

UNIT -1: INTRODUCTION TO HUMAN RIGHTS

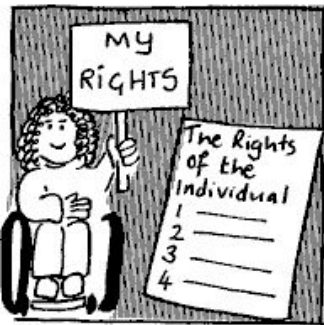
1.1 Introduction

We are human beings. What does it mean to be a human being? How are human beings different from the other living beings?

In terms of life sciences humans are primates of the family of homo-sapiens wherein they belong to the genus, homo and species, sapiens.

In history, human beings have been described as civilized living beings capable of communicating with the help of language and those who started the system of living in an organized society.

In political science, human beings have been defined as those social or political living beings who developed the system through which a human society would function in an organized and lawful manner.



Human beings are the most evolved and therefore the most complex among the living organisms on the earth. We are known to be social beings and cannot live without society. Peaceful coexistence

is the basis of our life and thus it is important to have respect as well as protect the life of each other.

What is special about being human? As humans, we can think and articulate thoughts, we also have a sense of right and wrong, which is our conscience. Human beings may be different in colour, gender, caste, size and even shape but we are still human and have the same basic human rights.

1.2 What do Rights mean?

Rights are those claims and demands of an individual or group of individuals to good life which are accepted by the community or society as essential for the common good and recognized by the State. In other words rights are also those essential factors without which human life cannot sustain.

Developing Human Rights for a new island

Imagine yourself to be on an island that has all the basic requirements to sustain human life. No one has ever lived there. There are no laws, no rules, and no history. Being the first settlers here n you and your group have been assigned to develop the bill of rights for the island. You are not aware of the position you will hold on this island.

Give this new island a name. Decide on ten rights that the whole group can agree upon and list them on the chart paper.

1.3 What are Human Rights?

Human rights, as the term is most commonly used, are basic entitlements bestowed upon each and every human being by virtue of birth. The underlying idea of such rights is to ensure that all men, women and children are treated with respect and dignity. For example, as human beings, it is our birthright that all of us should be given equal treatment and should not be discriminated on any account due to differences of religion, caste, class, colour, gender or anything else either by the State or the community or for that matter the family. This is because each person is special with their own individual talents and abilities and none are inferior or superior to each other. Likewise, it is our birthright to have access to opportunities, whereby we can develop to our fullest potential and achieve all that we aspire to become. These rights include the right to life, freedom and justice. These rights guarantee our dignity as human beings. It is precisely for these reasons that human rights are sometimes called 'natural rights'.



1.4 Nature of Human Rights

The fact that nobody gives us these rights nor can any one take away these rights from us, human rights are said to be 'inalienable'. Human rights are also recognized as being 'universal, interrelated and indivisible'. This means that they belong to everyone irrespective of one's religion, community, caste, class, gender, and age, social or economic status. Furthermore, respect for civil and political rights cannot be divorced from economic, social and cultural rights. In other words, economic and social development cannot be achieved without the political freedom to participate in that process, including the freedom to dissent. The nature and characteristics of Human Rights can be further understood as under:

Let's Contemplate

One day Rohit, a ten years old boy was playing in the field. Another twelve years old boy Prakash, was watching him from the balcony. He could not resist and found himself running towards the ground to play. Rohit and his friends refused to play with him because he was a servant in Rohit's house. So Prakash sat in the corner and played by himself. Later when he returned back home, Rohit was immediately given a glass of milk by his mother whereas Prakash was scolded for not doing the house hold chores on time.

How often have you come across such a scene where a person is deprived of the dignity and the care that each human being has a right to? Such a right, which is basic to a human existence, is a human right.

1. Human Rights are Essential and Necessary

In the absence of human rights, the ethical, natural, societal and spiritual welfare of an individual is impossible. Human rights are also indispensable as they provide a conducive environment to augment the physical and moral life of society.

2. Human Rights Support and Advocate Human Dignity

To treat others with dignity irrespective of whether that person is a male or female, rich or poor etc. is the basic concern of human dignity. For eg. In 1993, India had enacted a law that forbade the practice of an individual carrying human excreta. This law is called 'Employment of Manual Scavengers and Dry Latrines (Prohibition) Act.' However this practice is still prevalent in some parts of the country.

3. Human Rights are Universal

No one class of people however privileged they may be, have monopoly over human rights. They are essentially universal without consideration and without exception. The values such as divinity, dignity and equality which form the basis of these rights are inherent in human nature.

4. Human Rights are Inalienable

'Inalienable' means unable to be taken away. When we say human rights are inalienable we are saying that the rights are inherent in us and we cannot give it away or renounce it. For example if an individual gives, even in writing, telling the police that he should be arrested for a crime that he had committed and locked up without a trial. It cannot be considered a valid statement. This would be a violation of his/her basic human right of life and personal liberty i.e. Article 21 of Indian Constitution. These rights should be the same for individuals irrespective of their caste, creed, religion, sex and nationality. As a matter of fact human rights are conferred on an individual even after his death. The various rituals in different religions bear testimony to this fact.

5. Human Rights are Dynamic

Human rights are ever changing, constantly dependent on the change in the political, economic, social or environmental structures of the State. For example the right to be cared for in time of sickness has now been stretched to include free medical treatment in public hospitals under

Let's Contemplate

a) The right to a clean environment has recently become the concern of many countries Does this concern suggest that human rights are dynamic? Think of some other issues that reflect the dynamic nature of human rights.

b) The main theme of George Orwell's novel the Animal Farm is the corruption of absolute power. It is a story of a group of barnyard animals. These animals revolted against the atrocities of their human masters in an attempt to create a utopian state. Does this story reflect on the fact that human rights limit the state power? Find out more stories where fight for human rights limited state powers.

different schemes of the Government of India. Free medical examination in schools and also especially equipped schools for the physically handicapped have been included.

6. Human Rights are Essential for Gratification of Aspirations

Every human life has a purpose. The term 'human right' is applied to those conditions which are essential for the fulfillment of this purpose. No government has the power to curtail or take away the rights which are sacrosanct, inviolable and immutable.

7. Human Rights are Never Absolute

Man lives in a society which invariably establishes some limitations on the enjoyment of rights and freedoms. Human rights are those restricted privileges or prerogatives, which subscribe to the common good. These are acknowledged and attested by the state through its legislation. Each of these rights comes with restrictions.

8. Human Rights Restrains State Power

Human rights imply that all citizens have rightful demands upon his or her society for certain freedoms and assistance. Thus we could say that human rights limit the State's power. These may be in the form of restrictions on the powers of the State from violating the inalienable freedoms of the individuals, or it may be in the obligations of the State to not interfere in the citizen's personal life in as far as the six freedoms mentioned in the Right to freedom in the Indian Constitution. i.e. Article 19

1.5 The need for a charter of Human Rights

Human Rights cannot be different for different individuals, states, and countries. Thus a charter of Human Rights applicable for all and accepted by everyone is needed to:

1. assure equal human rights for all human beings.
2. promote the idea of peaceful coexistence within the country and among various countries of the world.
3. protect and acknowledge rights.
4. encourage the Government to make policies and laws for fulfillment of human rights.
5. establish a peaceful environment for the development of human life and harmonious existence of all mankind.
6. promote human right & above all national or international politics and discretionary government decisions.
7. inculcate the values of respect for human rights, amongst the victorious nations of wars so as to focus on environmental issues.

Historical Perspective

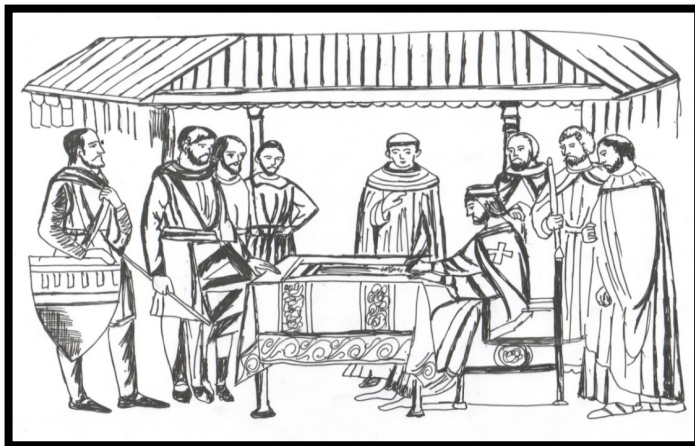
2.1 Human Rights and its Antecedents

Deliberations on these ideas can be recorded back to the ancient civilization of Babylon, China and India. Human rights influenced the laws of Greek and Roman society and were central to Buddhism, Christianity, Confucianism, Hinduism, Islam and Judaism. The notion of moral code, equitableness, righteousness and self-respect were also crucial even in those communities who have not left written records but the thoughts have been handed down the generations through oral histories. Thus we can say that human rights are not a recent invention.

