

Human Rights and values

BBA. 4th sem.

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Unit - I

Concept of Human Rights, Indian and International perspectives of Human Rights, Evolution of Human Rights, Human Rights movements in India, Classification of Human Rights and Relevant Constitutional Provisions to Right to Life, Liberty and Dignity, Right to Equality, Right against Exploitation, cultural and Educational Rights, Economic Rights, Political Rights and Social Rights.

Unit - II

Deprivation of Human Rights -
Core Issues: Poverty, overpopulation, illiteracy, Problems of Unsustainable Development, Disadvantaged Groups - (a) Women (b) Children (c) Scheduled Castes and Scheduled Tribes (d) Homeless and Slum Dwellers

le) Physically and Mentally Handicapped (P) Refugees and Internally Displaced Persons.

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Redressal Mechanisms for Human Rights Violations:
Violation of Human Rights by State. Violation of Human Rights by Individuals and groups, Nuclear Weapons and Terrorism. Government Systems for Redressal, Judiciary, National Human Rights Commission and other Statutory Commissions, Media Advocacy, Creation of Human Rights Literacy and Awareness

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Concept of Human! Aim of education and value education; Evolution of value oriented education; Concept of Human values; Types of values; Components of value education. Character Formation Towards Positive Personality -- Truthfulness, Sacrifice, Sincerity, Self - Control, Altruism, Tolerance, Scientific Vision; Value Education towards National and Global Development, National Integration and international understanding.

Unit 1

Concept of Human Rights

Human Rights are the rights a person has because he or she is a human being. Human Rights are moral principles that describe certain standards of human behaviour. These rights are inherent in all human beings, whatever may be their nationality, place of residence, gender, ethnic origin or any other status.

Indian Perspective of Human Rights

Our Constitution declares India to be a Sovereign Democratic Republic and stresses on Justice, liberty, Equality and Fraternity. These are as follows:

Right to Equality

1. Article 14: Equality before law.
2. Article 15: Prohibition of discrimination on basis of religion, race, caste, gender.
3. Article 16: Equality of opportunity of employment.

Right to Freedom

- Article 21: Protection of life and ~~an~~ personal liberty.
- Article 22: Protection against arrest.

Right Against Exploitation

- Article 23: Prohibition of Traffic in Human beings and forced labour.
- Article 24: Prohibition of employment of children in any factory, mine or other hazardous activity.

Right to Freedom of Religion

Article 25: Freedom of conscience and free profession, practice and propagation of religion, subject to public sector, morality and health of society.

Article 27: Freedom for promotion of any particular religion.

Article 28: Freedom as to attendance at religious instruction on ownership.

Cultural and Educational Rights

Article 29: Safeguards for the Educational and Cultural Interests of Minorities.

Article 30: Right to minorities to establish and administer educational institutions.

Article 31: Saving of laws and giving effect to certain directive principles.

International Perspective of Human Rights

At international level, Universal Declaration of Human Rights is the main documents which sets common standards for all people and all nations.

1. Preamble

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.

2. Articles

There are 30 Articles under this Declaration. The rights covered under it 30 articles. All these are related to the rights of human.

Evolution of Human Right

When human rights fall into jeopardy or when the people suffer under it systematic persecutions from the head of the state, the evolution takes place. If we study the evolution of human right in any country, this would be apparent the germination started from the violation of human rights. Human rights concept has evolved over last four centuries. Important events in the history which led to the formation of laws to protect human rights can be summarized as under.

Human Rights Movement in India

The historical background of human rights movement in India is elaborated below:

1. Human Rights in Ancient India

- i) Vedic literature states the equality of all human beings and promotes the sense of fraternity amongst them all. It believes in the ideal of 'Sarve Bhavantu Sukhina'
- ii) Concept of Dharma denotes all human rights and duties.
- iii) The Smritis and the Puranas were collections of civil rights and criminal liabilities and also Raja Dharma.
- iv) Kautilya tried to supplement the civil and legal right of people with the economic rights, in order to evolve a comprehensive notion of the human rights.

2. Human Rights in Post-Independence period

- i) Ideal of human Rights movement in India appears to have its origin in the thoughts and actions of Raja Rammohan Roy.
- ii) Governor-General William Bentick supported him and helped in abolition of the Sati system by 1823.
- iii) In 1823, British tried to control the Freedom of press in the country. Rammohan Roy opposed it and called for freeing of the press from all unreasonable regulations passed by them.
- iv) In Madras Session in 1927, Congress adopted a resolution for inclusion of Declaration of Fundamental Rights.

3. Human Rights Movement in Independent India

- i) After Independence, Constituent Assembly was set up to fine-tune the provision on Fundamental rights of people.
- ii) When the constitution takes place in India, a major international event took place in 1948.
- iii) Almost all the countries, found it somewhat compelling to sign the UDHR and also to make changes in their own laws or constitutions to reflect to ethos of the Universal Declaration.
- iv) So, as a result, the Constitutions of India also incorporated a number of valuable provisions.

Classification of Human Rights

From the time a person is born until death, he/she possess a number of rights and freedoms. Classification of rights could be on following basis:

1. Classification According to Area of life activity

- Personal or Civil Human Rights.
- Political Human Rights to take part in political process, formation and realization of State power, all citizens are provided with some rights.
- Economic Human Rights.
- Cultural Human Rights.
- Social Human Rights.

2. Classification according to time of appearance

- First Generation Rights.
- Second Generation Rights.
- Third Generation Rights.

3. Classification on other basis

- Rights on basis of citizenship. Individual vs Collective Rights.
- Rights on basis of regulatory body.
- Rights on basis of limitation.
- Rights on basis of order of state.

