of custodial deaths – whether natural or otherwise – were reported to the Commission by the State Governments. These included 1480 deaths in judicial custody, 187 deaths in Children's Homes/Beggars’ Homes and 125 deaths in police custody. Two deaths in the custody of defense personnel/paramilitary forces, and 5 cases of rape in custody, were also reported to and considered by the Commission.

3. Custodial justice Members, Special Rapporteurs, Officers of the Investigation Division and other officers made surprise visits to places of detention, including police stations and jails. Other inspections were carried out, either as an integral part of NHRC visits to backward districts, or on specific tasks given to the Investigation Division.

E. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

4. In addition to addressing complaints of human rights violations, the NHRC places great emphasis on the promotion and protection of economic, social and cultural rights. Some aspects of its work in these fields over the last year are detailed in the paragraphs that follow.

Right to Health

- The availability of and access to health services, especially in remote and rural areas, is a major concern for the NHRC. To improve the availability of doctors in these areas, it recommended a one-year compulsory attachment of MBBS students
in rural areas after they complete their courses and before registration. The Government of India has accepted this recommendation.

- The Commission has also taken up some other health-related issues - rights of persons affected by HIV/AIDS and mental illness, unsafe drugs and medical devices, silicosis etc. Its monitoring of mental hospitals has helped to improve conditions.

- A day-long meeting of the Health Secretaries of States and Union Territories and other stakeholders was organized by the Commission in January, 2010 to discuss the issues of illegal medical practice by quacks, spurious drugs and lack of medical facilities in tribal areas among others.

- The NHRC has paid particular attention to silicosis, a disease contracted by workers employed in stone quarries, mines and stone crushing factories, and which often leads on to death. While it was considering a complaint on this matter, a writ was filed before the Supreme Court, which asked the NHRC to take up the cases of persons suffering from silicosis to recommend immediate medical relief, as well as compensation for the next of kin of those who had died from it. The NHRC continues to discharge this mandate from the Court.

- The Commission monitors the functioning of Mental Health Hospitals, on another mandate from the Supreme Court. It organised five regional review meetings for the North, East, West, South and the North-East during 2009-10 to ascertain how far the States had complied with its recommendations on quality assurance in mental health, and to review the steps the States proposed to take.

- In collaboration with the National Commission for Protection of Child Rights, the NHRC organized a consultation on “Identifying Best Practices in Early Identification and Intervention for Children with Disabilities” on the 17th February 2010 in New Delhi.

- The incidence of female foeticide has been a cause of great concern to the NHRC, since the law that bans this continues to be flouted. It has therefore collaborated with the UNFPA on a collaborative research project that would help improve the implementation of the law in key States. Data for the study has been collected from 18 Indian States, and the report is being finalised.
**Right to Education**

- The NHRC, which has advocated the right to education from its inception, played a significant role in the process that led to the adoption of the Right of Children to Free and Compulsory Education Act, 2009, which came into operation in April 2010.

- In January 2010, in collaboration with the National Commission for Protection of Child Rights, the NHRC also organized a “National Consultation on the Roles and Responsibilities of the Concerned Statutory Commissions to Monitor Child’s Right to Education”.

**Bonded Labour**

- Three workshops were organised during 2009-2010 for officials at the State, District, and local government levels on bonded labour and child labour. These were meant for release and rehabilitation of bonded labourers, special problems of migrant bonded labourers working in brick kilns and stone quarries, etc.

- The Investigation Division carried out several spot investigations, and a particularly large exercise was carried out, led by a Special Rapporteur, to identify and address the problems of several thousand labourers working in quarries in Karnataka.

**Combating human trafficking**

The NHRC, the Ministries of Home Affairs and of Women and Child Development, the National Commission for Women, and UNICEF decided in September 2006 that they would work together to draw up an Integrated Plan of Action to Prevent and Combat Human Trafficking with Special Focus on Children and Women (INPoA). After the draft INPoA was discussed with all stakeholders in three Regional Workshops and a National Workshop, the NHRC has finalised and sent the draft to the Government of India.

**Suggested Readings:**

- [http://www.nhrc.nic.in/disparchive.asp?fno=2443](http://www.nhrc.nic.in/disparchive.asp?fno=2443)
Acting on the basic principle behind all the declarations of Child’s Rights that *mankind owes to the child the best it has to give*, the Constitution of India has incorporated several provisions to facilitate the enforcement and implementation of the rights of the child. These provisions are stated below:

**Article 15**... The State shall not discriminate against any citizen on the grounds only of religion, race, caste, sex, place of birth or any of them... nothing in this article shall prevent the State from making any provision for women and children (non-discrimination).

**Article 23**... Traffic in human beings and *beggar* (unpaid work) and other similar forms of forced labour prohibited and any contravention of the provision shall be punishable in accordance with law (prohibition of trafficking and forced labour).

**Article 24**... no child below the age of fourteen years shall be employed to work...in any hazardous employment (prohibiting employment of children in hazardous situations).

**Article 39**... the tender age of children are not to be abused and the State shall prohibit children to enter a vocation unsuited to their age and strength (prohibiting employment of children in vocations not suited to their age).

**Article 39(f)**... the State shall, in particular, direct its policy towards ensuring — that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment (ensuring opportunities for development and preventing neglect and exploitation).

**Article 42**... the State shall make provisions for securing of just and human conditions of work and maternity relief (affirmative action for safe motherhood).

**Article 45**... the State shall endeavour to provide, within a period of ten years from the commencement of this Constitution for free and compulsory education for all
children until they complete the age of fourteen years (free and compulsory education).

**Article 47...** concerns with raising the level of nutrition standard of living of its people.

As you can see all these provisions are relevant for teachers and teacher educators in that they pertain to the children of school going age. The teachers will do well to honour their provisions of the constitution in dealing with their students.

Several acts have been passed to meet these Constitutional provisions. These Acts are listed below:

**6.4.2 Legislative measures**

1890 The Guardian and Wards Act

1929 The Child Marriage Restraint Act

1933 Children (Pledging of Labour) Act

1948 The Factories Act (Amended in 1949, 1950 and 1954)

1956 Immoral Traffic Prevention Act

1956 The Hindu Minority and Guardianship Act

1956 Young Persons (Harmful Publications) Act

1956 Probation of Offenders Act

1960 Children’s Act

1960 The Orphanages and other Charitable Homes (Supervision and Control) Act

1961 Dowry Prohibition Act 1961

1961 Maternity Benefit Act
1986 The Child Labour (Prohibition and Regulation) Act

1986 Juvenile Justice Act

1986 Immoral Traffic Prevention Act

1986 Indecent Representation of Women (Prohibition) Act

1987 Commission of Sati Prevention Act

1990 National Commission for Women Act

1992 The Infant Substitutes, Feeding Bottles and Infant Foods (Regulation of production, Supply & Distribution) Act

1994 The Pre-natal Diagnostic Technique (Regulation, Prevention and Misuse) Act

1995 Equal Opportunities, Protection of Rights and Full Participation Act

2009 Right to Free and Compulsory Education Act

The provisions and Acts listed above, encompass most of the postulates enshrined in various Declarations and Conventions.
Situation –I

Gopal is a 13 year old boy who works in a match making factory in Uttar Pardesh. Mr. Sant Ram, owner of the factory treats him badly and makes him work over 10 hours daily.

Situation –II

Satpal, aged 38, is a widower from small town of Bihar who wants to get married to a young girl, Neetu against her wishes but with the consent of her parents.

Situation –III

Aashish, a young boy of 10 years has inherited huge property from his grandfather. But Aashish’s father wishes to mortgage some of his immovable property to raise loan from bank to expand his business.

Situation –IV

A middle aged lady, Sushma Devi is a pimp who detains a young girl named Jaya from West Bengal for the purpose of trafficking.

Situation –V

Ghanshyam, a minor boy lives with his father named, Sudarshan in a village has a dispute with his uncle. Following which a physical fight is ensued between the two parties and a criminal case is filed against father-son duo by the uncles of Ghanshyam.

Situation –VI

Parents take their child for admission in a well established school. The child suffers from locomotive disability. The Principal of the school refuse admission to the child citing disability as the reason.

Situation –VII

A company makes milk powder for small children. But it does not provide the storage directions on its packing.