The Magna Carta (1215) was a British document that was an agreement stating that the sovereign or king had to consult with the lords or barons of the kingdom in establishing certain public policies. This was very important for the development of a constitutional or limited government, but it was not a legitimate human rights documents. The Magna Carta is acknowledged to be the originating document which influenced the drafting of the English Liberties and American Liberties



The first official document of human rights was signed by King John on June 15, 1215. It was called the 'Articles of the Barons' The barons then renewed the 'Oath of Fealty of King John'



at Runnymede on June 19, 1215. Subsequently, the Royal Chancery produced a royal grant, based on the agreements reached at Runnymede which came to be known as Magna Carta. Archbishop Stephen Langton and the authoritarian Barons of England delineated the details of the Magna Carta. Copies of the Magna Carta were distributed to bishops, sheriffs and other important people throughout England.

Human Rights are primarily ethical in nature. The reality of human rights is an approach or belief. It all depends on the circumstances and condition of human society. It was after World War II that

the phrase 'human rights' and the notion of a person being entitled to rights that would be inalienable and basic in nature found expression.

Thomas Hobbes (1588-1679), John Locke (1632-1704) and Jean-Jacques Rousseau (1712-1778) are the three main thinkers who developed the Natural Rights theory.

John Locke



Born 29 August 1632
Wrighton, Somerset, England

Died 28 October 1704 (aged 72)
Essex, England

Nationality English

Era 17th-century philosophy
(Modern philosophy)

Region Western Philosophy

School British Empiricism, Social Contract, Natural Law

Main interests Metaphysics, epistemology, political philosophy, philosophy of mind, education, economics

Thomas Hobbes was the first champion of the theory of 'natural rights'. In his celebrated book, 'Leviathan', he advocated that no individual could ever be deprived of the right to life. He asserted that all human beings were equal, without any consideration.

The philosophical idea of human rights has its roots in what is known as the European Enlightenment movement that took place in the 18th century in western Europe. 'Enlightenment' thinkers developed the idea of the right of man. Of course, an idea alone was not enough to establish human rights in the world. Even after the Enlightenment, in the 19th century, citizens of the United States enslaved Africans and massacred Native Americans.

One of the first and most important of these Enlightenment thinkers was the **English philosopher John Locke**. Locke was part of the Early Enlightenment. Most of his writings were published in the late 1600s. He was among the first to advocate the view that people have natural rights simply because they are human beings, and that their natural rights should be protected by the government. Locke's most important piece of political philosophy is his Second Treatise of Civil Government. In his first creative, Locke explicitly refuted the idea that kings ruled according to divine right (from God) and argued that human beings had natural rights upon which the government could not infringe.

A significant development in human rights took place in the 18th century, during a time of revolution and emerging national identities.

Rousseau is regarded to be the greatest master of the natural law school. In his celebrated book, 'The Social Contract', Rousseau states that "All men are born free but everywhere they are in chains". Rousseau proclaimed that men are bestowed with inalienable rights of liberty, equality and fraternity. These concepts became the basis for the French Declaration of the Rights of Man and of the Citizen.

Paine an American revolutionary thinker developed the doctrine of natural rights without linking it to the social contract theory. He held that rights were natural, because they were bestowed upon man by God himself. These rights existed, independent of the legal code of any country.

The American Declaration of Independence (1776) was based on the understanding that certain rights, such as 'life, liberty and the pursuit of happiness', were essential for all people.



Let's Contemplate

Cyrus the Great, was the first king of ancient Persia (today's Iran). In 539 B.C, after conquering the city of Babylon, he freed the slaves, gave freedom of religion to his subjects and established racial equality. These and other decrees issued by him were recorded on a baked-clay cylinder. (The language used was the Akkadian and the script cuneiform.) .

This decree issued by him is known as the Cyrus Cylinder. It has now been recognized as the world's first charter of human rights. It is translated into all six official languages of the United Nations and its provisions have been incorporated in the first four articles of the Universal Declaration of Human Rights.

Do you think that certain incidents of history have become the source of human rights in the modern world? Think of some more incidents that have changed the course of the human right movement.

The French Declaration of the Rights of Man and Citizen (1789) challenged the sovereignty of the aristocracy and recognized the 'liberty, equality and fraternity' of individuals. These values were echoed in the United States' Bill of Rights (1791), which recognized freedom of speech, religion and the press in its Constitution, as well as the right to peaceful assembly, private property and a fair trial. Furthermore, the **Virginia Declaration of Rights (1776)** declared a number of fundamental rights and freedoms.

These were followed by development in philosophy of human rights by Thomas Paine,

John Stuart Mill and Hegel during the 18th and 19th centuries. The term human rights probably came into force sometime between the publishing of "Rights of Man" by Paine and "The liberator" (1831). by William Lloyd Garrison.

In the arena of human rights, many groups and movements brought about intense social changes during the 20th century. In Western Europe and North America, movements of labour unions worked for the cause of rights to strike, establishment of minimum working condition and regulation of child labour.



World Day Against Child Labour 2012: Human rights and social justice... Let's end child labour!

The International Labour Organization (ILO) launched the World Day Against Child Labour in 2002 to focus attention on the global extent of child labour and the action and efforts needed to eliminate it. Each year on 12 June, the World Day brings together governments, employers and workers organizations, civil society, as well as millions of people from around the world to highlight the plight of child labourers and what can be done to help them.

The ILO's adoption of Convention No. 182 in 1999 consolidated the global consensus on child labour elimination. Millions of child labourers have benefited from the Convention, but much remains to be done. The latest figures estimated that 215 million children are trapped in child labour, and 115 million of these children are in hazardous work. The ILO's member states have set the target for eliminating the Worst Forms of Child Labour by 2016. To achieve this goal

requires a major scaling up of effort and commitment.



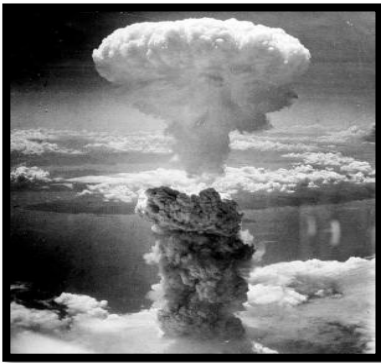
A future without child labour is at last within reach. Significant progress is being made worldwide in combating child labour. The new global estimates of trends reinforce this message of hope. However, a strong and sustained global movement is needed to provide the extra push towards eliminating the scourge of child labour. This is no time for complacency.

The 2012 World Day Against Child Labour will provide a spotlight on the right of all children to be protected from child labour and from other violations of fundamental human rights. In 2010 the international community adopted a Roadmap for achieving the elimination of the worst forms of child labour by 2016, which stressed that child labour is an impediment to children's rights and a barrier to development. World Day 2012 will highlight the work that needs to be done to make the roadmap a reality.

<http://www.un.org/en/events/childlabourday/>

Successful Movements

The women's rights movement in England achieved the right to vote in 1928. National freedom movements in many countries succeeded in ousting colonial powers. Movements by long-oppressed racial and religious minorities gained success during colonial periods. Movements like the civil rights movements for minorities and women in United States were successful.



The two World Wars were responsible for huge losses of life and gross abuse of human rights. They therefore became a driving force behind the development of human right laws. The League of Nations which was established in 1919 at the negotiation at the Treaty of Versailles, after the end of World War I, included disarmament, preventing war through collective security, settling disputes between countries through negotiation, diplomacy and improving global welfare as its main goal.

Some of the rights which were enshrined in the Charter of America and France as mentioned above were, later included in the Universal Declaration of Human Rights.

At the 1945 Yalta Conference, the Allied powers agreed to create a new body to succeed the present League's role. This body today is known as the United Nations. Since its formation, the UN has been playing an important role in international human rights law.

2.2 The United Nations Human Rights Council

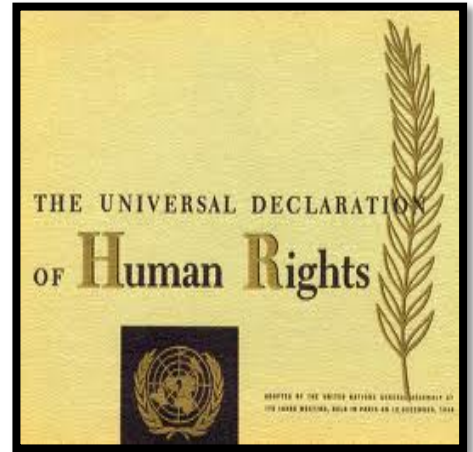
The United Nations Human Rights Council is a functional council within the framework of United Nations provisions. It was a subsidiary body of the UN Economic and Social Council (EcoSoc). It was previously known as United Nations Commission on Human Rights. In 2006, the nomenclature was changed and it was renamed as the **Human Rights Council**. The Human Rights Council (UNHRC) provides assistance to fulfill the objectives of the UN EcoSoc, It is the UN's principal instrument and an international forum which works towards the promotion and protection of human rights.