Constitutional Provisions to Right to Life, Liberty and Dignity

Articles 14, 20, 21, 22 of the Constitution of India guarantee right to life with dignity and right to personal liberty. These provisions ensure protection to citizens from arbitrary actions of the state. It has also been provided in the constitution the state should take steps to ensure that citizens lead a meaningful life.

1. Article 19 of the Constitution: Protection of certain rights regarding freedom of speech etc.

This article ensures personal liberty of life. The provisions are as under:

i) All citizens shall have the right to freedom of speech and expression.

- ii) Right to assemble peacefully and without arms.
- iii) Right to form associations or unions.
- iv) Right to move freely through out the territory of India.
- v) Nothing in sub clause (b) of clause (1) shall affect the operations of any existing law, or prevent the State from making any law, only in case that law imposes reasonable restrictions on the exercise of the right in the interest of the sovereignty and integrity of India or public order or morality.
- vi) Nothing in sub clause of clause shall affect the operations of any existing law, or prevent the State from making any law, only in the case that law imposes unreasonable restrictions on the exercise of the right in the interest of the general public or any law.

2. Article 20 of the Constitution:
Protection in respect of
conviction for offences

This article ensures
protection in respect of
conviction for offences.

This article is categorised
into three parts:

i) No person shall be convicted
of any offence, except for
violation of a law in force
at the time of the commission
of the act charged as an
offence.

ii) No person shall be persecuted
and punished for the same
offence more than once.

iii) No person accused of any
offence shall be compelled
to be a witness against
himself. "Compulsion" in this
Article extends to duress
or coercion.

3. Article 21 of the Constitution:
Protection of life and personal
liberty

This Article is related to
protection of life and personal
liberty. Articles 21 of
Constitution includes two rights:

(i) Right to Personal Liberty

The aim of Article 21 is to guarantee
personal liberty to every citizen of
India. "Personal liberty" here
includes all freedoms which are
not included in Article 19.

(ii) Right to life

Right to life
is an important right. It
includes not only physical existence
but right to life with dignity.
It includes right to livelihood,
right to privacy, right to
family, right to benevolence
and rights to education.

4. Article 22 of the Constitution! Protection against arrest and detention in certain cases

- i) No person who is arrested shall be detained in custody without being informed that he shall be denied the right to consult a lawyer.
- ii) Nothing in clauses (i) and (ii) shall apply
 - a. To any person who for the time being is an enemy alien or
 - b. To any person who is arrested or detained under any law providing for preventive detention.
- iii) 44th Amendment Act, 1978 amended this Article and reduced the maximum period for which a person may be detained.

Constitutional Provisions to Right to Equality

Right to equality refers to equality in eyes of law, discarding any unfair treatment on basis of caste, religion, language, gender etc. This right is major foundation of all other rights. Right to equality includes following Articles of constitution of India:

- 1) Article 14: Equality before law and Equal protection of laws.
- 2) Article 15: Prohibition of discrimination on grounds of religion, race, caste etc.
- 3) Article 16: Equality of opportunity in matters of public employment.
- 4) Article 17: Abolition of untouchability.
- 5) Article 18: Abolition of titles.

Right Against Exploitation

Human exploitation is the selfish use of human beings for the satisfaction of personal desires and profitable advantages.

In Indian constitution, any type of exploitation is forbidden. The intention of the constitution is to ensure that whatever a person does must be voluntary. Right against exploitation consists of two articles.

1. Article 23: Prohibition of Traffic in human beings and forced labour

i) Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision.

So, the constitution declares these evils as illegal:

- a) Traffic in human beings: Traffic means selling and buying of human beings for immoral purposes.
- b) Forced labour: Where the workers are forced to render services to master free of charge.
- c) Beggar: Beggar is a form of forced labour.

Government also passed various laws to effectively implement this clause and protect individuals from these inhuman activities:

- a) Minimum Wages Act, 1948.
- b) The Immoral Traffic Act, 1956
- c) Bonded labour Abolition Act, 1976
- d) Equal Remuneration Act, 1976

2. Article 24: Prohibition of employment of children in factories etc.

No child below the age of 14 years shall be employed work in any factory or engaged in any other hazardous employment.

In any environment of poverty, children are often forced to work to earn a living. Employers also find it easy to hire child labour and that too at a cheap price. For

protection of children, the Parliament has also passed the Child Labour Act (1986).

According to this act the employers of child labour would be charged penalties and the affected children would be giving relief.

Various other steps taken by government of India for abolition of child labour were:

i) In 1996, Supreme Court directed government for establishment of Child Labour Rehabilitation Welfare Fund. Every offending employer shall be fined with Rs. 20000 for each child labour employed by him.

ii) In 2005, National / State Commission for Protection of Child Rights and children Court were established for speedy trial of offences against children on of violation of child rights.

iii) In 2006, Government completely banned the employment of children below 14 years in other areas.

Cultural and Educational Rights

India is a diverse country with numerous cultures, sub-cultures, religions, languages, races, castes etc. Indian Constitution effectively aims to protect and provides equal right to all. Cultural and

Educational rights given in Articles 29 and Article 30 ensure that:

Minority

A report prepared by Sub commission on Prevention of Discrimination and the protection of Minorities, describes Minority as:

1. Article 29 of Constitutional Protection of Interests of Minorities

i) Any section of the 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.

ii) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste or any of them.

Provisions of Articles 15(1) and 29(2) are overlapping.