Situation –VIII

Ratia and Sonu are the children of daily wage labourers. Both the children want to go school for study. But the principal of the nearby government school ask their parents to deposit before giving admission to their children which they are unable to pay.
APPENDIX 2

PART C

CHAPTERS ON HUMAN RIGHTS AWARENESS
UNIT 1
HUMAN RIGHTS-HISTORICAL BACKGROUND

Contents

1.1 Human Rights
1.1.1 Concept
1.1.2 Foundations
1.1.3 Historical Background
1.2 Universal Declaration of Human Rights 1948
1.3 Indian Constitutional Provisions
1.3.1 Preamble
1.3.2 Fundamental Rights
1.3.3 Fundamental Duties
1.3.4 Directive Principles of State Policy
1.4 Teacher Training
1.5 Appendix — Universal Declaration of Human Rights

1.1 HUMAN RIGHTS

Human Rights, intrinsic to all humans as members of humanity, are the modern and secular version of the natural rights. All humans, being born equal are equally entitled to the Human Rights without any distinction of birth, sex, race, status, religion, language or nationality. Standing above the ideologies of the capitalism or communism, Human Rights reflect the concern for democracy, development and peace.

Human Rights is a universal phenomenon because rights have been imbibed in our society over the years. It is a realisation that without Human Rights (HRs) we cannot live as human beings. They include all fundamental freedoms and are based on mankind’s demand for a life in which the inherent dignity and worth of each human being will receive respect and protection. It is possible only if we respect and take care of the needs and rights of one another.
1.1.1 Concept

All men and women are equal partners in a society. They live and grow up here. Members of a society depend upon one another. As a matter of fact, all human beings are members of the same species. They are equal in so far as their rights and dignity are concerned.

Everyone has the right to life, liberty and security of person. This means that everyone has the right to live and to live in freedom and safety. The responsibility of every government is to ensure and protect the human rights of its citizens. Since the rights to life, liberty and security of person are the fundamental rights of human beings, a government must ensure these rights for all citizens irrespective of their religion, caste, creed, colour, sex, race and place of birth. Hence all persons have the right to legal help and protection.

The right to equality emphasises that everyone can claim human rights despite:

- a different sex
- a different skin colour
- speaking a different language
- thinking different things
- believing in different religions
- owning more or less
- being born in another social group
- coming from another country

The cardinal aim of all societies and their governments is to ensure the fullest development of human personality. Right to live is the natural right of human beings but the human right to live with dignity is very fundamental. A child has the right to life, liberty and security of person, but he/she has the right to education, health and other rights which contribute towards his/her leading a more dignified life.

In particular every child has the right to grow, obtain love and care from family or from government. His/her health has to be protected and cared for at all costs. In fact the rights such as right to education and right to health and other rights have been
instituted to secure to all human beings not only the right to live but right to live with more dignity.

The cardinal principles of human rights are thus equality and dignity. It is the duty of all governments and members of society to ensure equal opportunities to all children to get education and health services and other rights and these rights will be granted assuring the dignity of the individual.

1.1.2 Foundations

Human beings and society fulfil the needs of one another. These needs may be categorised into four basic needs (a) physiological, (b) psychological, (c) social and (d) economic. In fact, we live in a need based society and thus human rights emanate from human needs. Let us, therefore, examine the relationship of human rights with human needs.

Physiological needs are must for human survival in this universe. They may include food, clothing, shelter, water and medical care. In order to ensure the right to live, these basic needs must be provided to human beings. That is why all human beings should get a balanced diet, safe water, pollution free atmosphere and comfortable housing facilities so that their life is worth living.

Psychological needs are related to the mental makeup of a person. These needs are reflected in terms of achievement, mental satisfaction and feelings of dignity. The mind of a person should be free from worries, anxieties and mental tensions, so that he/she is able to perform his/her best — a musician must make music; an artist must paint; a poet must write if he is to be ultimately happy and contended. A human being must be granted due human rights with dignity so that he/she attains self actualization.

Social needs relate to the interaction of men, women and children in group situations. A child who needs protection from outside dangers may hide himself/herself in the lap of his/her mother. Similarly a grown up person needs security against anti-social elements, i.e. robbers, terrorists and cheats etc.
Every citizen of the country has the right to enjoy all personal, social, political, economic and cultural freedoms. Also, through international conventions and laws, he/she can travel in any part of the world enjoying his/her basic human rights.

Economic needs are vital for human survival and well being. In the modern society, most of the human needs are met by money, so much so, that money has become the fundamental need of a person. No transaction big or small can take place without the availability of money.

In fact, money has a multi-faceted role to play in a society. It is that medium by which all economic needs of human beings are fulfilled. Many human rights like right to work and right to equal wages for equal work have emanated from the economic needs of mankind.

1.1.3 Historical Background

The history of human rights may be traced to early slave revolts. Later on liberalism, Marxism, socialism and anti-colonial freedom struggles shaped the human rights perspective. Some important events which have affected the human rights movement are as follows:

i) Renaissance

ii) French Revolution (1789)

iii) Bolshevik Revolution in Russia (1917)

iv) Industrial Revolution (1930)

v) World War II

I) RENAISSANCE

It is a name given to ‘Revival of Learning’ which started in Italy and spread throughout Europe in the 15th and 16th centuries. It was greatly helped by the invention of printing press through which precious books were multiplied. As a result, the rights of human beings enunciated in the ancient books of wisdom of Greeks and
others were embodied in a state polity and were renovated. These rights infused a feeling of right to live with dignity and self-determination among the masses.

Toward the end of the 14th century AD, a handful of Italian thinkers declared that they were living in a new age. The barbarous, unenlightened “Middle Ages” were over, they said; the new age would be a “rinascità” (“rebirth”) of learning and literature, art and culture. This was the birth of the period now known as the Renaissance. For centuries, scholars have agreed that the Italian Renaissance (another word for “rebirth”) happened just that way: a new, modern way of thinking about the world and man’s place in it replaced an old, backward one.

II) FRENCH REVOLUTION

French Revolution, also called Revolution of 1789, the revolutionary movement that shook France between 1787 and 1799 and reached its first climax there in 1789. Hence the conventional term “Revolution of 1789,” denoting the end of the ancient regime in France and serving also to distinguish that event from the later French revolutions of 1830 and 1848.

It was the collapse of an outdated socio-economic order. France was on the verge of financial bankruptcy because of the wars of Louis IV. The intellectual background of the revolution was prepared by the creative works of Voltaire and Rousseau. The French Revolution (1789) stood for ‘Liberty, Equality and Fraternity’.

III) BOLSHEVIK REVOLUTION IN RUSSIA

Since 19th century, the Czar of Russia was ruling with ruthless authority. In 1917, a general strike was called and the army refused to fire on the strikers. In this way, full revolt broke out, Nicholas II was abdicated and Russia came under the rule of Bolsheviks. Lenin emerged as the strongman of Russia and he restored the fundamental rights of the citizens particularly the rights of the working class(es).

The 1917 Russian Revolution was not, as many people suppose, one well organised event. It was a series of events that took place during 1917, which entailed two separate revolutions in February and October (with a great deal of political wranglings
in between), and which eventually plunged the country into Civil War before leading to the founding of the Communist State.

**IV) INDUSTRIAL REVOLUTION**

During the 1800s the *Industrial Revolution* spread throughout Britain. The use of steam-powered machines, led to a massive increase in the number of factories (particularly in textile factories or mills).

As a result of industrial progress, England was turned into a manufacturing country. However the condition of workers employed in the factories was very deplorable. Their basic rights were being ignored and in 1930, the Government enacted industrial laws and ensured human rights to work, to secure proper wages and suitable working conditions.

**V) WORLD WAR II**

The Axis Powers (Germany, Italy and Japan) were defeated by the Allies (England, France, USA and the USSR) in 1945. The war ended when two atom bombs were dropped by America on the two Japanese cities of Hiroshima and Nagasaki on civilian targets. This sent shock waves throughout the world because this was an act against humanity as also against the basic rights (of the Japanese citizens) to live. Before and during the war, the Nazis under Hitler in Germany and Fascists under Mussollini in Italy had been trampling the rights of the citizens to live with dignity. All these factors led to the establishment of United Nations Organisation in 1945 and the Universal Declaration of Human Rights in 1948.

**1.2 UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948**

The history of human rights has roots in all the great events of the world and it has sustained the struggle for freedom and equality everywhere. The international community has grown and changed enormously during the course of the 20th century. The aftermath of Second World War prompted the victors to try to assemble a forum, firstly to deal with some of the war’s consequences and secondly to provide a way to prevent such appalling events in future. As a result, the United Nations was born. The magnitude of the task is still not clearly recognised. Former Secretary General U.
Thant saw in the promotion and protection of human rights an essence of human freedom and progress, peace and prosperity.

Of all the international attempts, the Universal Declaration of Human Rights, 1948 has won a place of honour as a basic international code of conduct by which performance in promoting and protecting human rights is to be measured. Two more international instruments were concluded namely:


ii) International Covenant on Civil and Political Rights.

