

# **Shivaji University, Kolhapur**

## **Sem VI**

x) RTI & Human Right Education (HRE), IPR & Patents

Unitary Syllabus on Right to Information and Introduction to Human Rights Education

Unit .....

- 3.1 Right to Information – Right to Information Act, 2005: A step towards Transparency in governance
  - 3.1.1 Introduction to Right to Information Act, 2005
  - 3.1.2 Objectives of Right to Information Act
  - 3.1.3 Right to Information: Global Scenario
  - 3.1.4 Main features of Right to Information Act, 2005
- 3.2 Human Rights Education in India
  - 3.2.1 Meaning of Human Rights Education
  - 3.2.2 Rights, Responsibilities and Action
  - 3.2.3 Goals of Human Rights Education
  - 3.2.4 Need of Human Rights Education

## **Self-Instructional Material (SIM)**

**Sub: Right to Information – Right to Information Act, 2005: A step towards Transparency in governance**

### **Introduction to Right to Information Act, 2005**

Any democratic government needs a well-informed citizenry and transparency of information is important to its smooth functioning. Transparency also helps us to contain corruption and to hold governments and their instrumentalities accountable to the governed, says the preamble of the Indian Right to Information (RTI) Act, 2005. Information as a term has been derived from the Latin words *formation* and *forma* which means giving shape to something, and forming a pattern respectively. Information is needed by human beings to realize their full social, political and economic potential. It is the key which helps make decisions. It is also a public resource collected and stored by government in trust for people.

The Right to Information Act, 2005 (RTI) is a Central Legislation to provide for setting out the particular regime of right to information for citizens. The right to Information Bill, 2005 was passed by the Lok Sabha on May 11, 2005 and by the Rajya Sabha on May 12, 2005 and received the assent of the President of India on June 15, 2005 and came to force on October 12, 2005. It has replaced the Freedom of Information Act, 2002.

This act is applicable throughout India except the state of Jammu and Kashmir. (Jammu and Kashmir has a similar act which was enacted in 2009.) This law is very comprehensive and covers almost all matters of governance and has the widest possible reach, being applicable to Government at all levels- Union, State and Local as well as recipients of government grants.[1]

The Right to Information Act is in accord with Article 19 of the Constitution of India, which enables Indians to exercise their fundamental Right of Speech, Expression and as often interpreted by the Supreme Court the inalienable Right to receive and impart Information. Currently, the RTI Act in India is passing through a decisive phase, much more needs to be done to facilitate its growth and development.

### **Objectives of RTI**

Good governance has four elements- transparency, accountability, predictability and participation and RTI helps in achieving the same.

Right to Information is just like oxygen for democracy. It stands for transparency. Information would lead to openness, accountability and integrity. Besides, apart from ensuring greater transparency it also acts as a deterrent against the arbitrary exercise of public powers. A culture of individual action, political consciousness and public spirit is the basis for the success of democracy.

Open Government is the new democratic culture of an open society towards which every liberal democracy is moving and our country should be no exception. In a country like India which is committed to socialistic pattern of society, right to know becomes a necessity for the poor, ignorant and illiterate masses.

Objective of the Act is to establish the practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, the constitution of a Central Information Commission and State Information Commission and for matters connected therewith and incidental thereto.

**Greater Accountability:** One of the brilliant features of RTI is that it makes public authorities answerable to the general public, which strengthens the participatory democracy. Every public authority is required to provide reasons for its administrative and quasi-judicial decisions to the affected persons u/s 4(1)(d) of the Act, and hence the possibility of arbitrariness reduces to the great extent.

The worldwide accepted indicators of good governance over the period of time are:

1. Voice and accountability.
2. Political stability and absence of violence
3. Government effectiveness
4. Regulatory quality
5. Rule of law
6. Control of corruption

**Greater Transparency:** Rights which are provided in various sections of the Act certainly facilitate the greater transparency in work of public authorities. For instance, under section 2(j), of the Act, a citizen has the right to:

1. Inspection of work, documents, records.
2. Taking notes, extracts or certified copies of the documents or records
3. Taking certified sample of material, and
4. Obtaining information in electronic form, if available
5. Under section 4(1)(d) of the Act, a public authority is required to provide reasons for its administrative or quasi-judicial decision to the affected persons.