It is only related to gaining admission into educational institutions and getting benefits from State funds like all other citizens.

g. Article 30: Right of minorities to establish and administer educational institutions

It is also known as Charter of Education Rights. The provisions under this Article are as follows:

i) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

ii) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Purpose of Granting Cultural and Educational Rights

- i) India is multicultural nation. So, all the cultures should be treated equal.
- ii) To preserve and to give strength to the integrity of the country.
- iii) To build true spirit of liberty, equality and fraternity through education.
- iv) To ensure that the minority should not feel isolated and separated.
- v) Secular education will open up the minds of people.
- vi) To best serve the interests of the community in general.

Constitutional Provisions to Economic, Political and Social Rights

Economic and Social Rights

Judicially non-enforceable rights in Part-IV of the constitutions are chiefly those of economic and social character. But Article 37 clearly says that these judicial non-enforceability does not weaken the duty of State to apply them in making laws.

These are known as Directive Principles of State Policy.

Following Articles are covered under this:

1) Article 38: State to secure a social order for the promotion of

welfare of the people.

2) Article 39: Certain principles of policy to be followed by the state.

3) Article 39 A: Equal justice and free legal aid.

4) Article 40: Organisation of village Panchayats.

5) Article 41: Right to work to education and to public assistance in certain cases.

6) Article 42: Provision for just and humane conditions of work and maternity relief.

7) Article 43: Living wage for workmen.

8) Article 43 A: Participation of workmen in management of Industries.

9. Article 44: Uniform civil code for the citizens.

10. Article 45: Provision for early childhood care and education to children below the age of six years.

11. Article 48: Organization of agriculture and animal husbandry.

12. Article 48 A: Protection and improvement of environment and safeguarding of forests and wild life.

13. Article 49: Protection of monuments and places and objects of national importance.

14. Article 50: Separation of judiciary from executive.

Political Rights

Political rights are those rights which citizens of a country are given the right to participate in the political life of the country.

India is the largest representative democracy in the world.

Every Indian of 18 years and above age has the right to vote and participate in the formation of government. The elected members of Parliament and State Legislative

Assemblies elect the President. Conduct of elections is governed by the constitution and special law like the

Representation of the People Act, 1951. The constitution provides for an independent Election Commission, which sets an agenda for clean elections and elimination

of criminal - politician
nexus.

Following rights are
included under political
rights:

- 1) Right to vote.
- 2) Right to public offices.
- 3) Right to contest elections.
- 4) Right to petition.
- 5) Right to criticize government.
- 6) Right to residence.
- 7) Right to protection while
staying abroad.
- 8) Right to public meeting.
- 9) Right to form political
parties.
- 10) Right to oppose the
government.

Unit - II

Deprivation of Human Rights: Core Issues

Deprivation

Dictionary meaning of deprivation is, "the damaging lack of material benefits considered to be basic necessities in a society".

Human Rights are the fundamental rights for all. But still some people or groups are deprived of human rights.

Basic Reason of Deprivation

Deprivation is the result of socioeconomic disparity.

Inequalities present in society deprive a number of people from the equal enjoyment of human rights.

The social inequalities lead to the presence of:

- i) Unequal opportunities.
- ii) Unequal rewards.
- iii) Unequal social positions.
- iv) Unequal distribution of resources.

Core Issues: Over Population

Overpopulation occurs when number of living beings exceed the carrying capacity of its habitat. Population policies adopted by nations and population and population growth rate pose challenges (that can exist in a habitat) to human right enjoyment in an effective manner. The population policies adopted by nations have a direct impact on:

- i) Reproductive rights.
- ii) Adequate standard of living
- iii) Right to work.
- iv) Right to health.
- v) Right to social security.
- vi) Right to water.
- vii) Right to education.
- viii) Right to safe environment.

Role of overpopulation in deprivation of various human rights could be elaborated as below:

1. Deprivation of reproductive rights

To control population a number of countries in the world adopt forced family planning methods, which indirectly hampers the rights of women.

2. Effect on Economic Rights

Overpopulation result into more demand.

When demand supply equation is disturbed, prices are affected. More demand in comparison to supply leads to increase in price.

3. Effect on Resources

Overpopulation results into scarcity of resources like:

- a) Food.
- b) Water.
- c) Oil and Gas.
- d) Other fuels.
- e) Forests.

4. Effect on Environment

Due to overpopulation, environment is also degrading. The effects of overpopulation on environment are as follows:

- a) Pollution.
- b) Effect on ozone layer.
- c) Ecological balance.
- d) Global warming.

5. Deprivation of right to adequate living conditions

Every human right has the fundamental right to live a peaceful and healthy life.

But this right is violated due to various overpopulation related problems, such as:

- a) Overcrowding.
- b) Conflicts and wars.
- c) Health.
- d) Cost of living.
- e) Adequate shelter.

6. Affect on other Rights

- a) Right to equalitative life.
- b) Child labour.
- c) Pollution.
- d) Right to health.

Core Issues: Poverty

Another major issue is effective realisation of human rights is poverty. Poverty is defined as:

"Poverty is a human condition characterised by the sustained deprivation of the capability, choices, security and power necessary for the enjoyment of the adequate standard of living and other civil, cultural, economic, political and social rights."

Rights of people living in poverty are threatened by:

- i) Lack of food.
- ii) Risk of diseases.
- iii) Hazardous work.
- iv) Lack of education.
- v) Violence.
- vi) Threat of death.

Constitutive element of poverty

1. Cause

Some say the poverty causes human rights violations. Those who are living in extreme poverty, are not treated as human beings worthy of human rights.

2. Consequence

Some suggest that poverty is a consequence of human rights violations. This means human rights violations cause poverty, e.g. forced eviction from homes on land.