2.3 The Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was framed by the member of the then Human Rights Commission, with Eleanor Roosevelt as the Chairperson.

It was adopted by the United Nations General Assembly in 1948 by Members of the United Nations, including India. It is a proclamation of basic principles on which to base a new world order so that the annihilation that took place in World Wars I and II is not repeated. The statement of these rights, at the national level is reflected in respective constitutions of different countries. The UDHR covers two broad sets of rights. One set is known as 'Civil and Political Rights'. The other set of rights is known as 'Economic, Social and Cultural Rights'. In the words of the UDHR, these two sets of rights aim to give all people 'freedom from fear and want'. Both sets of rights must be protected as the 'foundation of freedom, justice and peace in the world'.



It is the responsibility of the State to protect the human rights proclaimed by the UDHR. Under the heading of civil and political rights, all governments are to protect the life, liberty and security of their citizens. They should guarantee that no one is enslaved and that no one is subjected to arbitrary arrest and detention or to torture. Everyone is entitled to a fair trial. The right to freedom of thought, expression, conscience and religion are also to be protected.

Under the heading of economic, cultural and social rights, all governments are expected to progressively improve the living conditions of their citizens and ensure equitable distribution of resources and services. For example, they should ensure the right to food, water, clothing, housing and medical care, the protection of the family and the right to social security, education and employment. They are to promote these rights without discrimination of any kind.

Although UDHR is not legally binding, over the years its main principles have acquired the status of standards which should be respected by all States. The civil and political rights as well as the economic, social and cultural rights spelt out in the UDHR are included in Part III, Part IV and Part IV A of the Constitution of India, which is the highest law of our land, in the form of 'Fundamental Rights', 'Directive Principles of State Policy' and 'Fundamental Duties'.

The UDHR served as an inspiration and a means for the millions of people under the colonial rule to achieve self-determination in the 1950s and 1960s and, as mentioned above, many countries have incorporated its provisions in their constitutions. This is because it 'constitutes a common standard of achievement for all people and all nations'.

Its preamble says that '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'.

2.4 International Bill of Human Rights

The charter of Universal Declaration of Human Rights, concedes the basic human rights to all human beings. It indeed is the most valuable document regarding human rights and has ever since influenced the basis of many national and international laws for upholding human rights all over the world. Interestingly, the content of the provisions contained in the UDHR elucidating civil and political rights as well as economic, social and cultural rights, took many years to complete. It was on 16 December 1966, the United Nations General Assembly adopted two covenants – the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), and an Optional Protocol to the ICCPR, allowing for complaints to be made by individuals on violations of their rights embodied in the covenant. In adopting these instruments, the international community not only agreed on the content of each right set forth within the Declaration, but also on measures for their implementation. A further elaboration took place when, in December 1989, the Second Optional Protocol to the ICCPR, aimed at abolishing the death penalty, was adopted by the General Assembly. The UDHR, the ICESCR, the ICCPR and its two Optional Protocols constitute the International Bill of Rights.

Let's Contemplate

December 10, is marked as the Human Rights Day by United Nations as on this day in 1948, the General Assembly adopted the Universal Declaration of Human Rights (UDHR)

Does the need to internationalize human rights protection impress you? Think of other ways to do the needful.

The International Covenant on Civil and Political Rights: (Brief Information)

The ICCPR comprises all of the traditional human rights as they are known from historic documents such as the First Ten Amendments to the Constitution of the United States (1789/1791) and the French Déclaration des droits de l'homme et du citoyen (1789). However, in perfect harmony with its sister instrument

Part I (article 1): starts out with the right of self-determination which is considered to be the foundational stone of all human rights.

Part II (articles 2 to 5): contains a number of general principles that apply across the board, among them in particular the prohibition on discrimination.

Part III (article 6): enunciates an extended list of rights, the first of which being the right to life.

Article 7 establishes a ban on torture or other cruel, inhuman or degrading treatment or punishment, and

Article 8: declares slavery and forced or compulsory labour unlawful.

Article 9: sets forth and guarantees a well-balanced of *habeas corpus*.

Article 10: establishes the complementary proviso that all persons deprived of their liberty shall be treated with humanity.

Article 11: No one shall be imprisoned merely on the ground of inability to fulfil contractual obligations.

Article 12: regulates Freedom of movement, including the freedom to leave any country.

Article 13: Aliens, who do not enjoy a stable right of sojourn, must as a minimum be granted due process in case

their expulsion is envisaged in this article.

Articles 14 and 15: Fair trial, the scope *ratione materiae* of which is confined to criminal prosecution and to civil suits at law, has its seat in these two articles.

Article 16: Everyone shall have the right to recognition everywhere as a person before the law.

Article 17: Protects the privacy, the family, the home or the correspondence of a person.

Article 18: the social activities of human beings enjoy the safeguards of this article (freedom of thought, conscience and religion).

Article 19: is about freedom of expression

Article 20: states that any propaganda for war shall be prohibited by law and also any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21: establishes freedom of assembly

Article 22: (freedom of association). Going beyond the classic dimension of protection against interference by State authorities

Articles 23 and 24: proclaim that the family and the child are entitled to protection by society and the State.

Article 25: establishes the right for everyone to take part in the running of the public affairs of his/her country.

With this provision, the ICCPR makes clear that State authorities require some sort of democratic legitimacy.

Article 26: establishes a clause on equality and non-discrimination which seemingly stands in contrast to article 2.

Article 27: recognizes an individual right of members of ethnic, religious or linguistic minorities to engage in the cultural activities characteristic of such minorities. No political rights are provided for. Minorities as such have not been endowed with any rights of political autonomy.

Article 28:

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.

Article 29: The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in article 28 and nominated for the purpose by the States Parties to the present Covenant

Article 30

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.
2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

Article 31: The Committee may not include more than one national of the same State.

Article 32:

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if re-nominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the chairman of the meeting referred to in article 30.

Article 33: If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.

Article 34: A member of the Committee elected to fill a vacancy declared in accordance with article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

Article 35: The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

Article 36: The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

Article 37: The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.

Article 38: Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

Article 39: The Committee shall elect its officers for a term of two years. They may be re-elected.

Article 40: The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:

1. Within one year of the entry into force of the present Covenant for the States Parties concerned;
2. Thereafter whenever the Committee so requests

Article 41: A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration

Article 42: If a matter referred to the Committee in accordance with article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant.

Article 43: The members of the Committee, and of the ad-hoc conciliation commissions which may be appointed under article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 44: The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

Article 45: The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

PART V

Article 46: Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of specialized agencies in regard to the matters dealt with in the present Covenant.

Article 47: Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART VI

Article 48:

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

Article 49:

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession

Article 50:

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 51:

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least on third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting

at the conference shall be submitted to the General Assembly of the United Nations for approval.

Article 52:

Irrespective of the notifications made under article 48, the Secretary-General of the United Nations shall inform all States referred to in the same article of the following particulars:

1. Signatures, ratifications and accessions under article 48;
2. The date of the entry into force of the present Covenant under article 49 and the date of the entry into force of any amendments under article 51.

Article 53:

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 48.

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International Covenant on Economic, Social and Cultural Rights

Article 1.

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Part II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.
2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present

Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying 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 or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.
2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

Part III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- a. Remuneration which provides all workers, as a minimum, with:
 - i. Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
 - ii. A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- b. Safe and healthy working conditions;
- c. Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- d. Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

Article 8

1. The States Parties to the present Covenant undertake to ensure:
 - a. The right of everyone to form trade unions and join the trade union of his choice, subject only to the

- rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
- b. The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
 - c. The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
 - d. The right to strike, provided that it is exercised in conformity with the laws of the particular country.
2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.
 3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.
2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:
 - a. To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
 - b. Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - a. The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;
 - b. The improvement of all aspects of environmental and industrial hygiene;
 - c. The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - d. The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
 - a. Primary education shall be compulsory and available free to all;
 - b. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
 - c. Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
 - d. Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
 - e. The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:
 - a. To take part in cultural life;

- b. To enjoy the benefits of scientific progress and its applications;
 - c. To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

Part IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.
2.
 - a. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;
 - b. The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.
2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.
3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendation or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

Part V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.
3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph I of the same article of the following particulars:

- a. Signatures, ratifications and accessions under article 26;
- b. The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.

Source :www.un.org

2.5 Articles under 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 is 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 the law.

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 if 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 purposes 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 co-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/her personality.

Article 23:

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions 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 to 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, literary 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 due 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 implying 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.

Let's Contemplate

Recently The UN Educational, Scientific and Cultural Organization (UNESCO) held a high-level event at its Paris headquarters in support of girls' education. It was organized to pay a special tribute to Malala Yousafzai, a 15-year-old girl who was shot by the Taliban in October for her efforts to defend the education of girls in Pakistan. UNESCO and the Government of Pakistan launched the Malala Fund for Girls' Education at the event, with President Zardari announcing that his country would donate \$10 million for the cause.

What other ways were adopted in the UNDHR for combating gender discrimination?