These documents were adopted in 1966 and came into force 10 years later. An optional protocol to the latter covenant also provided machinery for the handling of complaints from individuals under specified circumstances. These three documents together constitute the International Bill of Human Rights and has been ratified by India.

Adoption of the *Universal Declaration of Human Rights* by the United Nations gave a global thrust to the Human Rights. Rane Cassin, the distinguished French Jurist who drafted United Nations Declaration of Human Rights (UDHR) was awarded the Nobel Peace Prize in 1968 for his works on Human Rights.

Also as a founder member of the United Nations Organizations, India is a party to the Universal Declaration of Human Rights, 1948. Coming close on the heels of the Universal Declaration of Human Rights, the Bill of Rights was enunciated in the Constitution of India, 1950 by the founding fathers, with the contemporary development, humanitarian temper and constitutional practices.

The preamble to the Universal Declaration of Human Rights, 1948 acts as a mirror through which the essence of this instrument could be visualised. The preamble lays emphasis on equal rights of men, women and children and the need to live with dignity. Promotion of universal respect and observance of human rights and fundamental freedoms are the basic tenets of the preamble. The original text is reproduced below to have a bird’s eye view.

lxix
"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the people of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, THE GENERAL ASSEMBLY proclaims

This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective
recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction”.

There are 30 rights given in the Universal Declaration of Human Rights, 1948. These rights are given in Appendix - I. A gist of human rights is presented below:

We can make a hypothesis that these rights embody the basic liberty and fundamental freedom which all men, women and children must enjoy in order to make this world a better place to live in. These liberties and freedoms include:

- Right to life and security of person.
- Prohibition of slavery and servitude.
- Right to recognition and equality before law.
- Right to a fair hearing and to put up defence.
- Right to freedom of movement and residence.
- Right to freedom of thought, expression and religion.
- Right to freedom of peaceful assembly and social security.
- Right to equal pay for equal work and favourable remuneration.
- Right to form Trade Unions for protection of interests.
- Right to education and to choose the kind of education. It shall be free at the elementary level.
- Right to participate in the cultural life of the community.
- Right to a standard of living adequate for the health and well-being of self thereof and his/her family including food, clothing, housing, medical care and social services.

All human rights mentioned above have global validity and their applicability is very important for all human beings. The teachers have a dual role of not only practising human rights themselves but to disseminate them amongst students and to enable them to practise them in letter and spirit.
1.3 INDIAN CONSTITUTIONAL PROVISIONS

Indian Constitution is a vital document which has united one of the world’s oldest and largest civilisations and created a nation of 120 crore people speaking many languages. It contains 412 Articles and 12 Schedules and is undoubtedly one of the longest constitutions in the world. Every article of the Constitution aims to provide happiness and peaceful living to each one of us. Before the most important Articles dealing with human rights are discussed, let us see the Preamble to the Constitution of India at a glance.

1.3.1 Preamble

The Preamble epitomizes the collective will and aspirations of all Indians. It describes the fundamental objective of the Constitution as follows:

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and 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;

FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation;

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

The Preamble provides for all citizens justice, liberty, equality and fraternity. It has implications in all walks of life of an Indian. In a school situation, it ensures to every child the right to life, liberty and security and to freedom from any form of cruelty, inhuman or degrading treatment in any way.
1.3.2 Fundamental Rights

In a democratic set up people are given great importance in the whole philosophy of a State. It emphasizes the fact that State exists for the individuals. Hence, certain rights of men, women and children are absolutely necessary for the effective functioning of a democratic government. In order that the democratic principles may operate successfully, the citizens require protection of their life, liberty and property and free opportunity to assemble and express their opinion. The Constitution of India is no exception to this philosophy. Description of all fundamental rights as enshrined in the Constitution is a stupendous task; however, some of the Fundamental Rights important from the point of view of school education are discussed here.

I. RIGHT TO EQUALITY

The concept of equality is the guiding principle of our social living. Dynamics of social change speak of the fact that equality in every sphere of life is very essential.

— Article 14 deals with equality before law and equal protection of law. This provision asserts the supremacy of rule of law. This also means equality of rights and duties. It means that among equals the law should be equal and should be equally administered. The provision further states that all persons shall be entitled to the protection of equal laws.

— Article 15 prohibits discrimination on grounds of religion, race, caste, sex and place of birth.

— Article 16 guarantees equality of opportunity.

— Article 17 lays down that no title, not being military or academic, shall be conferred by the State.

II. RIGHT TO FREEDOM

The right to freedom has been explained in Articles 19 to 22 of the Constitution.

— Article 19 codifies the usual liberties of men, women and children. It secures freedom of speech, and expression, assembly, association, movement,
residence, acquisition and disposition of property and the right to practise any profession or to carry on any occupation, trade or business. However, there are some reasonable restrictions imposed for the purpose.

— Article 20 offers protection in respect of conviction for certain offences.

— Article 21 provides that no person shall be deprived of his life or personal liberty except according to the procedure established by law.

— Article 22 states that no person shall be detained in custody without being informed of the grounds of such arrest/detention nor he is to be denied the right to consult or to be defended by a legal practitioner of his choice.

III. RIGHT AGAINST EXPLOITATION

Article 23 of the Constitution prohibits traffic in human beings and forced labour and any contravention of this provision is an offence punishable in accordance with the law of the land. Similarly, Article 24 guarantees prohibition of employment of children in factories who are below 14 years of age.

IV. RIGHT TO FREEDOM OF RELIGION

Article 25: States that subject to public order, morality and health, all persons are equally entitled to the freedom of conscience and the right to profess, practise and propagate any religion.

Article 28: Emphasizes that no religious instruction shall be provided in any educational institution wholly maintained out of state funds except in those institutions established under a Trust.

V. CULTURAL AND EDUCATIONAL RIGHTS

Article 29(i) states that any section of citizens residing in the territory of India or any part thereof, having a distinct language, script or culture of its own shall have the right to conserve the same.
Article 29 (ii) emphasizes that no citizen shall be denied admission into any educational institution maintained by the State on grounds only of religion, race, caste, language or any of them.

Article 30: Establishes the right of the minorities to administer educational institutions.

VI. RIGHT TO CONSTITUTIONAL REMEDIES

The right of every man, woman and child to move the Supreme Court or the High Court by appropriate proceedings, for the enforcement of FRs is recognised and guaranteed under the Constitution. The remedies available to the citizens are petitions for the issue of directions/orders or *writs* in the nature of:

— Habeas Corpus: Illegal detention

— Mandamus: Direction to perform the duty

— Prohibition: Prevention of jumping of jurisdiction by a lower court.

— Quo-Warranto: Prevention of usurpation of a government office by an individual

— Certiorari: Prohibition and direction to the lower court to hand over the proceedings to the lower court.

The Supreme Court (under Art.32) and the High Courts (under Art.226) have the powers to issue writs or orders for the enforcement of these fundamental rights.

1.3.3 Fundamental Duties

Human Rights and fundamental freedoms offer all men, women and children to develop and use their qualities, their talents and their conscience and to satisfy their spiritual and material needs. Nevertheless, respect for human rights and human dignity is the foundation of freedom, justice and peace in the world. Furthermore, rights and duties go side by side. These duties have been reproduced below:

**Art. 51.A: Fundamental Duties**

It shall be the duty of every citizen of India:

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
(b) to cherish and follow the noble ideals which inspired our national struggle for freedom;

(c) to uphold and protect the sovereignty, unity and integrity of India;

(d) to defend the country and render national service when called upon to do so;

(e) to promote 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;

(f) to value and preserve the rich heritage of our composite culture;

(g) to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;

(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;

(i) to safeguard public property and to abjure violence;

(j) to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement.

Needless to say, Fundamental duties are sacred commandments. They infuse a feeling of patriotism in all men, women and children of this great country to dedicate themselves to the cause of the nation. Respect for the national institutions, of unity and integrity of the Nation, preservation of cultural heritage, protection of natural environment, development of scientific temper and safeguarding of public property are some of the cardinal duties which every citizen of the country must perform towards the accomplishment of national goals and objectives.

1.3.4 Directive Principles of State Policy

Directive Principles of State Policy aim to establish social and economic democracy through a welfare state, which shall strive to promote the welfare of the people and such social conditions under which the citizens can lead a good life.

Certain ‘directive principles of state policy’ based on social, political and economic justice have been laid down for the guidance of the legislatures as well as the government authorities. They are intended to be kept in mind both by the legislatures in enacting laws and by the executive authorities in enforcing laws. Although these
principles are not enforceable by any Court yet they are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws for the general welfare of their men, women and children.

Although these directive principles need to be understood in totality yet only the most relevant of them are being discussed here for the sake of convenience.

Art. 38 (1)

The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may, a social order in which justice, social, economic and political shall inform all the institutions of national life.