The commission u/s 20(1) has power to impose penalties or to recommend disciplinary action against the information providers, if held for being a stone in the path of the free flow of information. In other words, the intention of the framers of this Act is that there should not be any bottle neck in the process of free flow of information to the citizens. The citizens are thus better informed about the performance and contributions of the elected representatives, which augurs well for a healthy democracy and democratic governance of projects.

### **Right To Information: A Global View**

Over 50 countries now have freedom of information laws and another 15-20 are actively considering adopting one. These nations are joined by a growing number of inter-Governmental bodies including the World Bank, European Union and UNDP that have established FOI policies. It provides that all citizens enjoy rights of freedom of opinion and expression, including the right to seek, receive, and impart information and ideas, a guarantee now generally considered to include an obligation of openness on the part of Government.[8]

The UN's Universal Declaration of Human Rights of 1948 had a catalytic effect on movements for open government, worldwide. Many democratic countries have taken legislative action to give its citizens a right of access to information in the possession of the government and its agencies. USA passed the Freedom of Information Act, 1966, which was extensively amended in 1974, and again 1976, 1983. Canada enacted Access to Information Act in 1982. Australia and New Zealand also passed similar legislation in 1982 and 1983, respectively. In keeping with the spirit of the Universal Declaration of 1948 and its Article 19, the Preamble of the Constitution of India, adopted in 1950, has in its Article 19(1)(a) provides exactly similar guarantees to the citizens, the right to freedom of speech and expression as one of the fundamental rights listed in Part III of the Constitution.

More than 50 countries now have guaranteed their citizens the right to know. However, freedom of information legislation is not a new concept. It has been in existence since 18th century as

evident in the case of Sweden. The history of RTI is a struggle between the power of the state and that of the civil society. The degree of success has invariably been determined by their relative strengths, although external factors may have sometimes played a role. In many regions enactment of RTI had resulted from the fall of authoritarian regime.

#### **Important Features of Right To Information Act, 2005:**

1. All citizens possess the right to information
2. The term Information includes any mode of information in any form of record, document, e-mail, circular, press release, contract sample or electronic data etc.
3. Rights to information covers inspection of work, document, record and its certified copy and information in form of diskettes, floppies, tapes, video cassettes in any electronic mode or stored informations in computer etc.
4. Applicant can obtain Information within 30 days from the date of request in a normal case
5. Information can be obtained within 48 hours from time of request. If it is a matter of life or liberty of a person.
6. Every public authority is under obligation to provide information on written request or request by electronic means.
7. Certain information is prohibited.
8. Restrictions made for third party information Appeal against the decision of the Central Information Commission or State Information Commission can be made to an officer who is senior in rank.
9. Penalty for refusal to receive an application for information or for not providing information is Rs. 250/- per day but the total amount of penalty should not exceed Rs. 25,000/-.
10. Central Information Commission and State Information Commission are to be constituted by the Central Government and the respective State Governments.
11. No Court can entertain any suit, application or other proceedings in respect of any order made under the Act.

The aforesaid mentioned promote transparency in government organisations, makes them function more objectively thereby enhancing predictability. In a fundamental sense, right to information is a basic necessity of good governance.[9]

#### **Other Legal Provisions**

Prior to the enactment of a comprehensive law on access to information in 2005 several Indian laws provided for the right to access information in a specific context. Section 76 of the Indian Evidence Act, contains what has been termed as freedom of information in embryonic form. This provision requires public officials to provide copies public documents to anyone who has a right to inspect them. The Factories Act, 1948 provides for compulsory disclosure of information to factory workers regarding dangers, including health hazards, and also the measures to overcome such hazards. The Environment (Protection) Act, 1986 and environmental Impact Assessment Regulations provide for instances of public consultation and allow access to information about the pollution caused by industries covered by the regulations. Recently, the Commission to review the Constitution of India in its report recommends explicit inclusion of right to information including freedom of press and other media as a fundamental right.

## Self-Instructional Material (SIM)

**Subject:** Human Rights Education in India:

### HUMAN RIGHTS EDUCATION IN INDIA

#### Introduction:

##### *Human Rights Starts with Breakfast: Leopold Senghor*

The rights which are made for human beings, all human beings are entitled to get fundamental freedom and basic rights, such basic rights considered as human rights. Acc. to United Nations Declaration on Human Rights, it was considered that the human rights include:

- Civil and Political Rights
- Social Rights
- Cultural and Economic Rights, etc.