3. Constitutive

Some suggest that poverty is in itself a negation of human dignity and so it is a denial of human rights.

Core Issues: Illiteracy

Meaning

Dictionary meaning of illiteracy is "the inability to read or write."

"Someone who is unable to read or write a simple statement about his or her daily life."

Illiteracy

Complete Functional Illiteracy

a. Complete Illiteracy

It is defined as the lack of the most basic reading and writing skills. Completely illiteracy persons can neither read nor write.

B. Functional Illiteracy

It is the lack of minimum capabilities needed to function in society. It means an individual may have basic reading, writing and numerical skills but cannot apply them to accomplish tasks that are necessary to participate fully in everyday life.

Impact of Illiteracy

Illiteracy limits the full development of individuals and their participation in society. It increases their present and future socioeconomic vulnerability. It also has repercussions throughout life, affecting a person's life, family environment, restricting access to the benefits of development.

The affects of Illiteracy are mentioned below:

1. Illiteracy and Education Rights

Illiterate persons have very less awareness of their fundamental rights and duties. So, they may tend to accept inferior, low quality employment contract. This could make them deprived from right to job security.

2. Illiteracy and Economic Rights

Illiteracy significantly affects individual's income. Illiterate people are not able to find a good job for them. Also, the kind of job they get, have low salaries or wages.

They are not able to avoid or reduce poverty.

3. Illiteracy and Health Rights

According to UNESCO, Illiteracy creates unawareness regarding knowledge and practices for self-care. Due to this reason, their personal and household health, hygiene are highly affected. This could be described as below:

a. Household Health

Illiterate persons are more likely to adopt inadequate nutritional and hygiene practices in their houses. They don't possess skills, and knowledge to follow better health practices. So, they become deprived of right to health.

Occupational Health

Illiteracy also results into high occupational accident rate. As illiterates do not understand written instructions of machinery, they are at a greater risk.

4. Illiteracy and Social Rights

In term of social and cultural rights, illiterate persons are often denied the social recognition they deserve. They suffer from low self-esteem, less autonomy and low status in the society. This makes them deprived of right to life with dignity.

Core Issues: Unsustainable Development

Meaning

unsustainable development occurs when present progress is at the expense of future generations. A fair example, irresponsible planning and environmental degradation through exploitation of resources generate waste and pollution that damages ecosystems.

Causes of unsustainable Development

- 1) Population Growth,
- 2) Vaste Production.
- 3) Consumerism.
- 4) Policy failures.

- 5) High Profit Orientation.
6) Lack of sustainable urban planning.

Human Rights and Unsustainable Development

People face non enjoyment of various human rights due to unsustainable development. Right to life, right to health, right to equal opportunity etc. Human rights were integrated with sustainable development, as the idea behind its implementation was to provide;

- i) Good quality of life.
- ii) Atmosphere of education.
- iii) Secured employment.
- iv) Adequate wages.
- v) Health and Sanitation
- vi) Good working conditions.

Disadvantaged Groups: children

"All children have rights and those rights must be protected".

— Novak Djokovic

Introduction

Among the various disadvantaged groups, children are another major category, whose rights are exploited by the society. A child have a number of basic rights like, right to life, right to nourishment and basic health etc.

Poverty is the major reason for exploitation of rights of millions of children. As per the data of UNICEF,

- i) Around 10 million children of age below 5 years die every year due to poor

Medical care.

- ii) Around 100 millions children, do not go to school.
- iii) Around 150 millions childrens are unweighth due to lack of nutritious food.

So, it is the duty of family, society and nation to play supportive role in the protection and promotion of the rights of children.

Rights of children: Indian Scenario

The constitution of India has implemented various provision to provide various rights of children. The major provisions are as under

1. Common Rights

Some articles provides rights to all citizens of the Country. It recognizes the equal rights to everyone. It prohibits untouchability in any manner. It guarantee free life and liberty.

2. Special Rights for Children

Some rights are only for childrens. It provides for free and compulsory education to all childrens in the age group of six to fourteen years.

3. Directive Principles of State

Directive Principles direct the state to make necessary policies and legal enactments for protection of rights.

Deprivation of Rights of children

Following are few issues that deprive a child from his/her basic human rights:

1. Deprivation of Right to Education

Education, which is believed to be the basic right of every child in the world, has been denied in most parts of India.

2. Child Labour

India is sadly the home to the largest number of child labourers in the world. Poverty, lack of social security, administrative system, are the main causes of child labour.

3. Child Trafficking

It is one of the major issues which children are facing and it leads to their mental and physical harassment.

4. Child Marriage

According to UNICEF child marriage is defined as a marriage before 18 years of age and is considered as a violation of human rights.

5. Children without Parent

Children are at a high risk of abuse, exploitation and neglect. Generally, such children are brought up by various institutions.

Disadvantaged Groups: Scheduled Caste and Scheduled Tribes

Introduction

Traditional Indian Society had complex systems of division of population on basis of caste. A hierarchy was formed for different castes. The discrimination was visible in the behaviour of different caste groups. According to (right) Article 342 of the Constitution, the Scheduled Tribes are such tribe or tribes communities, or groups within these rights as have been declared as such by the President through a public notification for each state.

Deprivation of Rights of Scheduled Castes

Problems of the Scheduled Caste are as follows:

1. Untouchability and other crimes

Untouchability has been the major crime practiced for generations against the lower castes.

2. Landlessness

Along with untouchability comes another issue of landlessness. They are denied access to landholdings and so all attempts made to undermine poverty are defeated in long run.