2.6 Rights of the Marginalized

The mid 1970s witnessed a new development in the field of human rights in India, when many rights were made for the economic, social and political empowerment of the marginalized groups, like women, dalits and adivasis (tribal).

It was during this time that the term 'People's Rights' came into being, when the social and political activists used it to describe the collective characteristics of the rights of the marginalized.

The rights of the dalits and tribals over natural resources also were highlighted during this time, when their arose the issue of their displacement arose for dam development projects, mining projects etc.

From this time onwards, women's groups like Self Employed Women Association (SEWA), All India Democratic Women Association (AIDWA). etc created awareness regarding ill treatment of women in the society. These organizations raised their voice against domestic violence, dowry, rape, custodial violence, trafficking along with many others, sexual harassment and many more issues related to women.

2.7 Expansions of Human Rights

It has already been explained that rights keep on changing with the needs of the society. For e.g. with the development of the need of protecting and preserving the natural environment, (which includes forests, rivers and wild life, etc.) the UN General Assembly also adopted the following covenants:

- Elimination of Discrimination against Women (CEDAW).
- Convention on the Rights of the Child (CRC).
- Convention against Torture and Other cruel, Inhuman or Degrading Treatment or Punishment (CAT)

2.8 What is a Human Rights Violation?

The State is bound by law to protect every person's human rights. If it is unable to do so or if the State or its agents, (such as a policeman, bureaucrats, forest or armed forces officers) or any person who is acting on behalf of the State (like a contractor working under the contract of the State), does anything to reduce, disrespect, or interfere with another person's human rights, then it becomes a violation. Human rights are claimed against the State and not against private persons. However, if a private person violates someone's rights relating to life, liberty, equality or dignity, the victim can approach the State for redressal. If the State fails to stop and punish the violator then it also becomes a human right violation.

Some examples of human rights violations can be:

- Negligence on the part of the pollution control board for prevention of release of poisonous chemicals by industries into water sources which provide water to the entire city. This is a violation of the right to life.
- Physical torture of suspects of crime or convicts by the police. This is a violation of the right to human dignity and physical security.
- Refusal of the police officer to register an F.I.R of a woman being harassed by a group of men in a train. This is a violation the right to equal protection of law.



of

- Denial by the collectorate to act against upper caste people who are not allowing Dalits to worship at a temple or drink water from a well. This is a violation of the right against discrimination.
- Disparity in salary and promotion policy for male and female employees at the same workplace. This is violation of the right to equality of opportunity.
- Acquisition of the houses of several people, by the P.W.D for constructing a road or a flyover without giving compensation to the owner of the house. This is a violation of the right to livelihood.
- Confiscation of a local press by the home ministry for publishing articles criticising the government in power. This is a violation of the right to freedom of expression.
- Refusal of the school administration to show the examination papers of the students. This is a violation of the right to information.
- Forceful conversion of the religion of a bride or a bridegroom in order to marry someone from a different religion. This is a violation of the right to religious freedom.
- Failure of the municipality to develop adequate measures for disposing garbage in the city. This is a violation of the right to a clean and healthy environment.

Case Study1: Freedom of thought, conscience and religion (Article 9, ECHR)

In 2004, a 16 year-old girl called Shabina Begum complained to the UK courts about her school's uniform rules. Shabina's lawyer said that her human rights had been breached because the school would not let her wear a jilbab, which she considered necessary to wear because of her religion. The UK Court of Appeal agreed that Shabina's rights had been breached, but then the case went to the House of Lords, which disagreed and said that her rights had not been breached.

Even though Shabina lost her final court case, there was a lot of discussion about school uniforms in the newspapers and on TV. The Government wrote new rules for schools emphasising that students and parents must be asked their views when uniform rules are being made.

<http://www.equalityhumanrights.com/advice-and-guidance/equal-rights-equal-respect/useful-information/human-rights-case-studies/>

Case Study 2: Education is A Basic Child Right

Suman comes from Himmatgarh, a village 40 km north from the District headquarter of Shivpuri District of Madhya Pradesh. Suman is one of those girls who have been facing a barrier in attending schools due to lack of interest of parents in girl child education and assuming homely responsibilities to be only of the girls. On contacting the school in Himmatgarh, the teacher shared that most of the girls have been attending school, except for Suman, whose parents have been told about the importance of education in the overall development of a girl on a number of occasion. Following the meeting with the children Ramsevak visited Suman and asked her, why she was not attending school. Suman said that she did want to attend the school, but her parents were of the opinion that school was not about education anymore, but more of an institution for distribution of mid-day meals.

The next step was to appeal to Suman's parents, who were told why girl child education was important not only for the overall development of the girl but also that education contributed to the health, education and poverty reduction of the family. On the completion of the counseling session, Sumans parents shared that though they had earlier wanted Suman to stay home, look after the household tasks, while they were out for work now they understood the concern and since the organizations, government and schools were themselves making efforts to ensure education for all they would now participate in this global campaign.

Today Suman is in 7th standard and has secured 86% marks in her examinations. Suman is one of those who serve as an example for the entire community on how education transforms lives.

Source: <http://sambhavindia.org> posted on date Jul 14, 2011

Have a look at the case studies above. Each case study will help you to ponder over the following questions:

- Which Human Right has been violated in each of these cases?
- Which Human Right organization is working for protecting the right that has been violated in the case?

- Which of the rights that you have identified are inalienable and which are not?
- Why are human rights of women generally violated throughout the world?
- Find out in what other ways the rights of women are violated in our society.

2.9 Convention on the rights of the child

The Convention on the Rights of the Child or the CRC is “the most complete statement of child rights ever made”. It is the logical outgrowth of the history of both the international human rights system and expanding concern about children and their empowerment. It takes the ten principles of the 1959 Declaration of the Rights of the Child and expands them into 54 Articles, of which 41 relate specifically to the rights of children, covering almost every aspect of a child’s life. It is indeed an innovative document in overall human rights theory and practice. In fact, it is the first United Nations human rights instrument since the UDHR which brings together interrelated elements of the life of an individual human being the full range of civil and political rights as well as economic, social and cultural rights. It can do this because it treats children as complete individuals, rather than as elements in an economic or socio-political system. The CRC aims to create a balance between the rights of children and those of the parents or adults responsible for their survival, development and protection. This is achieved by according children the right to participate in decisions concerning them and their future.

It is, thus, a holistic document for each article is intertwined with the others. Not only this, the various articles exert an influence on the interpretation and implementation of each other. The rights defined in the Convention are thus interdependent; as none of the articles can be dealt in isolation. They have to be applied and implemented simultaneously if at all the rights of every

UN Declaration of the Rights of the Child

- Non-discrimination.
- Special protection, opportunities and facilities to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity.
- The right to a name and nationality.
- The right to social security, adequate nutrition, housing, recreation and medical services.
- The differently-abled child to be given special treatment, education and care.
- The need for love and understanding so that the child grows in the care and responsibility of his/her parents, and in an atmosphere of affection and moral and material security.
- Entitlement to education, which should be free and compulsory, at least in the elementary stages.
- The child should be among the first to receive protection and relief in all circumstances.
- Protection against all forms of neglect, cruelty and exploitation, including that associated with employment.
- Protection from practices that may foster racial, religious and other forms of discrimination.

child is to be respected. The common thread that runs through the entire Convention is 'the best interests of the child shall be a primary consideration'. The Convention thus takes a great leap forward by redefining needs as rights. For years, we have seen and heard international organizations, governments, child rights advocates, activists and organizations working together to meet the needs of children for food, shelter, health care and access to education. With the coming of the CRC, failure to meet the basic needs of children is a clear indication that we are violating their rights. The list of 41 operational articles could be seen at glance in the Box below.

In order to monitor the progress achieved in realization of children's rights, the CRC has established an international expert body, the Committee on the Rights of the Child, which provides awareness and understanding of the principles and provisions of this treaty. The CRC Committee consists of ten experts which ensure that the law is being enforced. Having ratified the CRC, all State Parties, including the Government of India are bound to submit a 'country report' to the CRC Committee on the measures being taken to implement the Convention. The first report is due within two years of the date on which a given country's ratification takes effect covering the full spectrum of "baseline" information on the laws, policies, programmes and administrative structures dealing with children, as well as description of the real situation of children in the country. Subsequent reports are due at five year intervals and are supposed to provide updated information on any changes, which have taken place since the previous report. Country reports are prepared by the Government but they are supposed to be widely publicized and be the subject of broad public discussion. The Committee also asks for additional information, which may include requests to non-governmental organizations or child rights collations within the country to comment on the country report.



The UNCRC- United Nations Conventions on the Rights of the Child

Article 1 Everyone under 18 years of age has all the rights in this Convention.

Article 2 The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

Article 3 All organisations concerned with children should work towards what is best for each child.

Article 4 Governments should make these rights available to children.

Article 5 Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

Article 6 All children have the right of life. Governments should ensure that children survive and develop healthily.