Art. 39: Certain principles of policy to be followed by the State

The State shall in particular direct its policy towards securing:

- that the citizens, men and women equally have the right to an adequate means of livelihood.
- that there is an equal pay for equal work for both men and women.
- that the health and strength of the workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter allocations unsuited to their age or strength.
- that children are given opportunity and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and moral and material abandonment.

Art. 41: Right to work, to education and to public assistance in certain areas

The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want.

Art. 45: Provision for free and compulsory education for children

The State shall endeavour to provide within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years.
Art. 46: Promotion of educational and economic interest of Scheduled Castes, Scheduled Tribes and other weaker sections

The State shall promote with special care the educational and economic interests of the weaker sections of the people and in particular, the Scheduled Castes and the Scheduled Tribes and shall protect them from social injustice and all forms of exploitation.

Therefore, we see that the directive principles constitute the spirit of the Constitution. They also indicate the fundamental character of the Constitution.

Since the directive principles of state policy are the guiding principles for the polity, it should be the endeavour of teacher educators to make the students understand the basic principles as cardinal virtues of humanity and inculcate feelings of nationalism and patriotism in order to make them aware of their rights and duties.

1.4 TEACHER TRAINING

In the present day world, human rights have assumed great significance. Former UN Secretary General U. Thant had said, "the establishment of human rights provided the foundation upon which rests the political structure of human freedom; the achievement of human freedom generates the will as well as the capacity for economic and social progress; the attainment of economic and social progress provides the basis for true international peace".

Article 26 of the Universal Declaration of Human Rights, 1948 states:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

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

3. Parents have a prior right to choose the kind of education that shall be given to their children.
Para I and Para 3 above enunciate the concern of the U.N.O, towards ‘education as human rights’ and Para 2 elucidates its concern in respect of ‘education about human rights’. Thus, this article offers a dual perspective of education as a human right and education about human rights.

The Indian Educational System has already been reconstructed towards this end. The National Policy on Education (1986) (revised in 1992) is particularly crucial in this regard. The policy laid down for the first time in the history of Indian education, a National Curriculum Framework with a common core as a basis for building the National System of Education. Most of the ‘common core’ elements identified in the Policy are related to one or other dimension of human rights education. The ‘common core’ elements identified are ‘the history of India’s freedom movement, the constitutional obligations and other content essential to nurture national identity’. It has been laid down that these elements will cut across subject areas and will be designed to promote values such as India’s common cultural heritage, egalitarianism, democracy, secularism, equality of sexes, protection of the environment, removal of social barriers, observance of the small family norms and inculcation of the scientific temper. All educational programmes will be carried on in strict conformity with secular values. Sufficient stress has been laid on promoting equality. The policy lays down, "it will be necessary to provide for equal opportunity, not only in access, but also in the conditions for success. Besides, an awareness of inherent equality of all will be created through the core curriculum. The purpose is to remove prejudices and complexes transmitted through the social environment and the accident of birth".

One of the main task of the Indian Education System is to enable the teachers to teach core curricular areas by improving upon existing methods and materials, keeping in mind the elements of human rights education as an important component. The educational goal of Human Rights education is that the students should be able to perceive (according to their developmental stage) that human life is a precious entity and all efforts are needed to ensure that all human beings live with dignity. Each one of us is a human being first and a boy, girl, member of a community and/or religion etc. only later.

The teacher training programmes should enable the teachers to set their own teaching goals in human rights for each class. The teachers of classes I-V should concentrate on nurturing the sense that the students have of their own worth and that of others. They can organise activities like singing, dancing, painting, clay modelling and dramas to make children perceive the worth of human beings. The teachers of Class VI-VIII should foster awareness and knowledge of human rights and the sense of
reciprocity and universality upon which it is based. They can do this by teaching appropriate subject matter in social studies, science, mathematics and languages. The students of class IX-XII should be explained in detail as to how the present century has witnessed two world wars and many events involving massive violations of human rights. The thrust should be to inculcate and strengthen the value of human rights so that they work towards peace and harmony in the world. For this purpose the subject matter related to the concept and principles and practice of human rights has to be incorporated and transacted through all the curricular areas of secondary and higher secondary classes.

All teachers should be trained to identify curriculum elements in the syllabi of their classes where human rights education can be brought in. They should then be trained to develop practical activities, teaching aids and materials.

The teacher trainer should design, develop, implement and evaluate teacher training in human rights to enable teachers to develop and use methods and materials in this area. One of the major tasks of the teacher trainer is to sensitise the teachers in human rights education. Strategies like role play and buzz session will also be useful. The training of teachers should be supplemented by further research in teaching of human rights. These issues have been dealt with in detail in subsequent units.

1.9 UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.
Article 3

Everyone has the right to life, liberty and security of person.

Article 4

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

Article 5

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

Article 6

Everyone has the right to recognition everywhere as a person before any incitement to such discrimination.

Article 7

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

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.

2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purpose and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.

2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.
Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriage shall be entered into only with the free and full consent of the intending spouses.

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.

2. No one may be compelled to belong to an association.

Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.

3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable condition of work and to protection against unemployment.

2. Everyone, without any discrimination, has the right to equal pay for equal work.

3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

4. Everyone has the right to form and join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

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

3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literacy or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the Community in which alone the free and full development of his personality is possible.

2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing the recognition
and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as imply for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.
UNIT 2
MECHANISMS FOR ENFORCEMENT OF HUMAN RIGHTS

Content

2.1 Concern for Enforcement of Human Rights

2.1.1 Necessity
2.1.2 Historical Background
2.1.3 Present Status

2.2 Formal Mechanisms

2.2.1 United Nations Organs for the Protection of Human Rights
2.2.2 National Level

2.3 Non-Governmental Organisations

2.3.1 Mode of Function
2.3.2 International Level
2.3.3 National Level

2.4 Role of Press and the Media

2.5 Mechanism in Schools for the Protection of Human Rights: Rights of the Child

2.1 CONCERN FOR ENFORCEMENT OF HUMAN RIGHTS

2.1.1 Necessity

While enjoying our human rights, we should not violate the rights of others. The proper mechanism for enforcement of human rights is to create respect for human rights of others. But there have been conflicts and dissensions in the society. There occur situations where one violates human rights of others. Persons working in different capacities under the state and other authorities sometimes violate the rights of others.
2.1.2 Historical Background

There have been attempts, social as well as political, to uphold the rights of men, women and children. Emperor Ashoka’s doctrine of "Dharma" prescribed a code of conduct for men, women and children. Hamurabi’s Babylonian (2130-2088 BC) legal code for the protection of rights of persons regulated the social living based on mutual rights. Though conditions of those days could not be regarded as conducive for the emancipation of human rights, yet there were attempts towards enforcement of rights of human beings.

Acceptance of Magna Carta, 1215, Petition of Rights, 1628, Bill of Rights, 1789 in America and French Declaration of the Rights of Man, 1791 were further steps in this direction. Socialist movements extended the scope of human rights to economic dimensions and enforcement of economic, social and cultural rights became a necessity.

2.2.3 Present Status

Everyday, we come to know about the incidents of custodial deaths, illegal detentions, deaths in fake encounters, terrorist violence, rapes, infanticide, bonded labour, child labour, problems of refugees etc. through newspapers, radio, T.V. and other media sources. On the other hand, we find increasing awareness to prevent the violation of human rights. Periphery of enforcement mechanism developed for the protection of human rights both at Governmental and Non-Governmental level is expanding to cover all walks of life under the umbrella of human rights. This had led to the development of a mechanism at international and national level. The role of press/media and NGOs is crucial for Economic and Social Council. The Council takes jurisdiction over human rights question when it holds that international peace and security are endangered. As contained in its objectives, the U.N. System works for human rights and establishment of peace in the world.
The Economic and Social Council

The Council makes recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all men, women and children of the world.

The ECOSOC established the Human Rights Commission in 1946 and instructed it to submit proposals, recommendations and reports and suggestions regarding ways and means for the effective implementation of human rights and fundamental freedoms.

The Commission on Human Rights

The Commission’s terms of reference are extensive. It may deal with any matter related to human rights which are likely to impair general welfare or friendly relations among the nations. Its members are representatives of member states elected for a term of three years. The Commission meets to transact its obligations each year for a period of five to six weeks. The Commission drafted declaration and covenants on economic, social and cultural rights as also optional protocol — civil and political rights. The proper functioning of formal mechanism and redressal of grievances arise due to the violation of human rights.