3. Economic Exploitation

Another major issue that the people of the section of society face

is: economic exploitation.

They are exploited economically on account of illiteracy, landlessness and poverty.

4. Police Atrocities

The police have the responsibility to protect all the people without any discrimination. But the police do not protect the Scheduled Castes and Scheduled Tribes.

5. Discrimination

These people are highly discriminate by the main stream of the society. Studies show that they are denied:

- i) Equal Wages.
- ii) To Share food.
- iii) Barren services.

Disadvantaged Groups: Homeless and Slum Dwellers

Article 25(1) of Universal Declaration of Human Rights 1948 states that, "Everyone has the right to a standard of living adequate for the health and well being of himself, and his family, including food, clothing, housing, medical care etc."

Right to housing means the right to live in adequate shelter in security, peace, and dignity. It doesn't stand for merely having a roof over one's head. It requires:

- i) An accessible liveable place.
- ii) Personal space and security.
- iii) At a reasonable cost.
- iv) Adequate lighting.

Meaning of Homeless

An individual who lacks a fixed, regular and adequate night time residence is known as homeless or an individual who has a primary night time residence that is: A public or private place no designed for, sleeping accommodation for human beings.

Factors Responsible for Homelessness

'Homelessness' covers a broad range of people and circumstances. Factors responsible for homelessness are as follows:

- 1) Poverty.
- 2) Drug Addiction.
- 3) Vah.
- 4) Unemployment.
- 5) Divorce.

Meaning of Slum Dwellers

Slum Dweller is a person who live in a Slum. According to UN - HABITAT a slum is a run-down area of a city characterised by substandard housing and squalor and lacking in tenure security.

Main features of a Slum area are as under:

- i) High rate of poverty.
- ii) High incidence of unemployment.
- iii) Huge extend of urban decay.
- iv) High rates of mental illness.
- v) Low level of economic status of its residents.
- vi) Lack of drinking water.
- vii) Lack of basic healthcare.

Rights of Homeless and Slum Dwellers

The constitutional provisions that have a bearing on the right to adequate housing are as under:

2. Fundamental Rights
Article 21: This article safeguards against wrongful evictions and deprivation of shelter.
Article 19: It talks of the freedom of residence anywhere in India.

2. Policy And Acts

National Housing and Habitat Policy, 1998: This policy addresses the need for housing for various categories of persons, including SCs/STs, women and the disabled and also for various situations.

Physically and Mentally Handicapped

Introduction

Physically and Mentally Handicap persons are called as 'Disabled'. Disability is a physical or mental situation, that limits a person's movements, senses or activities. Disability is a broad term and a complex phenomenon.

Laws Relating to Disabled

- i) The Indian Lunacy Act, 1912.
- ii) The Lepers Act, 1899.
- iii) Persons with disabilities Act, 1995.
- iv) National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

Refugee and Internally Displaced Persons

Refugee

Refugee means, person who migrate home country to another country to seek temporary shelter, due to adverse events such as famine, food security, maltreatment, religious intolerance or any other reasons. Such persons are not able to exercise all the human rights.

Internally Displaced Persons

People who are forced to leave their homes and place of residence due to adverse events that takes place in their habitual dwelling are internally displaced persons.

Protection of Refugees and Internally Displaced Persons

Refugees cross international borders, so they are protected by international humanitarian law and international human rights law, in case state exist compulsion to act and reduce their suffering. But in case of IDPs they have to rely on the protection of the state. Internal displacement is conceived as a domestic issue.

Unit - 11

Violation of Human Rights

Meaning of violation

Dictionary meaning of violation is the act of doing something that is not allowed by a law or rule. The act of showing disrespect for something.

Forms

Violation of Human Rights could occur in many ways. These are mentioned below:

- 1) Discrimination.
- 2) Exploitation.
- 3) Deprivation.
- 4) Neglect.
- 5) Violence.

Violation of Human Rights by state

It is the responsibility of State to enforce democratic rights of an individual. According to the Constitution, the state is meant to respect the law and provide basic rights and liberties to people.

1. Repressive ~~eviction~~ nature of state and its coercive machinery

Many time government take various coercive steps in the name of development. Such activities violate the rights of citizen. Some of such activities are mentioned below:

- 1) Forced eviction and displacement programmes for Urban.

- 2) Deliberately skewed allocation of resources.
- 3) Elite capture of state resources.
- 4) Unequal impact of macroeconomic policies.
- 5) Unfair International Trade rules.

2. Role of Armed and Paramilitary Forces

Various human rights have been violated by Indian security forces while fighting against terrorism. Armed forces are also facilitated with Armed Forces Act, which confer vast powers on them to be deployed in disturbed areas. According to APSPFA, armed forces have following powers:

- a) To enter and search any premises in order to make such arrest.

b) This act gives legal immunity to the Armed Forces.

Various cases of misuse and human rights violation have been reported by various human rights organisations in the context. It is evident in the following points:

i) Civilian killing in Firing.

ii) Torture and Custodial killing.

iii) Disappearances.

iv) Rapes.

3. Preventive Detention law

Preventive detention law is defined as, "an abnormal measure whereby the executive is authorized to impose restrictions upon the liberty of a man who

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 who may not have committed a crime but when it is apprehended, is about to commit acts that are prejudicial to public safety." It means detention is done before the crime has been committed and only on basis of suspicions in mind of the executive authority without trial and without conviction by the court.