It also includes such basic rights like as fundamental rights which were earlier described in 'Bill of Rights' of the USA and 'Magna Carta' of UK-legislated by King Charles II. Moral Rights provides a systematic symbol to Human Beings. Human Rights provides person such legal or constitutional rights which feel like a human right; (Human will feel as Human, not an animal). It shall promote peace, friendship, tolerance and understanding

#### HUMAN RIGHTS EDUCATION: A MOVEMENT

Human rights education has become a burning topic for learners, researcher as well as teachers. Human right education has many varieties and continually changing the field and respond to the development of the world society. Nowadays, in classroom human rights education discusses with various names like Conflict Resolution, Multicultural Education, Development Education, World Order Studied, Environment Studies & ADR, Restorative Justice Education

By this we can detect the causes of social injustice, conflict, and war-threat, etc. these topics connect with the preventive education when prevention comes for social injustice, conflict, and war-threat, etc. like problems. But these topic help to establish peace and secure the social norms of the society which may be danger in conflicts.

#### WHAT CAN BE EDUCATED IN HUMAN RIGHTS?

A vital information about human rights can be used for teaching, like that to teach about the responsibility of the nation, parents, democracy, etc. are many areas which can be used as study material for the human rights education. Different views of societies, social & religious groups upon Human Rights and Experiences of the researchers about such rights; and it shall be supported by the social changes & historical events which are necessary to develop a great nation.

Human Rights Education is not a just name & topic but it is interconnected with many other areas like that-

- Gender Education
- Social & Moral Education
- Citizenship Education
- Peace
- Sustainable Development
- Anti-Racism
- Inter Cultural Education, etc.

Three dimensions to the promotion of human rights education in human beings:

- Knowledge which helps to provide information about human rights and such mechanisms that stay to protect those rights.
- By the development of values, beliefs, and attitudes which promote the human rights culture.
- Awareness programs which will encourage people to prevent human rights abuse and defend human rights.

## **LEGAL FOUNDATION FOR THE RIGHTS TO EDUCATION**

### **INTERNATIONAL: UDHR & UNESCO: -**

Acc. to Art. 26 of UDHR, everyone has right to education. Education must be free to all individual at elementary and fundamental stages. The elementary education should be made available to all and higher education should be on the basis of merit. Education is the tool which is necessary for the development of the human personality and helpful to the strengthening of respect for fundamental freedom and human rights for individuals. Parents of the children have right to choose what kind of education shall be given to their children. This article also highlighted on peace among the nations and education shall promote tolerance, understanding among the nations and grow up the friendship between nations and racial& religious groups.

Human rights created with birth & no one deprived these rights of the individual; International covenant on civil & political rights talks about child rights against discrimination on the name of the race, colour, sex, language, religion, origin, property, birth, etc. These political rights are secured under Part III of the Indian Constitution and Judiciary is the sole protector of these rights. It is the right of every child that after his birth he shall be registered and have a name. It is the right of every child to acquire a nationality.

Acc. to Art. 13 of the International Covenant on Economic, Social and Cultural Rights: - The states which are the party of this covenant shall recognise the right of education for everyone. The states agree on the human rights education issue; direct the development of human personality and ensure its dignity, and they shall strengthen the respect for fundamental freedom of individual and human rights. Then, the states agreed on that education shall enable participation of all persons effectively in society. And all states agreed to promote understanding, tolerance, and friendship among all groups (racial, ethnic or religious) and all nation, and maintain the peace between all United Nations states. The state parties to the present Covenant recognise that, with a view to achieving the full realisation of this right: -

- a. Education at primary level shall be compulsory and free for all children.
- b. Secondary education will be provided in two forms; first is technical secondary education and second is vocational secondary education, shall be made available to all individuals and introduced the progressive introduction of free education.
- c. Higher education on the basis of capacity for free education shall be made equally accessible to all.
- d. The individuals who have not completed their primary education provide them with a basic fundamental education.

For the better education at all levels; there should be introduced fellowship program and improve material conditions of teaching staff on regular basis.

It is clear that primary education is compulsory and all people of member states have right to get the education at primary state. It is an obligation on the states to make which makes compulsory primary education.