2.2 FORMAL MECHANISMS

Human beings have been conscious of their rights and are claiming them against the state or other public authority. There have been valiant attempts to extract the rights of people in different countries since ancient times. But destruction and suffering caused by Second World War (1939-45) grimmed the human conscience and led the mankind to think that the protection of human rights throughout the world is essential for securing international peace. It is stated that the United Nations shall have reaffirmation of faith in fundamental human rights as one of its objectives.

The UN charter, however, was not a binding instrument and it merely stated the ideals which were to be developed later and enforced through political obligations and legal sanctions. The first concrete step in the direction was taken by the U.N. General Assembly on December 10, 1948 by adopting the Universal Declaration of Human Rights.

lxxxix
2.2.1 United Nations’ Organs for the Protection of Human Rights

The charter of the U.N. vests responsibility for the guarantee of human rights in the General Assembly and, under the General Assembly authority, in the Economic and Social Council (ECOSOC).

These Covenants (ICCPR & ICESCR) are binding as legal obligations for the states who are signatories to them. ICCPR and ICESCR have 167 parties, 74 signatories and 160 parties and 70 signatories respectively (as of March, 2012).

Each state, party to Covenants, undertakes necessary steps in accordance with its constitutional processes and legislative and other measures as may be necessary to give effect to the rights recognized in the Covenants. Each state party undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenants without any distinction of race, colour, sex, language, religion, political or other opinion, national or social origin or place of birth or other status.

The Covenants have created the important right of communication and petition against the violation of human rights. The emphasis in both these covenants appears to be on progressive realization of these rights rather than implementation in the judicial sense of the term. The states can ratify the covenants without accepting the implementation provisions.

International Court of Justice

International Court of Justice is the principal judicial organ of U.N. It functions in accordance with its statute, which forms an integral part of the U.N. Charter; all members of the U.N. are de-facto parties to the statute. A state which is not a member of the U.N. may become a part to the statute on conditions to be determined in each case by the General Assembly on the recommendations of the Security Council.

Nearly all human rights’ conventions contain provisions by which any dispute between the contracting parties relating to the interpretation, application or fulfilment of the convention may be submitted to the court at the request of any of the parties to the dispute.
In addition, it has various specialised agencies, such as UNESCO, ILO, UNICEF, UNDP which have contributed substantially towards the promotion of Human Rights. The work done by the UN Agencies in the field of social welfare, which is a prerequisite for human rights protection, has been an important landmark in the progress of humanity.

2.2.2 National Level


As regards treaties, India is a party to the International Covenants on Civil and Political rights and Economic, Social and Cultural rights, both of 1966. Further, she is a party to the Convention on the elimination of all forms of Racial Discrimination of 1965, suppression and punishment of crime of Apartheid of 1973, elimination of all forms of discrimination against women of 1979 and rights of the child of 1989. Ratification of these instruments brought with it the obligation on the part of Government of India to submit periodical reports to the treaty bodies concerned.

The Constitution of India

The concept and spirit of human rights is reflected in the Preamble to the Constitution of India. In the Constitution, most of the human rights are guaranteed to the citizens of India in the form of Fundamental Rights and Directive Principles of State Policy.

As in the international convenants on Civil and Political Rights and Economic, Social and Cultural Rights, in the Indian Constitution, the justifiable human rights are
included in Part III on Fundamental Rights and non-justifiable social and economic rights are set forth in Part IV containing Directive Principles of State Policy.

**International Covenants and the Courts**

A special provision in Article 51(e) of the Constitution on Directive Principles of State Policy, is as follows:

"The State shall endeavour to foster respect for international law and treaty obligations in the dealings of organised people with one another."

The Directive under the above article exhorts the Government to implement the obligations under international law and treaties. As long as law to implement the covenant is not enacted by the Indian legislature, courts would try to so interpret an existing Indian statute as to be in consonance with relevant provisions of the covenant, in so far as that is possible, without offending the provisions of the statute.

**The Protection of Human Rights Act**

**Human Rights Act, 1993**

An Act to provide for the constitution of a National Human Rights Commission. State Human Rights Commission in States and Human Rights Courts for better protection of Human Rights and for matters connected therewith or incidental thereto.

**Preliminary**

1. Short title, extent and commencement
   1. This Act may be called the Protection of Human Rights Act, 1993.
   2. It extends to the whole of India. Provided that it shall apply to the State of Jammu and Kashmir only in so far as it pertains to the matters relatable to any of the entries enumerated in List I or List III in the Seventh schedule to the Constitution as applicable to that State.
   3. It shall be deemed to have come into force on the 28th day of September, 1993.
Definitions

1. In this Act, unless the context otherwise requires:-potential as human beings and assert their rights in the private and public sphere.

Human Rights Courts

The role of the Supreme Court of India is indeed commendable in protecting, enforcing and expanding the scope of human rights through its various judicial pronouncements.

For the purpose of providing speedy trial of offences arising out of violation of human rights, the state government may with the concurrence to the Chief Justice of the High Court, by notification, specify for each district, ‘a court of session’ to be a Human Rights court to try the said offences. For every Human Rights Court, the State Government shall, by notification, 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 the purpose of conducting cases in the Court.

An Appraisal

Heeding to some criticisms by some international agencies, the Government of India enacted the Protection of Human Rights Act, 1993 to provide for the setting up of National Human Rights Commission, Human Rights Commission in states and the Human Rights Courts for the better promotion and protection of human rights. Under the Act, so far the National Human Rights Commission (NHRC) at New Delhi and State Human Rights Commissions (SHRCs) in 17 states have been set up. Like judiciary, these commissions, independent of the government, inquire into the matters of abetment of human rights violations and negligence and submit their findings and recommendations to the government. The NHRC along with the SHRCs has, time to time, come out with wide measures and various suggestions for the protection of Human Rights and has immensely contributed in the field of Human Rights awareness and education in India.
Over 15,400 complaints are pending with the National Human Rights Commission (NHRC) as of December last year with officials arguing that active state-level rights bodies will lessen the burden at the Centre.

The Commission attended to the of violation of human rights related to custodial deaths, rapes, torture, bonded labour, child labour, terrorist violence, cases in different areas of recent or current insurgency, terrorist activity, prisons hospitals, custody homes and so on.

The Commission has taken steps to promote human rights literacy and awareness over the length and breadth of the country through publications, the media, seminars and other available means.

The phenomenal increase in the number of complaints received by the Commission, as also the number of requests from NGOs, academic institutions and others have put heavy demand on the Commission and emphasized need for the setting up, at the earliest, of State Human Rights Commission in the States. Jammu and Kashmir, Uttar Pradesh, and National Capital Territory of Delhi have set up Human Rights Cells.

**State Human Rights Commission:**

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xciv
The mechanism has also been set up for the speedy disposal of complaints relating to human rights’ violation at the district level. This will help to further decentralise the grievance redressal machinery. The District level review committee is to be headed by the District and Sessions Judge and will comprise, in addition, the Chief Judicial Magistrate, the Superintendent of Police and Revenue Divisional Officer as members. It is recommended to set up such Committees in other states as well. The Commission expects that such Committees should fit, without difficulty, into what will ultimately constitute a three tier system for the disposal of complaints relating to violation of human rights.

2.3 NON-GOVERNMENTAL ORGANISATIONS

There are three areas in which NGOs can contribute effectively.

- Firstly, because of their grass root contacts, they can most effectively identify human rights violations and seek redress.
- Secondly, given the rapport that they have established with public at large, the assistance and cooperation of the NGOs can be of great value in the investigation.
- Thirdly, the high level of expertise of individual NGOs in specific areas of human rights work can be a source of great benefit on specific issues and problems.

2.3.1 Mode of Function

In every part of the globe, there are Non-Governmental Organisations (NGOs) working every hour of the day to document the injustices heaped upon women, children and the under-class, standing beneath the bottom rung of the society. There is no aspect of human life beyond their reach. They make their case with unanswerable force. By their active campaigning, they remind Governments to keep their promise in order to give practical shape to goals set by various national and international conventions on human rights. They make available to Governments statements of concrete facts and not just another list of pious intentions enabling them to initiate appropriate action. Through their relentless efforts, they ensure the protection of human rights in the following ways:
1. Involving people from all walks of life

Being voluntary organisations, Non-Governmental Organisations (NGOs) are well represented by people from the different strata of the society who join them on their own. Hence the programmes taken up by them have social sanctions, as against the programmes taken up by the Government which are often met with a lot of resentment, scathing criticism and opposition from public in general and lobbies with vested interest in particular. This is especially true of the target oriented programmes e.g. programmes on family planning, despite being the need of the hour, incurred the wrath of the public and created hostile atmosphere.