Article 7 All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

Article 8 Governments should respect children's right to a name, a nationality and family ties.

Article 9 Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

Article 10 Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

Article 11 Governments should take steps to stop children being taken out of their own country illegally.

Article 12 Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

Article 13 Children have the right to get and to share information as long as the information is not damaging to them or to others.

Article 14 Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

Article 15 Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 16 Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

Article 17 Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

Article 18 Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

Article 19 Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

Article 20 Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

Article 21 When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

Article 22 Children who come into a country as refugees should have the same rights as children born in that country.

Article 23 Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

Article 24 Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

Article 25 Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

Article 26 The Government should provide extra money for the children of families in need.

Article 27 Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

Article 28 Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

Article 29 Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures

Article 30 Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

Article 31 All children have a right to relax and play, and to join in a wide range of activities.

Article 32 The Government should protect children from work that is dangerous or might harm their health or their education.

Article 33 The Government should provide ways of protecting children from dangerous drugs.

Article 34 The Government should protect children from sexual abuse.

Article 35 The Government should make sure that children are not abducted or sold.

Article 36 Children should be protected from any activities that could harm their development.

Article 37 Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

Article 38 Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

Article 39 Children who have been neglected or abused should receive special help to restore their self respect.

Article 40 Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

Article 41 If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

Article 42 The Government should make the Convention known to all parents and children.

3.1 Human Rights and Duties

Each one of us are bound or obliged to do certain things which arise out of a sense of duty, custom or law. Rights and duties go hand in hand. If one enjoys certain rights, then one automatically realizes that there are some affiliated duties. Rights and duties cannot be present without the other. For example let's take the right of freedom of speech. Though you as a student have the freedom of speech would you be able to talk in any manner to your teacher. Would you not have to talk respectfully or in the least not be rude when you are talking to your teacher? Though your teacher may welcome your queries, you would have to abide by your duty and ensure there is no slander or libel in your behaviour.

Similarly every citizen has the obligation or duty to regard the constitution of the country as well as the principles and regulations established through it. They are indebted to conserve and shield public property from harm.

3.2 Inter Relationship between Rights and Duties.

As explained earlier, 'rights' and 'duties' subsist together. To enhance the attitudes and scruples of society to a certain standard we must delineate rights and duties to be one as important as the other. Whereas rights are essential in advancing the human character and responses, duties build on the importance of man playing a part in the advancement of societal good. We could say that it is these duties that aim at the visualization of rights which are assured by the laws laid down nationally and internationally.

The same theory applies for states or countries as well. The numerous instances where the state violates its duties by not conserving the rights of the people has guided the United Nations and other organization of the world to pay close attention to the duties than on rights in the present age.

3.3 Concept of Duty

Normally duty is linked to 'obligation'.

The concept of duty arises from fulfilment of a requirement. Duties arise in several ways, such as moral duties, legal duties, parental duties, societal duties, and civil duties etc. However, from the point of view of law, duties arise from legal norms or requirements. They have to be discharged, the way it is prescribed. Accordingly, the actions constitute as right or wrong basing on the



discharge of duty. If one acts contrary to a duty, it constitutes a wrong. (For example, a legal norm tells us not to speak ill of others if it adversely affects their dignity or modesty, then it would constitute a wrong.). A duty imposes an obligation to respect the rights of others and the society. Hence, rights and duties are reciprocal. A right is demand and a duty is an expectation.

The various types of duties

Duties may be divided into:

- (1) Natural and Acquired duties, (2) Positive and Negative duties,
- (3) Perfect and Imperfect duties and (4) Prima Facie and Duty Proper.

(A) Natural and Acquired Duties

Natural duties bind each one of us without any specification by any institution or body. Each one of us discharge these duties voluntarily of one's own. Not to harm others, not to tell lies, not to misuse the freedoms, duty to respect others, not to injure the innocent, not to beat children, to uphold truth and justice, etc. are all natural duties we adhere.

Acquired duties are those that are performed by a person by virtue of something they have done, or as a particular relationship, which they might have with others. This means, certain duties are legal. If one refuses to do so after consent, it would attract legal consequences. Another type of acquired duties results from special relationships that individuals undertake as groups, often referred to as responsibilities. For example, parents discharging their duties towards their children, doctors to patients, and lawyers to their clients. These duties are assumed by individuals to exercise automatically act in a specific role.

(B) Positive and Negative Duties

Positive duties require us to do well. Negative duties on the other hand impose restrictions on doing bad. Helping the poor may be a positive duty, which has no have any obligation whereas not to tell lies or not to harm others are negative duties, which imposes an obligation.

(C) Perfect and Imperfect Duties

Though Perfect and Imperfect duties may appear to be similar to positive and negative duties. Perfect duties expect the person to perform the required duty according to the goal that is set at all times without any alteration. Imperfect duties have no rigidity. Imperfect duties are complaint and are never completed in its true spirit. The performance of these duties depends on circumstances

D) Prima facie and Duty Proper

Prima Facie duty is one that we must obey in a universal way before any other thoughts enter the picture. It is our instinct that decides whether it is a prima facie duty or not.

This Prima Facie is different from 'duty proper'. 'A duty proper' or actual duty is an all things considered duty.

It is not obligatory. We cannot say that it is morally reprehensible based on whether it is a prima facie duty. We must consider other aspects as well. For e.g. keeping a promise is prima facie duty but it may not be a 'duty proper'. Suppose someone promises to steal money from his mother's purse to buy you a gift. Keeping this promise would entail in an universal act. Keeping the promise would still be a prima facie duty but there would be other dominant reasons for abstaining from performing the act.

Human Rights are based on these approaches to duty. To blot out the current social problems and to elevate the honour as well as the values in society, we would have to execute the duties recommended by human rights honestly.

A group of Noble Laureates and scholars petitioned the UN to adopt a declaration that would feature the duties of mankind. This they envisioned would off-set the constant abuse of human rights by both states as well as individuals. The General Assembly adopted a declaration on Responsibilities and duties of mankind in 1999 and thus provided a legal base for the declaration.

1. *One's Right Signifies Another's Duty*

Every right that we enjoy has an analogous duty for others. For example my right to life would mean that it is the duty of others that they will not try to bodily harm me. Similarly my right to religion or privacy imposes a duty on others not to interfere with or criticize my religion or invade my privacy except when law demands.

2. *One's Right signifies Recognition of Similar Right for Another*

Anything that I consider or want as a right for myself must be recognized as a right or need of others. For example if I say it is my right to practice any religion of my choice then I should not stop others from practicing a religion that they want to in spite of it being alien to me. Alternatively, if I have the right to freedom of speech, it becomes my duty to ensure that I do not hinder this freedom for others.

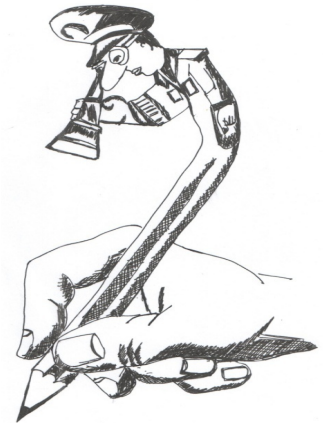
3. *One Must Use Rights for the Advancement of Common Well-Being*

We are duty bound to use our rights in a way that brings about societal good. In relation to this we could say that our government is duty bound to punish or take appropriate legal action against those who act in a manner that invade the rights of others. For example our rights allow us the right to practice any profession as well as ant trade, business or occupation but this does not include smuggling arms, ammunition or drugs.

and to facilitate for a complete and harmonious development of personality and which apply to all Indian citizens, irrespective of caste, creed, colour, sex, race or place of birth . They are also enforceable by the courts.

4.2 India's Freedom Struggle, Human Rights and Constituent Assembly

The struggle for Human Rights in India gained momentum during the rule of the Britishers. It was during the British rule that the Indians witnessed grave violation of their rights. One of the biggest examples of such violations is the Rowlatt Act of 1919, which provided extensive powers to the British Government. It allowed British officials to carry out indefinite arrests, detention of individuals and allowed them to perform/ execute warrant less searches and seizures. It also restricted people from public gatherings and censored the media. Therefore the extensive powers given to the officials resulted in the gross violation of human rights of the masses. Similarly the Vernacular Press Act (1878), the Indian Council Act (1892), the Indian Council Act (1909) etc, also were marked by the violation of basic human rights of individuals.



Later on due to the rise of the feeling of nationalism amongst the Indians, the struggle for the attainment of human rights began in India. To do so the Indians not only opposed the Britishers by various revolts but also developed and placed certain demands before the Britishers, for the achievement of their basic human rights. One such demand was the Nehru Commission Report of 1928 (with Moti Lal Nehru as its Chairman). The Nehru Report not only proposed constitutional reforms for India but also demanded a Dominion Status for India and universal suffrage for all, including the religious and ethnic minorities. It also laid emphasis on limiting the power of Government and proposed to protect the fundamental rights of the people, which were denied most frequently by the colonial administration.