4. Corruption

The dictionary meaning of corruption is, "Dishonest or fraudulent conduct by those in power, typically involving bribery." Corruption includes deliberate diversion of government revenues into private pockets, or rather

than expenditure on public priorities. This violates government's duty to fulfil economic, social and cultural rights of its citizens. Corruption leads to fulfill economic rights. Corruption leads to less investment in human development and leave people in a state of poverty suffering deprivations in relation to health, education, housing and food.

5. Police Atrocities

Continued police brutality and torture shown that the custodian of law have themselves become law breakers. Repressive measures and policy atrocities have led to violation of basic human rights.

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Various types of atrocities of policy are mentioned below:

- i) Encounter Deaths.
- ii) Custodial Conditions.
- iii) Torture Deaths.

6. Failure of Government Systems

Various human rights are violated due to failure of government systems to fulfil their duties. These could be:

- i) Failure to ensure minimum wages sufficient for a decent living.
- ii) Failure to prevent starvation.
- iii) Failure to provide equal status to minority.

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Violation of Human Rights by Individuals and Groups

1. Violations by Corporations

Sometimes private organizations also play a major role in violation of rights of individuals in society. It may include:

- i) Destruction of livelihoods of people by use of capital intensive techniques.
- ii) Poor working conditions for workers.
- iii) Lower wages.

2. Violation by Other groups or individuals.

Violation of human rights by other groups or individuals may take various forms.

These are discussed below:

a) Abuse: abuse means improper usage of an individual to achieve undue and unfair benefit.

b) Homicide:

Homicide occurs when a person purposely, knowingly, recklessly cause of death of another.

c) Discrimination:

Discrimination of any kind by some group or individuals on any basis: gender, race, religious, castes etc. is violation of right to equality.

d) Extrajudicial killing:

Any type of killing, other than ordered by the judiciary system.

is illegal. E.g. Honour killing is very much prevalent in many of Indian villages.

e) Forced Marriage:

When parents or any other person forcefully tries to tie a knot of marriage without the wish of then other person, it is completely violation of freedom of an individual.

f) Child Marriage:

The right of children are violated in the age, when they are not even aware about the meaning of marriage.

g) Dowry Death:

In India, today also, there are families who kill their wives or daughters in law for dowry.

Nuclear Weapons and Terrorism

Introduction

Since the automatic attacks on Hiroshima and Nagasaki in 1945, people live in a great threat or risk of nuclear war. Global need for peace and order was felt at that time, which led to the formation of United Nations as an International organization to serve as a central authority and common platform to resolve international conflicts peacefully.

Nuclear Weapons

Nuclear weapons is an explosive device that derives the destructive

force from nuclear reactions. Nuclear weapons are known as Weapons of Mass Destruction. Nuclear weapons includes atom bombs, hydrogen bombs, fission bombs etc. Use of Nuclear weapons has been a database issue at various international weapons.

Nuclear Weapons and Human Rights

The linkage between Nuclear Weapons on WMDs and Human rights can be demonstrated by following points:

- i) This incompatibility of the right to peace and the right to life with the existence of WMD.
- ii) The fear produced by the thought of WMD, in the evening hours.

The impact of nuclear weapons or WMD's on various human rights could be represented in below mentioned points:

a) Impact on Right to Peace

Initially, the right to peace such was not found in Universal Declaration of Human Rights or in any of the conventions that evolved from it.

b) Impact on Right to Life

Article 6(1) of the International Covenant on Civil and Political Rights says that:

'Every human being has the inherent right to life. This right shall be protected by law.'

c) Impact on Civil and Political Rights

Fear of nuclear weapons produce a climate in which governments are increasingly prone to enact 'Emergency Measures'. These Emergency Measures infringe civil and political liberties. Some of the human rights issues related to this are: torture and degraded treatment.

d) Impact on Social and Economic Rights

Various studies conducted to calculate the cost of nuclear weapon programs have concluded that countries are spending very huge amount of money on these WMD's.

Terrorism

"A strategy of using violence against non-combatants to generate fear, cause disruption, and unlimited to bring about compliance with specific political, religious, ideological and personal demands." The dictionary meaning of "Terrorism is..." The unofficial use of violence and intimidation in the pursuit of political aims. It is an unlawful violent act used to fulfil objectives of religious, political and personal.

Features of Terrorism

- 1) Violence.
- 2) Psychological impact on fear.
- 3) Target on non-combatants.

Impact of Terrorism on Human Rights

Terrorism result into destruction of human Rights, democracy and the rule of law. It attacks the values that lie at the heart of the charter of the United Nations and other international instruments. These are:

- i) Respect for Human Rights.
- ii) The rule of law.
- iii) Rules governing armed conflict.
- iv) Protection of civilians.
- v) Tolerance among peoples and nations.

Government Systems for Redressal: Judiciary

Judiciary

Provisions under right to Constitutional Remedies of Constitution of India says that those whose rights have been violated have right to approach High Court and Supreme Court for Judiciary inactivation, Redressal and enforcement of Fundamental Rights. Court are empowered to issue appropriate directions on orders on writs.

Measures of Supreme Court to Promote Access to Justice

- 1) Loosening of Traditional Rules.
- 2) Relaxing Procedural Rules.

National Human Rights Commission

National Human Rights Commission was constituted in October 1993. It is complete autonomous body.

Composition

The Commission consists of:

1. Chairperson

It should be one who has been a Chief Justice of the Supreme Court.

2. Secretary General

One who is of rank of the Secretary to the Government of India. He would function as CEO of the Commission.

Members

- i) one who is or has been a Judge of the Supreme Court.
- ii) one who is or has been the Chief Justice of a High Court.
- iii) Two members to be appointed from amongst persons having knowledge or practical experiences in matters relating to human rights.