2. Developing indicators for judging the standard and status of human rights

Non-Governmental Organisations (NGOs) conduct various kinds of research programmes, the findings of which work as indicators of status of human rights in a particular society. Their findings regarding widespread violations of human rights act as indicators of social status of human rights. Thus, the annual reports on the progress of nations published by UNICEF, Amnesty International etc. throw ample light on the current status of human rights in all the countries of the world. Authenticity of these reports make them a sure indicator, thereby making the Governments aware of their weak areas and simultaneously motivating and compelling the erring Governments to take corrective measures.

3. Acting as effective instruments of preventive diplomacy

By acting as effective instruments of "Preventive Diplomacy", NGOs create awareness in public on the vital issues like changes required in education, health and family planning etc. by giving early warnings. This technique/system of early warning has been developed by United Nations and is an important aspect of its activities. The system is designed to collect accurate data and issue early warnings (based on the data) on impending crises and disasters like environmental pollution, famine, population-control and epidemics threatening the human race and nuclear accidents. Such warnings develop preparedness in the people to face the problems and impel the Governments to take up timely preventive measures before the problems grow out of
proportions. Such measures help create a psychological environment which are conducive to the protection of human rights.

4. Lobbying for better legislative measures

By critically interacting with the Government on the planning, decision-making and implementation of various policies and programmes regarding human rights, NGOs can ensure better legislation, so that the rights enshrined in the national Constitutions, the Human Rights Declaration and other International Legal Instruments are taken care of. For example, organisations connected with child labour in India are persuading the Government of India to unconditionally ratify Article 32 of the Convention on the Rights of the Child. In this regard they are preparing an Alternative Report to the United Nations Convention on Rights of the Child. This would provide the scope for continuous monitoring of the Rights of the children in the country and would strengthen the efforts for eliminating child labour.

5. Monitoring implementation of various schemes

NGOs work as watchdogs by monitoring the various schemes being implemented by the Government towards the protection of human rights. They assess the extent to which the most acclaimed welfare programmes initiated by the Government in the prevention of child labour, upliftment of women, employment schemes for the socially and economically disadvantaged sections of the society are implemented. Any discrepancy in the implementation of welfare programmes is brought to the notice of the public through effective use of mass media and thereby creating public awareness. By their constant efforts like organisation of seminars, workshops, public meetings or media coverage, they ensure the proper implementation of such programmes for the benefit of the concerned people.

4.5.2 International Level

At the international level, the status of human rights is watched by many NGOs. Amnesty International is one such organisation. This Organisation is dedicated to publicising violation of human rights, especially freedom of speech and religion and right of political dissent. It also works for the release of political prisoners and, when
necessary, for the relief of their families. Apart from generally publicising governmental wrong doings in newsletters, annual reports and background papers, Amnesty International relies heavily on the worldwide distribution of adoption groups. Each of these "adoption groups" takes a limited number of cases of "prisoners of conscience" and barrages the offending governments with letters of protest until the prisoners are released.

2.3.3 National Level

The exceptional role of non-governmental organizations (NGOs) in furthering human rights is given appropriate and special recognition in the Act section 12(i) expressly charges the Commission to “encourage the efforts of non-governmental organizations and institutions working in the field of human rights.

There are many NGOs playing a vital role in the field of human rights in India. Some of the important organisations doing a commendable job towards this end are as follows:

1. Sulabh Movement: It is a major social movement in the country for the betterment and welfare of Dalits, in a generic sense, and in particular for the liberation and social mainstreaming of scavengers.

2. Child Relief and You (CRY): It is a voluntary organisation committed to the upliftment of millions of children who have been deprived of their childhood due to various reasons.

3. Campaign Against Child Labour (CACL): The campaign against child labour is a joint initiative of Youth for Voluntary Action (YUVA), Pune and Tere des Hommes (Germany) India Programme. The Campaign is currently supported by ILO and is actively working for progressive eradication of child labour through provision of education, organisation of awareness programmes, promotion of legislative changes and rescuing children in bondage or victims of abuse.

4. Organisations like Saheli and Chetna are actively involved in the protection of Women’s Rights. They provide free legal aid to women to fight for their rights against gender bias and discrimination.
5. **Butterflies** is an NGO with a programme for street and working children. It was started in 1988 and it’s activities include non-formal education, saving schemes for children, vocational training, holding Bal Sabhas, and creating awareness for children’s rights, Bal Mazdoor Union, networking with other NGOs and research and documentation.

The list of NGOs is by no means exhaustive. There are many other organisations working for the cause of human rights. The work of five organisations is reported here by way of illustration only.

**2.4 ROLE OF PRESS AND THE MEDIA**

The media has an important role to play in moulding the public opinion. They can give positive orientation and direction to the human rights movement. The representatives of the media are to be made aware of the basic need to observe human rights and requested to propagate the same.

Campaigning is always the first step to a noble cause and aims at building awareness among the masses. In a great country like ours, the largest democracy of the world, campaign is the authentic way to social change. The mass media can be an instrument for educators, educational institutions and Governmental and Non-Governmental Organisations for the emancipation of Human Rights.

Information systems are increasingly becoming important in the dissemination of knowledge. Electronic media like Radio and TV have impact on young people, and, as such has the ability to shape values, attitudes and perceptions of issues pertaining to human rights. For example, in 1994, UNICEF made an effective use of media to advocate the human rights of the victims of war and natural calamities at global level. It organised Press Conferences and media briefs, issued press releases, kept National Committees informed of the latest developments, arranged media interviews and provided strong local information. UNICEF efforts in mass communications and social mobilisation during 1994 have led to a popular demand of raising the age limit from 15 to 18 years for military recruitment. Effective use of the media has also shown encouraging results in tackling issues related to women and child health, in general and HIV/AIDS prevention in particular.

xcix
In India, between 5% and 30% of the 340 million children under the age of sixteen are estimated to fall under the definition of child labour.

Following media exposure, Asian carpets in European countries are being boycotted by consumers. A child labour free trademark — RUGMARK — should soon be appearing on the carpets produced by Indian manufacturers. So far 25 manufacturers have been licensed to use the label and another 35 are finalising their applications. The Ministry of Textiles and Carpets Exports Promotion Council (CEPC) have recently announced a plan to introduce a similar certificate system more widely in the industry.

Burning issues like dowry deaths, where so many women have been sacrificed on the altar of greed of their in-laws and some evil practices like human sacrifice, Sati Pratha with special reference to Roop Kanwar Case; dilemma of Muslim Personal Law with special reference to Shah Bano Case have been highlighted so strongly by the media that government has been forced to take corrective measures.

2.5 MECHANISM IN SCHOOLS FOR THE PROTECTION OF HUMAN RIGHTS: RIGHTS OF THE CHILD

Respect for human rights is the best mechanism for their enforcement. Schools are the best places where such kind of realisation can be ingrained in the minds of children. The attitudes and values acquired by an individual during childhood generally govern one’s behaviour at a later stage. Such awareness can be created among children in the following ways:

1. By developing human rights education programmes at all levels of education

Various issues related to human rights should be integrated with the subjects already being taught in the schools. Ideally, a human rights culture should be built into the whole curriculum, yet in practice, particularly at secondary level, it will have to be treated as part of the established disciplines like the social and economic sciences and the humanities.
In the pre-school and lower primary education, the aim of human rights education should be to foster feelings of confidence and social tolerance whereas at secondary level, we should focus on building of trust.

2. By providing environment conducive for the inculcation of faith in human rights

The students should not only "learn about" human rights but should also "learn in" human rights. It is essential that the class room and school environment should reflect respect for human rights. There should be no discrepancy in the functioning of the school and the principles they cherish. For example, if a teacher says, "today we are going to talk about freedom of speech — shut up for the back row!" students will learn more about power this way, and less about Human Rights. This sort of situation raises the question about how to protect and promote the human dignity of both teachers and students in a class-room, in a school, and within society at large. This calls upon teachers to explore ways and means to involve in the process of decision-making not only students, school administration, education authorities, and parents but, if possible, all members of community in which they live and work.

3. Avoiding violation of rights of the child

A Committee comprising teachers, senior students and parents can be constituted at school level. The Committee can perform various functions, such as investigation, evaluation and giving advice in matters pertaining to violating of child’s rights in the school e.g. matters pertaining to discrimination on the basis of sex, caste and creed, in admissions or in the selection of candidates for participation in various activities organised by the school, cases of favoritism in examination, issues relating to exploitation and child abuse and corporal punishment.