Declaration on the right and responsibility of individuals, groups, and organs of society to promote and protect universally recognised Human Rights and Fundamental Freedom. Art. 15 of this declaration clearly describes the responsibility of the state, has to promote and facilitate the teaching of human rights and fundamental freedom at all levels of education and to ensure that all those responsible for training lawyers, law enforcement officials include appropriate elements of human rights teaching in their training programme.

UNESCO on human rights education is an integral part of the rights to education and is gaining recognition increasingly as a human right in itself. Knowledge about rights and freedom is considered a fundamental tool to respect guarantee for the rights of all.

Vienna Declaration and Programme of Action, 1993 emphasises human rights education and calls on all states and institutions to include human humanitarian law, democracy and rule of law as subjects in the curriculum of all learning institutions in a formal and non-formal setting.

### **INDIAN ASPECT:**

India has a large population and largest democracy so that if the republic government is not aware of protection of individual's human rights, it can be a danger for the democracy. For securing democracy in India, human rights education should be compulsory, through this, peoples will aware about their basic rights.

### **CONSTITUTION OF INDIA & ACT BY PARLIAMENT FOR EDUCATION: -**

Constitution of India nothing tells about human rights directly but it deals with these rights through fundamental rights and directive principle of state policy (DPSP) described respectively in part III and part IV. Acc. to UDHR, every person of the world has education right which means the basic education should be given to every person. The Preamble of Indian Constitution talks about equality, liberty, and dignity of an individual, which means Indian Constitution's basic objective is to secure the rights of its citizen. In *Minerva Mills vs Union of India*, Supreme Court of India clearly said that preamble describes the soul motto of the constitution and legislature has no power to amend its basic structure. So, the education is the only key by which we can aware the peoples about their basic and fundamental right which came into existence with their birth.

Indian Education Commission has recommended policies for human rights education in India, which are: -

**University Education Commission:** In 1948, Indian government appointed a commission under the chairmanship of **Dr. Radhakrishnan**. The commission submitted its report in August 1949 and recommended various steps for higher education. It described duties and responsibilities of the universities for developing the skilled minds for the nation.

**Secondary Education Commission:** The government of India in September 1952 appointed a commission under the chairmanship of **Dr. A. LakshmanswamiMudaliar**. Commission's main objectives were the development of democratic citizenship, development of personalities, education for leadership, the concept of world citizenship, the introduction of basic knowledge related to societies and human being surrounding.

**Kothari Commission:** Indian Education Commission which was popularly known as Kothari commission appointed under the chairmanship of **Daulat Singh Kothari** in July 1964. The commission submitted its report on 29 June 1966. The Kothari commission recommended 22 major recommendations in the education system like that equalisation of educational opportunity, educational structure, improvement in methods of teaching, quality of text books, teachers' education and etc.

Indian government introduced the national policies for the education in 1968; which was on the basis of recommendation given by education commission (1964-1966). These policies were called for compulsory education for all children up to the age of 14 years and talked about better training for teachers and quality education. These policies focused on '*three language formula*'. Then govt. further introduced other national policies for education in 1986 which was focused on girl child transformation, up gradation of backwards classes, the special school for mentally and physically challenged students, education for tribal people, admission on merit list in higher education, etc.

After that Indian Parliament established new commissions; one in 1992 under the chairmanship of **Acharya Ramamurti** for evaluating the progress of national education policies and further, in the headship of **S.B. Chavan**, *Chavan Committee* recommended value based education which includes truth, righteous conduct, peace, love, and non-violence; these five are the universal values; these views similar to the recommendation is given by the Kothari Commission.

On the recommendation of the law commission of India, The Indian parliament passed an amendment bill in 2002 which provides free and compulsory education for the children age of 6 to 14 years as a fundamental right and such right is inserted in Part III of the Constitution of India by adding additional Art.21A. The Indian Parliament also inserted an additional duty for the parents under Art. 51A; which creates an obligation on the parents to provide education to their children age of 6 to 14 years but such duty isn't under legal obligation.

### **NATIONAL EDUCATION POLICY**

Indian Parliament introduced the national policies for secondary education and higher education in 1969 and 1986, which was the result of the various education commission like University education commission in 1949, Secondary education commission in 1952, Kothari commission in 1964, and so many as. These policies were on equalisation of educational opportunity.