Functions of Commission

- 1) Inquiry.
- 2) Intervention.
- 3) Visit.
- 4) Review.
- 5) Research.
- 6) Awareness Building.
- 7) Support.

Other Statutory Commissions

A. State Human Rights Commission

The Act provides for establishment of State Human Rights Commission by the respective State Government. The main features of State Human Rights Commission are as under:

- a) Composition.
- b) Appointment.
- c) Tenure.
- d) Functions.

B. National Commission for Minorities

Central Government set up National Commission for Minorities under the National Commission for Minorities Act, 1992. Six communities were declared as minority communities in India.

Powers of NCM

- i) Summoning and examining any person on oath.
- ii) Ask for discovery, presentation of any document
- iii) Receiving evidence on affidavit.

3. National Commission for Scheduled Caste (NCSC)

At the time of Independence, some communities in India were suffering from extreme social & economic backwardness. They needed special consideration for protection of their interests.

Functions

- i) Investigation.
- ii) Evaluation.
- iii) Planning.

Media Advocacy, Creation of Human Rights Literacy and Awareness

Introduction

Human Rights are universal in nature. The aim of all International and National human rights provisions and laws is to promote and protect rights of individuals guaranteed under law. The primary aim of these advocacy groups is to help the victims of violation of human rights by sharing their miseries and fighting with the agencies of State with them and 'for' them.

Media Advocacy

The dictionary meaning of 'Media' is "Medium of mass communication."

It is a broad term and includes:

- i) Print Media: Newspapers, Magazines.
- ii) Audio Broadcasting: Radio.

Functions / Role of Media

Medium is a powerful medium and can play following roles in the society.

- i) It could give publicity to cases of violations of human rights.
- ii) It can educate people.
- iii) It can suggest the ways and means to address the violations.
- iv) It has the ability to assemble people and bring the victims and perpetrators to justice.

- v) It plays an enormous role in guiding the state and public in the realization of human rights.
- vi) It help in expression and dissemination of news.

Creation of Human Rights Literacy and Awareness

Realization of human rights depends upon complete information and continued demand by people for their protection. Human rights literacy and awareness programmes educate individuals and encourage them to defend their own rights and others' rights as well. In India, various steps to promote Human Rights literacy and awareness have been taken by the government.

By the efforts of Government and NHRC following results were achieved in creating human right literacy.

1. Human Rights Education in Schools

i) It announced 10 December as Human Rights Day in all schools across the country every year.

ii) It published a Handbook "Discrimination Based on Caste, Religion and Disability" for sensitizing teachers.

2. Human Rights Education in Universities

i) Working groups was set up to coordinate and monitor matters relating to human rights education at the university level.

ii) Identify need for basic courses for students of all disciplines.

3. Publications, Films and Website

i) It publishes a monthly newsletter in English and Hindi.

ii) It has published Annual Journal and Annual Reports in English and Hindi and a year calendar.

4. Human Right Education for Policy and Security Forces

i) National Police Academy of the country has includes 'Human Rights' in its curriculum.

ii) Human Rights education is also included in training courses for para-military and armed forces at the request of NHRC.

Unit - IV

Education

Education is a systematic process by which an individual acquires knowledge, experience, skills and attitude.

Aims of Education

According to Secondary Education Commission (1953), the main aims of education are:

- Improvement of vocational efficiency.
- Development of personality.
- Education for leadership.

We can also summarise the chief aims of education as following:

1. Individual Aims

- Gaining knowledge.

- Understanding of various concepts.

- Application of the knowledge gained.

- Development of various skills.

- Interest and aptitude building.

- Development of right development.

- Character Building.

2. Social Aims

Social aims of education is to develop better members of the society irrespective of their socio-economic status.

3. Vocational Aims

Aim of education should be to develop the individuals in such a way that they can earn their livelihood and lead a productive life.

4. Cultural Aims

- Develop cultured and civilized individuals.
- Development of aesthetic sense.
- Development of respect for the culture.

5. Moral Aims

Education should inculcate moral values of honesty, justice, truthfulness, loyalty and brotherhood.

6. Spiritual Aims

Ultimate goal or aim of education is development of human values, attitude and habits which are essential for building a desirable character.

Value Education

"Education without vision is a waste, education without value is a crime, education without mission is life burden."

Aims of Value Education

Following are the aims of value education:

- Developing social, moral and spiritual virtues.
- Strengthening self concept of students.
- Developing integrated and healthy personality.
- Helping students in prioritizing their values.
- Enabling students to analyze traditional and modern values.
- Developing respect for other religions in them.

Evolution of Value Oriented Education

Concept of 'Value Oriented Education' was sponsored by National Education Policy of 1986. But the roots of value oriented education lies in the history of Indian cultural.

Stages of Indian Cultural

1. Vedic Age (4000 BC - 1000 BC)

In ancient India education was imparted free through Gurukul, Gurus were expected to devote their lives to the cause of education. Teachers were the highly honored class in the society. Gurus were having full autonomy in their working.

Gurus were having full autonomy in their working. Sanskrit was the language used in education system.

2. Buddhist Period (600 BC to 1000 AD)

Varnashrama Dharma of Vedic period became responsible for destruction of society. It refers to the duties performed according to the

system of four Varnas and four ashrams. Brahmins began to dominate and common man became deprived of knowledge. In such circumstance a new religion came into existence and that was

Buddhism - propounded by Gautam Buddha. He was an ethical teacher and reformer. Buddhist education system was based on his teaching.

3. Medieval Period (1200 AD to 1800 AD)

Muslim System of Education

Muslim period was dominated by Muslim religion. Mohammed Pargambers was the founder of muslim religion. 'Quran' was their holy book, which established moral and religious education during that period.