Such mechanisms on the one hand will provide administrative guarantee to human rights in the schools and on the other hand, will give support to the development of universal sensitivity to Human Rights.
UNIT 3
RIGHTS OF THE CHILD

Content

3.1 Introduction

3.2 The International Scenario: From Human Rights to Rights of the Child

3.3 The Indian Context: Measures for Child Care and Development

3.3.1 Provisions in the Constitution
3.3.2 Legislative Measures

3.4. Problems and Issues

3.4.1 The Child in the Home
3.4.2 The Child in the Classroom
3.4.3 The Child in the Community
3.4.4 The Child with Special Needs

3.5 Role of Teachers


3.1 INTRODUCTION

Children are invariably described as a treasure and future of mankind. It is because of this premise that their development has been considered of paramount importance. Nevertheless, denial of adequate opportunities for their development and various forms of discriminations and exploitations to which they are subjected have made the world community review the conditions in which they are brought up and take several steps for their protection, well being and development. These measures are embodied in the various declarations and conventions adopted in various international forums under the aegis of United Nations.

3.2 THE INTERNATIONAL SCENARIO: FROM HUMAN RIGHTS TO RIGHTS OF THE CHILD

The process of recognition and enunciation of Human Rights of the children was first initiated in an organised manner by declaration of Human Rights at the League of Nations in 1924. The rights of the children were primarily seen in the context of measures to be taken against slavery, child labour, trafficking and prostitution of minors. It was soon realised that Children’s Rights are a complex problem and there are no easy solutions. Apart from recognition of the autonomy of a child, a great deal has to be done to ensure their acceptance, adoption and appropriate application in real life situations.
These rights were further affirmed by the United Nations Organisation (UNO) and have since received wider acceptance. The important milestones in the direction of their acceptance for universal adoption and observance have been as follows:

— Declaration of Human Rights at League of Nations in 1924,

— Declaration of the Charter of Human Rights in 1948,

— Declaration of the Rights of the Child in 1959,

— Observation of International Year of the Child in 1979,

— Adoption of a separate Convention of the Rights of the Child by its General Assembly on Nov. 20, 1989, and


These events of importance and the significant recommendations made therein are discussed in the succeeding paragraphs.

First of the significant documents is the declaration adopted by the Assembly of League of Nations in 1924, which is known as Geneva Declaration on Rights of the Child. It reflected a concern with the rights of the children afflicted by the devastation of the First World War and its aftermath. The declaration emphasised children’s material needs and proclaimed that children must have requisite means for their normal development. This included food for the hungry, nursing for the sick, help for the handicapped and shelter and support—both physical and emotional — for the orphans.

The 1959 Declaration of the Rights of the Children is based on the principle that "mankind owes to the child the best it has to give." Implicit in this premise is an emphasis on duties towards the children and hence children’s rights in the sense of claims. Its preamble refers to rights and freedoms. The ten principles set out in this do not embrace children’s liberties at all. The declaration thus became a proclamation of general principles. A Child is stated to have the right to:

- affection, love and understanding
- become useful member of the society and to develop their special talents
- have enough time and space to play
- have a name and a nationality
- be rescued first if any disaster takes place
- proper housing, enough food and medical care
- free education
□ special care if they are handicapped
□ grow up believing in peace and treating all people as their brothers and sisters.

One important outcome of the awareness created by campaigns related to these declarations was the adoption of 1979 as the *International Year of the Child (IYC)*. The need to give the force of a treaty or law to children’s rights became evident during preparations for the International Year of the Child. In this International Year of the Child, the United Nations Commission on Human Rights started its work on the Convention of 1989 which entered into force with the ratification by a majority of the member nations in January 1990. In this Convention the child is defined as follows:

*A child is defined as a person under the age of 18, unless national laws fix an earlier age of majority.*

We shall now know about the *Convention on the Rights of the Child (1989)* which comprehensively dealt with the issues concerning the development and well being of children. The convention recognises a whole range of human rights—civil, political, economic, social and cultural, and demonstrates the freedoms a child needs to develop his or her intellectual, moral and spiritual capacities; calls for, among other things, a healthy and safe environment, access to medical care, and minimum standards of food, clothing and shelter.

Non-discrimination is an important principle of the Convention. According to this convention, children shall enjoy all their rights without discrimination of any kind, irrespective of the child’s or his/her parents or legal guardians race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Details about the Convention on the Rights of the Child (1989) are available in the Appendix at the end of this unit.

The World Declaration on the Survival, Protection and Development of Children agreed to at the *World Summit for Children on 30th September 1990,* has carried this process of establishing the rights of the child further. The Summit recognised that the children around the world are exposed to dangers of different kind that hamper their growth; they suffer from scourges of poverty and economic crisis and die due to malnutrition and diseases on a very large scale.

The summit identified broad tasks and challenges before the world community. These relate to enhancement of programmes for children’s health and nutrition, extending support to disabled children, to strengthening role of women, improving opportunities for education and literacy, promoting recognition of the child’s identity to enable them to realise their worth in a safe and supportive environment. They considered promotion of safe motherhood, planning of family size essential for the growth and well being of children around the globe.

India became a party to the International Convention on the Rights of the Child in 1992. There is little doubt that all the rights must be made applicable to the child, as they are necessary for his development as a human being. The convention on the
rights of the child is a comprehensive document, laying down rules and regulations for the development of the child.

3.3 THE INDIAN CONTEXT: MEASURES FOR CHILD CARE AND DEVELOPMENT

Child welfare, both as a concept and practice has deep historical roots in our country. Indian Constitution has made specific provisions with regard to protection, development and welfare of children.

The post independence period ushered in a new era in the field of child welfare. Our constitutional commitments led to the planned socio-economic development and formulation of Five Year Plans. The First Five Year Plan visualised the responsibility of developing the child care services on voluntary organisations. In the Second (1956-61), Third (1961-66) and Fourth (1969-75) Plans, the state assumed greater responsibility and Child Welfare Services were incorporated into various development sectors like health, nutrition and education.

The Fifth Plan saw a major shift in focus from child welfare to child development with emphasis on co-ordination of services. A landmark during 1974 was the formulation of National Policy on Children. In 1975 Integrated Child Development Services (ICDS) Programme was launched with a package of six services in 33 blocks of the country.

The International Year of the Child (1979) was marked by setting up of the National Children’s Fund (NCF). The National Policy on Health envisaged a package of health services with special components for the mother and the child. The subsequent plans (sixth and seventh) continued with the strategy of promoting early childhood, survival and development.

In pursuance of the commitment made at the World Summit on Survival, Protection and Development of Children (1990), India formulated the National Plan of Action for Children in 1992. On Dec. 2, 1992, the country ratified the UN Convention on Rights of the Child. Emphasis since the Eighth Plan has been on convergence of services, on advocacy and social mobilisation to empower the community for the rights of the child. The period witnessed:

(i) the adoption of the National Nutritional Policy in 1993.

(ii) setting up of Non-Govt. Organisation (NGO) cell in 1994,

(iii) launching of Pulse Polio Immunisation Programme in 1995 to eradicate Polio by 2000 AD, and


The Strategy of Ninth Five Year Plan (1997-2002) is to emphasise child development not only as a desirable social investment for the nation’s future but as right of every child to achieve full development potential. The country moves ahead towards the twenty-first century with a set agenda for the protection and promotion of children’s
rights and the development of children. It has created a large infrastructure for the purpose involving 13 govt. ministries/ departments supported by autonomous bodies and over one lakh voluntary organisations/agencies and a number of International and UN Organisations.

3.3.1 Provisions in the Constitution

Acting on the basic principle behind all the declarations of Child’s Rights that mankind owes to the child the best it has to give, the Constitution of India has incorporated several provisions to facilitate the enforcement and implementation of the rights of the child. These provisions are stated below:

**Article 15...** The State shall not discriminate against any citizen on the grounds only of religion, race, caste, sex, place of birth or any of them... nothing in this article shall prevent the State from making any provision for women and children (non-discrimination).

**Article 23...** Traffic in human beings and begar (unpaid work) and other similar forms of forced labour prohibited and any contravention of the provision shall be punishable in accordance with law (prohibition of trafficking and forced labour).

**Article 24...** no child below the age of fourteen years shall be employed to work...in any hazardous employment (prohibiting employment of children in hazardous situations).

**Article 39...** the tender age of children are not to be abused and the State shall prohibit children to enter a vocation unsuited to their age and strength (prohibiting employment of children in vocations not suited to their age).

**Article 39(f)...** the State shall, in particular, direct its policy towards ensuring — that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment (ensuring opportunities for development and preventing neglect and exploitation).

**Article 42...** the State shall make provisions for securing of just and human conditions of work and maternity relief (affirmative action for safe motherhood).

**Article 45...** the State shall endeavour to provide, within a period of ten years from the commencement of this Constitution for free and compulsory education for all children until they complete the age of fourteen years (free and compulsory education).