The next development took place in 1931, when the Indian National Congress approved several resolutions for the protection of fundamental civil rights and social rights of the Indians. Minimum wage, abolition of untouchability and the abolition of serfdom were some of the issues adopted in the ensuing resolutions..

A notable development during the period took place on December 1948, when the United Nations General Assembly adopted the Universal Declaration of Human Rights. Besides this the United Nations also requested its member nations to recognise the basic human rights in the corresponding constitutions of their country. This development had a significant impact on the Constitution of India because the work of the development of the constitution of independent India was already in progress during this period.

4.3 Human Rights in Constitution of India

The work of drafting the constitution of India was done by the constituent Assembly. The Constituent Assembly began its work on December 9, 1946. After several discussions and debates the Constitution of India was finally adopted on January 26, 1950. The framers of the Indian Constitution were greatly influenced by the concept of human rights and most of the human rights embodied in the Universal Declaration of Human Rights. While the civil and political rights have been incorporated in Part III of the Indian Constitution, i.e. (Fundamental Rights). The Economic Social and cultural rights have been incorporated in part IV of the Constitution i.e (Directive Principles of States policy.) The Constitution of India as said above, provides some fundamental Rights to its citizens. The fundamental human rights ascertained by the Constitution of India, were influenced by many rights that had been endorsed by several countries. The England's Bill of Rights (1689), the United States Bill of Rights (December 15, 1791) and the Declaration of the Rights of Man and Citizen of France (created during the revolution of 1789) were the main influences that went into the making of the Fundamental Human rights of India.

The fundamental Rights are included in part III of the Constitution.(Articles 12-35). These rights were finalized by a committee of the Constituent Assembly headed by Sardar Vallabhbhai Patel. *These rights have not been defined in the constitution but it has been agreed upon that they are essential. That is why they are named as Fundamental Rights because they are the most essential rights and are above all ordinary laws. Thus unlike ordinary laws they can be altered only through a constitutional amendment.

Contrary to other justifiable rights the Fundamental rights are protected by a constitutional remedy. Thus the Fundamental Rights are not absolute but have been subjected to certain restrictions. (**by way of an application direct to the supreme court under Article 32, part III.*)

4.4 Fundamental Rights in India

The Indian constitution assures certain Fundamental Rights to all the citizens of India. The Constitution of India gives the greatest priority to these civil liberties.

They are guaranteed to be above all other laws of the nation. They encompass many basic individual rights like equality before the law, freedom of speech and expression, freedom of

THE CONSTITUTION OF INDIA

PREAMBLE

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.**

association and peaceful assembly, freedom of religion and the right to constitutional remedies for the protection of civil rights, for instance the Habeas Corpus. The fundamental rights were incorporated in the Indian constitution with the aim to eradicate the inequalities and discriminatory social practices of the past. They abolished the practice of untouchability and also forbid differentiation on the basis of gender, religion, race, caste, or place of birth. It also prohibited discrimination between human beings and atrocities like forced labour. They even protected cultural and educational rights of minorities by safeguarding the right to retain their unique culture and discrete languages. The minorities were also given the freedom to set up and execute their own educational institutions.

There are six fundamental rights enshrined in the Indian Constitution.

- Right to Equality
- Right to Freedom
- Right against Exploitation
- Right to Freedom of Religion
- Cultural and Educational Rights
- Right to Constitutional Remedies

Right to Property has been deleted from the list of fundamental Rights by the 44th Constitutional Amendment Act of 1978. Now it is a legal right under article 300(A)]

In 2002, Article 21(A) was incorporated by the 86th constitutional amendment act. Primary education has also been made a fundamental right under the Right to Life and Personal Liberty. It says that " the children in between the age group of six to fourteen years shall be provided free and compulsory education" by the state.

Fundamental Rights are not absolute but have been subjected to certain restrictions. The Constitution equips the states with the provision of imposing restrictions on these rights at times, for upholding the independence, sovereignty and integrity of India. Nevertheless, the right to life and personal liberty cannot be suspended. Similarly the six freedoms (Right to freedom) also bear some restrictions. They can be suspended automatically during the state of emergency.

"Looking at the constitution of India Human beings are rational beings. They by virtue of being humans possess certain basic and inalienable rights which are known as Human Rights. Since these rights are available to them by virtue of being humans, as such they come into existence at the time of their birth. The Constitution of India as adopted in 1950 provides certain rights to its citizens known as the Fundamental Rights (Part-3, article 14-35). These rights are similar to those rights which are provided in Universal Declaration of Human Rights and the rights provided in International covenant on civil and political rights and international rights on social, economic and cultural rights."

- Dr. A.P.J Abdul Kalam

4.5 Constitutional provisions relating to children in India

The major constitutional provisions relating to children in India are:

Major Constitutional Provisions

Fundamental Rights

Article 14. Equality before law.— The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.— The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. (3) Nothing in this article shall prevent the State from making any special provision for women and children. (4) Nothing shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

Article 17. Abolition of untouchability.— "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

Article 19. Protection of certain rights regarding freedom of speech, etc.— (1) All citizens shall have the right - (a) to freedom of speech and expression; (c) to form associations or unions; (d) to move freely throughout the territory of India; (e) to reside and settle in any part of the territory of India; [and] to practise any profession, or to carry on any occupation, trade or business.

Article 21. Protection of life and personal liberty.— No person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 21 A. Right to education.— The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

Article 23. Prohibition of traffic in human beings and forced labour.— (1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 24. Prohibition of employment of children in factories, etc.— No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Directive Principles of State Policy

Article 39. Certain principles of policy to be followed by the State.— The State shall, in particular, direct its policy towards securing..... (e) the tender age of children are not abused.....and.....are not forced by economic necessity to enter avocations unsuited to their age or strength; (f) 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.

Article 45. Provision for early childhood care and education to children below the age of six years.— The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

Article 46. Promotion of educational and economic interests 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, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Article 47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health.— The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties

Article 51. Promotion of international peace and security.— The State shall endeavour to -
(c) foster respect for international law and treaty obligations

Fundamental Duties

Article 51A. Fundamental duties.— It shall be the duty of every citizen of India - (k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

Apart from the Constitution, human rights of children are also protected under specific laws such as the Child Labour (Prohibition and Regulation Act), 1986; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; Protection of Human Rights Act, 1993¹; Juvenile Justice (Care and Protection of Children) Act, 2000², Right of Children to Free and Compulsory Education Act, 2009; Protection of Children from Sexual Offences Act, 2012 and more.

4.6 Recognition of international Human Right principles in India

Truly internationally recognized human right principles and standards have a very special place in India. They are embodied in the Indian Constitution, which is the highest law of our land. The rights recognised in the Universal Declaration of United Nations are mirrored in the Indian Constitution.

¹ As amended by the Protection of Human Rights (Amendment) Act, 2006.

² As amended in 2006.

Many of these rights are incorporated in the Fundamental Rights and the Directive Principles of the State Policy, guaranteed by the Constitution of India. This has been best exemplified in Article 47 of the Directive Principles of the Indian Constitution, which epitomizes Article 25 of the Universal Declaration of United Nations. Article 25 of the Universal Declaration says that everyone has the right to a standard of living that is adequate for the health and well being of themselves and their family. This right has been included as Article 47 of the Directive Principle of the Constitution of India, which says that the State shall consider its primary duty to raise the level of public health, nutrition and standard of living of the people.

Apart from the inclusion of internationally recognized human rights in the Indian Constitution, some human rights are also specifically protected under different laws enforced in the country. The Protection of Civil Rights Act, 1955; Prohibition Act, 1961; Bonded Labour System [Abolition] Act, 1976; Child Labour [Prohibition and Regulation Act], 1986; and the Scheduled Tribes [Prevention of Atrocities] Act, 1989, are a few examples that certify India's lust for human rights. Similarly the Human Rights Protection Act, 1993 affirms the human rights associated with life, equality, liberty and dignity of a person, which have been ascertained by the Indian Constitution and the International Covenants. It also assures their execution by the courts in India.

- Draw the tree on a paper.
- Write on the tree all those human rights that you think all people need, to live in dignity
- The human rights tree needs roots to grow and flourish. Give the tree roots and label them with the things that make human rights flourish. For example, a healthy economy, the rule of law, or universal education
- Explain the reasons for the items you have included.



4.7 The special place of Human Rights in our Constitution

When the Constitution was written, human rights were included in Part III and Part IV which are the chapters on Fundamental Rights and Directive Principles of State Policy. Together they are said to form the 'conscience of the constitution'.

Constitution makers felt that civil and political freedoms must combine with social and economic justice to create a just social order for all. The Directive Principles are meant to guide all policies and law making; indicate the directions of change; and the goals toward which the State must strive. The Directive Principles are not less important than Fundamental Rights but unlike a

fundamental right, which allows a person to take the State to court if it is violated, individuals cannot take the State to court if a principle laid down in the Directive Principles is not followed. Nevertheless Directive Principles are not lifeless ideals but have provided the basis from which new rights such as the right to education have evolved and the right to food is being developed.