Hindu Education System

In the period of Akbar, Hindu education was also given importance. Quran was taught in muslim schools and Ramayana and Mahabharata were taught in hindu schools. It was a primary religious oriented education.

4. British Period (1800 to 1947 AD)

Initially, Britishers showed no interest in advancement of education system in India. Later on, christian, Missionaries started schools.

Concept of Human Values

Term 'Value' was first used in economics, which meant measure of benefit. Anything that satisfies a human need becomes a thing of value. The two main elements in the definition of value were:

- i) Satisfaction.
- ii) Desirability.

Later on, it was spread to many other disciplines.

Types of Values

There are various classification of values given by different philosophers and psychologists. These are discussed as follows;

1. Instrumental values Vs.

Intrinsic values

a. Instrumental values

Values which are not desired for its own sake. These are not end in itself.

b. Intrinsic values

Values which are desired for its own sake. These are end in itself.

2. Indian Traditional values Classification

It consist of four types

of values:

- 1) Artha.
- 2) Kaama.
- 3) Dharma.
- 4) Moksha.

3. Values According to Constitution of India

Opening words of Preamble of India Constitution very valuable. On the basis of this, values can be classified into following three categories.

- 1) Democratic Values.
- 2) Socialistic Values.
- 3) Secular Values.

4. Modern Classification of values

- a) Primary Values.
- b) Pleasure values.
- c) Aesthetic values.
- d) Economic values.

c) Personal values.

d) Family values.

e) Social values.

f) Power values.

g) Intellectual values.

h) Religious values.

i) Moral values.

j) Spiritual values.

Components of Value Education

1. Character Education

It is a very important component of a value education. It helps an individual to become good mannered, well-behaved and socially acceptable well beings.

2. Health Education

This type of education is designed for individuals to gain knowledge and

skills to maintain ones as another person's health.

3. Environmental Education

This education enables individuals to explore environmental issues and take essential measures to solve them. It helps them to take responsible decisions to maintain environmental quality.

Character Formation toward Positive Personality

Character is like a tree and reputation is like its shadow. The shadow is what we think of it, the tree is the real thing.

— Abraham Lincoln

Character Formation

Every single action in life, whether important or not, plays an important role in forming the character of an individual. **Aristotle** claims that character develops over time as one acquires habits from parents and community, first through reward and punishment.

Positive Traits for Character Development

There are a number of positive traits which help in development of a positive character. But the main or foundation character traits are discussed below:

Truthfulness
Sincerity
Altruism
Sacrifice
Self Control
Tolerance
Scientific
Vision

1. Truthfulness

Truthfulness is the first character education. It is defined as quality of presenting facts to the best of our knowledge. The dictionary meaning of truthfulness is "the fact of being true".

2. Sacrifice

Sacrifice means giving up something valued for the sake of other's consideration. The people, who are having the trait of sacrifice, has an adjective in mind and that is serving others. Individuals with the sacrificing personality are very generous. They help others even without beings asked.

3. Sincerity

Dictionary meaning of Sincerity is "freedom from deceit, hypocrisy, honesty in intention or in communicating, earnestness".

Characteristics of 'Sincere' are:

- i) Say what they mean.
- ii) Mean what they say.
- iii) Practice what they preach.
- iv) Self-less motives.
- v) Honest approach.

4. Self Control

Self-control is:

- i) Controlling what you think.
- ii) Controlling what you feel.
- iii) Controlling how you feel and behave.

5. Altruism

Altruism is the trait of an individual which makes him to promote others' welfare, even at a risk or cost to himself. Some researchers believe that humans are basically selfish. Research suggests that practicing altruism enhances our personal well-being and physically health.

- i) It is good for our health.
- ii) It is helpful in better learning.
- iii) It helps in relieving stress.

6. Tolerance

Tolerance is defined as

"Accepting others' differences, accepting others for who they are."

This means tolerance is an attitude of openness and respect for differences that exist among people. Importance of 'Tolerance':

- i) Key to maintaining social relations.
- ii) Key to success in life.
- iii) Leads to learning from others.
- iv) Preserve differences among people.

7 Scientific Vision

Scientific vision means the ability of an individual to find scientific reasons of a problem. It is a logical thinking process. Steps involving in it:

- i) Asking Questions.
- ii) Hypothesis Formulation.
- iii) Hypothesis testing.
- iv) Data Interpretation.

National Integration

Integration word is derived from French word 'intégrite', an Latin word 'integer', which means 'integral and integrate' respectively. Dictionary meaning of 'integration' is:

The state of being whole and undivided or upholding territorial integrity and national sovereignty.

Features or Nature of National Integration

Essential features of national integration are:

1. Democratic Government.
2. Social harmony.
3. Social Justice.
4. Secularism.
5. Economic prosperity.
6. Feeling of unity.
7. Value system.

International Understanding

International understanding means acceptance of rights of all nations for an honourable existence; eliminating fear of war, ignorance and prejudices and understanding the value of co-operation and peace.

Need for Developing International Understanding

- i) To develop a sense of 'World Citizenship'.
- ii) To prevent wars between nations and establishing peace.
- iii) To prevent human exploitation.
- iv) To prevent healthy competition.
- v) To promote co-operation and independence of people and nations.

- vi) To remove barriers of caste, creed, colour.
- vii) To promote respect for all individuals and cultures.
- viii) To prevent narrow and self centered nationalistic ideas.
- (ix) To safeguard the national interests.
- x) To prevent discrimination and isolation.