**Article 47...** concerns with raising the level of nutrition standard of living of its people.

Several acts have been passed to meet these Constitutional provisions. These Acts are listed below:
3.3.2 Legislative measures

1890 The Guardian and Wards Act
1929 The Child Marriage Restraint Act
1933 Children (Pledging of Labour) Act
1948 The Factories Act (Amended in 1949, 1950 and 1954)
1956 Immoral Traffic Prevention Act
1956 The Hindu Minority and Guardianship Act
1956 Young Persons (Harmful Publications) Act
1956 Probation of Offenders Act
1960 Children’s Act
1960 The Orphanages and other Charitable Homes (Supervision and Control) Act
1961 Dowry Prohibition Act 1961
1961 Maternity Benefit Act
1986 The Child Labour (Prohibition and Regulation) Act
1986 Juvenile Justice Act
1986 Immoral Traffic Prevention Act
1986 Indecent Representation of Women (Prohibition) Act
1987 Commission of Sati Prevention Act
1990 National Commission for Women Act
1992 The Infant Substitutes, Feeding Bottles and Infant Foods (Regulation of production, Supply & Distribution) Act
1994 The Pre-natal Diagnostic Technique (Regulation, Prevention and Misuse) Act
1995 Equal Opportunities, Protection of Rights and Full Participation Act

The provisions and Acts listed above, encompass most of the postulates enshrined in various Declarations and Conventions. It is hoped these measures shall be able to sensitise the concerned agencies and help in ensuring their implementation.
3.4 PROBLEMS AND ISSUES

In order to understand the position of children in our country today, we shall be required to have a look at their status in the family, the classroom, and the community.

3.4.1 The Child in the Home

The children of India, as many children of the third world, face exploitation on several fronts in their life at home. Some examples are given below:

(i) The older children are expected to look after the younger siblings in order to enable their parents to work, thereby, sacrificing their basic right to play, to get education, etc. Child labour is widespread with the young ones shouldering the burden of keeping the kitchen fire lit, and every one in the family fed.

(ii) The position of the unwanted child in the family is rather difficult. The child is unwanted either because the parents have a large number of children or when the parents do not get a child of the desired sex. Moreover, due to a change in the life patterns, when both parents are working, children could become a problem. They are therefore sent to a boarding school. In addition, a child may be unwanted if he/she is disabled in any way and requires sustained attention and effort in bringing up. All such children suffer because of being unwanted—through inadequate affection, are the subject of ridicule from siblings and friends and often receive indifferent treatment by peers and teachers. The child is thus discriminated against and neglected for no fault of his or her own.

(iii) Parents persist even today in their thinking that they are the best judge for deciding the careers of their children—hence children are not given any freedom to choose what they want to do in life, which is theirs to live as they wish.

3.4.2 The Child in the Classroom

The child in the classroom goes through the education process which has the following features:

(i) Lack of individual attention — the child is educated in groups — small or large which leaves little or no scope for catering to the individual differences among children. Teachers generally address the entire class according to the non-existent average pupil. In the process, neither the quick learner nor the slow learner gets the requisite attention of the teacher in curricular or co-curricular activities.

(ii) Regimented life — The life of school going children is extremely regimented in terms of the subjects to be studied, the number of hours for which they must put in each day (the school timings) and the place where they have to go to study (school premises). This puts a child in shackles and curbs his/her growth in several ways. The child is required to conform to the requirements of adults/ teachers/ prescribed school
procedures and in this process, independent thinking is curbed/suppressed and thereby his/her rights to opportunities for growth as individual human being are violated.

(iii) Inadequate rest — The daily schedule of school going children is so inflexible that there is not enough time for rest or play or any other recreational activities. This may be because children often have to travel long distances to reach school in urban areas as the concept of localised schooling is not prevalent, and in rural areas — because there are no schools available in the immediate vicinity of the village. Thus, they are under great physical strain and psychological stress.

(iv) Attitudinal problems — An attitudinal problem often witnessed in classroom is that of teachers favouring children of well placed parents. This creates complexes in children whose parents are not so well placed in life. Teachers, consciously or subconsciously, work with a mind set and either reward or neglect the meritorious students in the class, forgetting the fact that every child has some positive characteristics which needs to be explored and developed.

3.4.3 The Child in the Community

Another sector where we witness gross violation of the rights of the child is in the society at large. Child trafficking, child prostitution, sexual abuse and drug pedalling are commonplace these days. There is a sharp rise in crimes against children. They are thus the most vulnerable group of our society.

The exploitative Child Labour is an evil of the society which cannot be wished away, as it is deeply rooted in the problems of poverty, illiteracy and overpopulation. Children are engaged in various hazardous industries like fire works, making of matches, carpet weaving, making of glass bangles, diamond cutting, etc. At times they are so much exploited, that they pass from childhood to adulthood without proper physical or mental development.

3.4.4 The Child with Special Needs

Children who are physically challenged in some way face more problems than their so-called normal counterparts. Some of the difficulties they face may be in terms of architectural barriers hindering their movement from one place to another, inappropriate curriculum, lack of vocational training according to their capabilities, etc.

The question that comes to the fore is how aware are we of these problems about the rights of the child beyond the four walls of the classrooms, conference halls and academic discussions? These problems of ‘the child’ are social disorders needing immediate rectification. It is the people and society at large that needs to be sensitised and educated. It is here that the role of the teacher assumes significance.

3.5 ROLE OF TEACHERS

The teacher today is faced with the formidable task of informing people, educating them and creating awareness about children’s rights. As a teacher, it becomes your
prime duty to ensure that students imbibe the correct attitudes so that they may not suffer from the violation of the basic rights. Some of the suggestions through which teacher can be instrumental in promoting child rights culture:

- teachers should be aware of the rights of the child and be vigilant against their violation at any point;
- teachers should develop a curriculum which caters to the diversified need of children, including the children with special needs so that they can be given integrated education;
- teachers should treat all children equally so that all children, irrespective of their class or caste or sex, get equal treatment in a class;
- teachers should appreciate the need of children for adequate rest, play and recreation during a day and, that they take measures to ensure it through activities like physical exercise, through play, dramatics, music and dance, etc.
- teachers must understand the concept that all children are autonomous citizens in their own right and should be treated as such and not as lesser human beings still in the process of learning and development;
- as a teacher one must appreciate activities like pooling of tiffins in the classroom where feasible so that all children share their food and learn to appreciate variety in eating styles, irrespective of caste or class;
- emphasise on the use of teaching aids in classroom teaching and other specific methods so that the slow learner is able to learn easily.

3.6 CONVENTION ON THE RIGHTS OF THE CHILDREN (1989)

Following are the major highlights of the Convention:

1. Every child has the inherent right to life, and the states shall ensure, to the maximum, child survival and development.

2. Every child has the inherent right to a name and nationality from the birth.

3. When courts, welfare institutions or administrative authorities deal with the children, the child’s best interests shall be a primary consideration. The child’s opinions shall be given a careful consideration.

4. States shall ensure that each child enjoys full rights without discrimination or distinction of any kind.

5. Children should not be separated from the parents, unless by competent authorities for their well-being.

6. States should facilitate reunification of families by permitting travel into or out of their territories.
7. Parents have primary responsibility for a child’s upbringing, but States shall provide them with appropriate assistance and develop child care institutions.

8. States shall protect children from physical and mental harm and neglect including sexual abuse or exploitation.

9. States shall provide parentless children with suitable alternative care. The adoption process shall be carefully regularised and international agreements should be sought to provide safeguards and assure legal validity if and when adaptive parents intend to move child from his or her country of birth.

10. Disabled children shall have the right to special treatment, education and care.

11. The child is entitled to the highest attainable standards of health. States shall ensure that the health care is provided to all the children placing emphasis on preventive measures, health education and reduction of infant mortality.

12. Primary education shall be free and compulsory; discipline in schools should respect child’s dignity. Education should prepare the child for life in a spirit of understanding, peace and tolerance.

13. Children shall have time to rest and play and equal opportunities for cultural and artistic activities.

14. States shall protect the child from economic exploitation and work that may interfere with the education or be harmful to health and well being.

15. States shall protect children from the illegal use of drugs and involvement in drug production or trafficking.

16. All efforts shall be made to eliminate the abduction and trafficking of the children.

17. Capital punishment or life imprisonment shall not be imposed for crimes committed before the age of 18.

18. Children in detention should not be separated from the adults; they must not be tortured or suffer cruel and degrading treatment.

19. No child under 15 should take part in hostilities; children exposed to armed conflicts shall receive special protection.

20. Children of minority and indigenous populations shall freely enjoy their own culture, religion and language.

21. Children who have suffered maltreatment, neglect or detention should receive appropriate treatment or training for recovery and rehabilitation.

22. Children involved in infringements of penal law shall be treated in a way that promotes their sense of dignity and worth and that aims at re-integrating them into societies.