4.8 Protection of Human Rights

Human rights are protected by international law and domestic law. It is very important when State Parties ratify international covenants such as the ICCPR, ICESCR and the CRC, they should ensure formulation of related laws and their implementation to protect the rights of people in their country. State Parties should have a government committed to the rights of its people, an independent and fair judiciary and a capable police force. Even in the most advanced democracies, human rights continue to be violated because the law enforcement machinery does not carry out their role responsibly in protecting human rights. This is true for India also.

For the purpose of the Protection of Human Rights Act, 1993, "international covenants" are the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). Annexure I and II are illustrative of the relationship between the Universal Declaration and Fundamental Rights; and the relationship between the Universal Declaration and Directive Principles of State Policy.

In India, despite the fact that we have a very responsible judiciary, army, and police force, the National Human Rights Commission of India (NHRC) was hitherto established on 12 October 1993. Its statute is contained in the Protection of Human Rights Act (PHRA), 1993 as amended by the Protection of Human Rights (Amendment) Act, 2006. The NHRC is an embodiment of India's concern for the promotion and protection of human rights. Some of the human rights violations classified by the NHRC are deaths in police and judicial custody, encounter deaths, illegal arrest, custodial violence, atrocities on scheduled castes and scheduled tribes, indignity to women, sexual harassment and exploitation of women, abduction, rape, murder, dowry demand, child labour, child marriage and communal violence. The basic objectives of Human Right Commissions are to:

- Organise workshops on human right themes and develop human rights curricula.
- Carry out training programmes for judicial officers, police and prison staff.
- Provide guidance to the media on how to report human rights violations such as child sexual abuse.
- Encourage research on issues such as discrimination of women, sexual exploitation, harassment at the workplace, selective abortion of female foetus and infanticide.
- Review existing legislation and recommend changes to the government
- Recommend that the government sign international human rights treaties and protocols.

- Support efforts of non-governmental organisations in projects concerning human trafficking and rights of children; women; scheduled castes/tribes; minorities and displaced people.
- Spread human rights awareness through seminars, radio and television broadcasts, and press releases and by publishing posters, fliers, manuals and handbooks on citizens' rights.

5.1 Gandhian Perspective on Human Rights

Gandhiji has always been an inspiration for various human right activists around the world. Gandhiji's struggle for human rights was based on humanism and non-violence. The essence of Gandhian humanism lay in considering the entire world as a single family. Thus his efforts were always directed towards uniting the entire mankind making the society independent from social discrimination. Gandhiji believed that service to humanity is service to God because they are creations of God. He said-" man is a creation of God and every individual is equal before God and all have equal rights and dignity, so we should respect the rights of each other". He loved the creator hence he would not hate or hurt his creation by any violent means. Therefore Gandhian humanism was based on the love for the entire mankind. As a promoter of human rights, the ideology of Gandhiji was based on the moral principles of non-violence, Satyagraha, truth, and 'Sarvodaya'.



"When I despair, I remember that all through history the ways of truth and love have always won. There have been tyrants, and murderers, and for a time they can seem invincible, but in the end they always fall."

-Mahatma Gandhi

5.2 Making of a Great Human Right Activist

It is said that two incidents - one in 1893 in South Africa and the second in 1956 in USA, changed the course of human right movements of the world. The first incident was related to the expulsion of Gandhiji from the train at Petermaritzburg in South Africa (for defying the law which prohibited the blacks to travel in a first-class compartment) The second incident was related to Mrs. Rosa Parks in Montgomery in Alabama, USA, who denied to evacuate her seat in a public bus. She refused to give up her right to board a public transport even on the pretext of being fined. It has been rightly said that the character of a person, is shaped in the crucible of the various experiences he/she confronts in a lifetime. Thus the making of the greatest human right's activist- Mahatma Gandhi can be credited to the discrimination faced by him at South Africa.

Successive incidents of racial discrimination followed the train incident, which offered Gandhiji a taste of what he could anticipate in South Africa. These incidents exposed the brutality of untouchability, which was pursued by the white rulers in South Africa. Gandhiji encountered the first shock in the court in South Africa, where he was directed to take off his turban. Shortly

thereafter when he was transferred to Transvaal in 1893 for work, he defied the South African law by travelling in the first class compartment of the train. When Gandhi, the young barrister, refused to move to the lower class, he was thrown out of the train by the railway official.

His baggage was also thrown out on the platform. Gandhiji felt so humiliated by this incident that he began pertaining to the thought of leaving his job and going back to India. But soon he realised that the insult that had been meted out on him was only a thing of the surface. Whereas deep below lay the epidemic of discrimination on the basis of colour. Thereafter he was determined not only to continue his job but also to eradicate the disease of racial discrimination, without being perturbed by the sufferings he would have to face. After the various disgraceful mortifications when Gandhiji ultimately reached Transvaal, he was the same Gandhi but yet a new Gandhi because he was infused with the spirit of ameliorating the masses.

5.3 Gandhiji and The Right To Equality

The first steps that he took in his long struggle for human rights, was to end the discrimination of black and whites in South Africa and gain the Right to Equality. Just as untouchables are relegated to remote quarters of a town or a village in India, similarly, Indians were excluded from the mainstream and were relegated to remote locations or ghettos. In the midst of such a situation, due to the negligence of the municipality, plague spread in one of the gold mines in Natal in South Africa. Despite this, the Indians were held responsible for everything and were blamed for being unhygienic and not keeping their houses and surroundings clean. Later, the municipality ordered the expulsion of Indians from the Ghettos as they wanted to burn the ghettos. It was during this time that Gandhiji for the first time came on the forefront to stand up against this atrocity of the white rulers. Gandhiji took up the matter in the court, fought the legal cases and got the municipality to pay compensations. Thus, he fought for "untouchables", whether they were Indians or other blacks, in South Africa.

Gandhiji considered that racial discrimination is contrary to the ethics of love. Out casting a particular human group in the society is also a form of violence. For spreading the feeling of love in the society people should reach out to members of other cultural, social and ethnic groups instead of excluding them. His life for twenty one years in South Africa and thirty years in India was dedicated for the cause of the down-trodden and oppressed who had been segregated and ill-treated for several years in the name of the dreaded apartheid. This inspired millions of people all around the world. On his return to India Gandhiji saw that the ancient custom in India had segregated an appreciable section of the community, this section known as the untouchables, were denied the basic human rights and equal opportunities. He professed novel methods to ameliorate them. He believed that what the weak and the suppressed need to be encouraged to stand up and fight against any unjust system. He also stressed on the use of soul-force, which according to him was the most effective weapon of the weak in this noble fight for social justice and equal rights. He said that this weapon is even more powerful than the atom bomb, and it is this weapon that will

arm a nation or a person with the requisite courage to fight the forces which deny fellow human beings their right to live in dignity. On gaining the leadership of the Indian freedom movement he got the Congress Working Committee to devote itself to the cause of the Depressed Classes. They decided to be dedicated for giving a better life to the depressed classes and improve their social, mental and moral condition. They would be encouraged to send their children to national schools. They would also be provided with the basic facilities from which they were deprived. He believed that the root of all the economic and social disabilities lay in the denial of Temple entry for the untouchables. So the Temple entry for 'Harijans' became his main motive of concern. He also coined a new name, "Harijans" for the untouchables, meaning - the children of God.

5.4 Gandhiji and The Right To Freedom

Gandhiji also believed in the Right to freedom of every individual. He therefore worked for it throughout as his main aim in life was to get every individual of India freedom from foreign rule. His concept of freedom went far beyond mere political independence. The 'Swaraj' of his dream recognized no race or religious distinctions. He declared on one occasion that he did not want India to win its freedom at the cost of the vital interests of the untouchables. He reverberated his thinking in the following words in his weekly Young India just before the Karachi Congress, "Swaraj is to be for all, including the farmer, but emphatically including the maimed, the blind, the millions".

Gandhiji's technique whether it was for the achievement of India's freedom or for the upliftment of the untouchables in this country was unique. For him there was no significance of India's freedom without the rehabilitation of the discriminated sections of the Indian society, who had endured several atrocities and humiliations for centuries. Thus the mission of Gandhiji was to stand up for eradication of discrimination in all its forms and manifestations. The provisions of the Constitution reflect the earnestness and sincerity with which the Constituent Assembly gave legal form to the assurances given by Gandhiji during his lifetime, to the Scheduled Castes and Tribes.

5.5 Gandhiji and The Rights Of Women

He tried to improve the status of women through equal rights and empowerment and by creating public awareness. From the very

Telling Stories of Injustice

Discuss the stories of injustice that you have personally experienced in reference to your response and any human right that may have been violated. Write out the story. Try to capture the exact phrases or words the storyteller uses.



beginning of his political career he worked relentlessly to improve the lot of women socially, politically and economically and restore them back their genuine rights and privileges. He believed in the concept of 'Sarvodaya', meaning comprehensive progress of both men and women. As he had utmost faith in the inherent talents and capacities of women, he wanted the society to make full use of their potentialities and not just think them to be fit for homemaking. He held women in high esteem. His view regarding women rights is evident from the following statement: *"woman is the companion of man gifted with equal mental capacities. She has the right to participate in the minutest details of the activities of man and she has the same right of freedom and liberty as he. She is entitled to a supreme place in her own sphere of activity as man is in his."*

5.6 Gandhiji and Rights v/s Duties

Gandhiji believed that in a democracy obligations take precedence over rights. Gandhiji believed that people have no natural individual rights. He believed that as all human beings are interdependent on each other, rights can only be earned through the performance of duty by every individual. Thus in 1940 he reacted to the list of rights had cabled by H G Wells in the following manner: *"Begin with a charter of duties of man and I promise the rights will follow as spring follow winter"*

During his fight for human rights, Gandhiji tried to educate the people that rights and duties are two sides of the same coin. To enjoy rights every individual must first perform their duties. If everyone discharges their duties their rights will be protected automatically of all. That is why Gandhiji warned the people of the India in the following manner, just before independence: *"the great evil that is afflicting our society today of everyone claiming to have rights but not duties. If all simply insist on right and no duties, there will be utter confusion and chaos. If instead of insisting on rights everyone does his duties, there will immediately be the rule of order established among mankind. I venture to suggest that rights that do not directly from duty well performed are not worth having. They will be usurpations sooner discarded, the better"*.

5.7 Gandhiji and Education

Gandhiji believed that education was the most powerful weapon that would make the people aware of their rights and duties. It would also build their character in such a way that they would not hesitate to fight for their rights. He rightly said-"A building erected on that foundation will last forever."

Gandhiji has gone but not thoughts remain. He continues to inspire the people who work for human dignity and freedom throughout the world. World civil rights leaders-from Martin Luther King, Jr. to Nelson Mandela-have credited Gandhiji as a source of inspiration in their struggles to achieve equal rights for their people. Many of the resolutions and activities adopted by the UN related to human rights have been inspired by Mahatma Gandhi. As a tribute to him the United Nations has declared October as the International day of nonviolence.

6.1 Martin Luther's Contribution in Human Rights

"The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy."

- Martin Luther King, Jr.

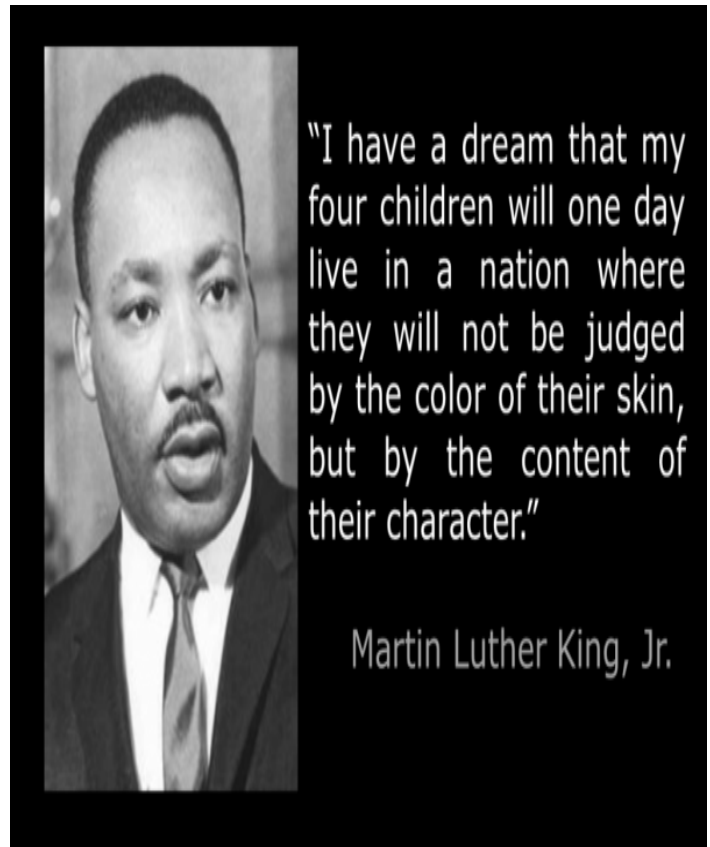
Martin Luther King, Jr.'s advent occurred in the world at the time when racial discrimination was at its highest level. During this time the blacks were greatly discriminated in America. Blacks were segregated from the whites to the extent that they could not reside in the areas of the whites, use the same stores and markets as the whites, attend the same schools as the whites etc. Oppression was practiced throughout America. It was during this time that the winds of change began blowing with the onset of Martin Luther.

He is remembered as one of the greatest advocates of nonviolent social change in the 20th century. He was born in Atlanta, Georgia, but in due time he became very popular due to his exceptional oratory skills and extraordinary courage.

His courage is clearly evident in the incident of 1955, when he and other civil right activists were arrested when they lead a protest against a transportation company of Alabama. During the protest they denied to surrender their seats to the whites and move to the rear of the bus, as they were always expected to do.

In the ensuing years Martin Luther organized many more nonviolent protests and mass demonstrations to eradicate racial discrimination and for demanding civil rights for the protection of African Americans.

In 1963 in Birmingham and Alabama, the King again organised peaceful mass demonstrations for protection of the basic human rights of African Americans. This demonstration was suppressed by the white police with a stern hand. This incident was criticised in the newspapers all around and also drew the attention of human right advocates throughout the world. This subsequently led to mass demonstrations in many places. It later culminated in a march that attracted more than 250,000 protestors to Washington, DC, where the King addressed the crowd with his famous speech -"I



have a dream". By this speech he tried to impart a vision of an undiscriminated society to the world.

He believed that Injustice anywhere is a threat to justice everywhere. That is why he not only opposed injustice in America but all over the world. We see this when in 1960 the King urged the United Nations to step in to end apartheid in South Africa after 69 blacks were killed during peaceful a demonstration.

His vision was enlivened when the Civil Rights Act was ultimately enacted in 1964. In the same year he was honoured with the Nobel Prize for his contribution to Human Rights.

Today the king is an icon of the civil rights movement as his life and work symbolize the quest for equality.

Belonging to a nation, legally, culturally and/or emotionally, offers benefits and requires commitment. Complete the following in the form of paragraphs

I am..... [Write your nationality].

My nationality offers me.....[using complete sentences and concrete examples, write down anything you feel your nationality gives you. e.g. legal protection, an Id card, free health care, etc.]

My responsibility as a citizen is to.....

[Write down all your responsibilities. e.g. respect its laws, speak out if there is something wrong, pay taxes keep it safe, etc.]

Comprehension Questions

- What are rights?
- What is meant by human rights?
- Why are human rights considered to be inalienable?
- Why is it said that human rights are dynamic?
- How human rights facilitate us in our day-to-day lives?
- Specify the two broad kinds of rights proclaimed in the UDHR?
- Can you recall some of the salient features of the UDHR?
- International Bill of Human Rights is made up of which instruments?
- "Right and duties are supplementary to each other" Explain.
- What role did Magna Carta play in the promotion of human rights?

- What was the role-played by Thomas Hobbes, John Locke, and Rousseau in the development of the theory of natural rights?
- How did the American and French revolutions become the source of human rights in the modern world?
- Write the contribution of UNs in the promotion and protection of human rights.
- To what extent is the Constitution of India compatible with the United Nations Declarations of Human Rights?
- How do the fundamental rights of Indian citizens ensure the promotion of human rights?
- An advertisement, for a website says that two prospective candidates are rejected in a job interview as they are not listed and connected through a 'job portal' without even being interview. How does such as advertisement affect a person's human rights?
- One would expect human rights to be more evolved in developed countries. Which developing countries have excelled in certain areas of human rights?
- Please spell out in bullet points 'life with dignity' and 'life without dignity'?
- Can you think of anyone or a group of people whose rights have been violated and how you can help them?
- List out 5 common violations of human rights due to stereotypes/ prejudices/ societal norms. Give reasons
- Compare the views of Mahatma Gandhi and Martin Luther Jr. regarding human rights
- How is the ideology of Gandhiji regarding human rights relevant in the contemporary world (or present scenario)

Project Work/ Research

1. Draw a map of your town (or neighborhood in the case of larger communities). Include your home, major public buildings (e.g., parks, post office, city hall, schools, places of worship) and public services (e.g., hospitals, fire department, police station) and any other places that are important to the community (e.g., grocery stores, multiplexes, cinemas, fuel stations).
 - a. When the map is complete, analyze the maps from a human rights perspective. What human rights will you associate with different places on the maps? For example, a place of worship with freedom of thought, conscience, and religion; the school with the right to education; the post office with the right to information, to privacy, and to self-expression.
 - b. As you identify these rights, look up the relevant article(s) in the UDHR and write the article number(s) next to that place on the map.
2. Collect newspaper clippings on violation of human right of children and also mention the provision provided by the Constitution of India for the protection of those rights.

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