The recommendations were given by National Education Policy (NEP), 1986:

- To provide good educational facilities for the rural areas and other backwards classes.
- Schools were suggested that admission should be on merit list.
- To educate the girl child for accelerating the social transformation.
- Provide the basic education in the tribal areas.
- Special school for the mentally challenged students.

### **MODEL OF HUMAN RIGHTS EDUCATION**

There are three models of Human Rights Education which are generally used in the world including India.

1. Awareness & Value Model
2. Accountability Model
3. Transformation Model



These 3 have different approaches; the awareness model highlights basic knowledge of human rights issues and to promote the growth of human rights integration into public values. The value & awareness model includes health and hygiene issues, environmental issues and consumer rights matter. The accountability model is related with a political approach as well as legal approach, in which it covers the area of the case study, codes of ethics, media dealing, transparency in the system, the right to information, training & networking, etc. The transformation model is more effective than the other two. This model has psychological and sociological approach & its main objective to empower the individual. It talks about stop abuse.

### **NEED OF HUMAN RIGHTS EDUCATION IN INDIA**

Nowadays, moral and ethical values in education system of India are declining; results, we saw in recent years; a fifteen years old student killed his Hindi teacher in Chennai & In last year two school students killed their principle and same in 2017, in Delhi, two minor school students murdered their school principal. It shows that our education system completely lost its norms & ethical values. It is very harmful to the democracy & dignity of individuals; which are covered by human rights as well as constitutional rights; so, that In India, it is strongly recommended to add human rights education as a subject at primary level as well as in higher education.

Knowledge is the best defence for human beings to protect their rights violation; education is the basic source which will provide the information about the human rights. Learning about the one's rights which build about others' rights and which helps to establish a peaceful and tolerant society. The promotion of human rights can be fulfilled with the mass awareness program about human rights issues. Due to these programs, we will get help to reduce the violence of Human rights.

The National Human Rights Commission of India; the Indian Institute for Peace, Disarmament and Environmental Protection (IIPDEP); and many NGOs have launched a public information campaign for human rights countrywide. Its main objectives to make everyone more conscious of human rights and fundamental freedoms, and better equipped to stand up for them. At the same time, the campaign spreads knowledge of the means which exist at the international and national levels to promote and protect human rights and fundamental freedoms.

IIPDEP and many NGOs work to make school authorities and the general public aware of civic education and to know about their birth rights. They focus on developing knowledge, skills, and attitudes needed to apply fundamental human rights and freedom and, consequently, the non-violent resolution of conflict.

### **CONCLUSION:**

Any education to be effective needs to be contextualized too. Thus, it is not enough to teach abstract principles of human rights taken from United Nations' documents or our Constitutions. Human rights can't define in a single word, these start with birth and stand till death and these rights are the collaboration of the born rights, environmental rights, education rights, living rights, equality, freedom, the right to die, etc. which can be connected to human beings. Everyone who born have right to life on the earth and this right includes right to get food, right to inhale fresh air, right to get the education: so, the education is necessary for the all human beings and the state has a

duty to provide basic education to their citizens. United nations also compel the nations to provide basic education about human rights at primary, secondary and higher education level. Indian Constitution also secures the rights of the individuals as fundamental rights and provides the obligation on the state as the directive principle of state policies. Many awareness programs run by the Human Rights Commission of India with the help of the UN. The motto of the commission is to secure the basic rights for everyone. At the end, I can say that human rights education has a vital area for research and these educational rights should be added in the educational system followed by the

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## Skill Development

### Intellectual Property Rights

#### **Introduction to Intellectual Property Rights (Patents and Copyrights)**

**Course Objective:** The course is designed with the specific purpose of creating awareness among the students and training them by providing comprehensive and practical knowledge about intellectual property, intellectual property rights, significance of the IP and its protection in the present era with major emphasis on patents and copyrights.

#### **UNIT-I Intellectual Property (Patent)**

Introduction to Intellectual Property (IP), comparison of Intellectual property with material property, understanding intellectual property and rights associated, Concept of IP and its significance from social, economic and commercial perspectives. Types of IP and associated laws, international and national scenario, advantages and disadvantages of IP and IPR. International character of IPR, TRIPS, WIPO, WTO, GATT, etc. agreement. Introduction to patent, research and innovation, Patent Act 1970 and amendments over the period of years, types of patent, patentability criteria, patentable subject matter/inventions, non-patentable subject matters/inventions, Concept of new, novel, obviousness, commercial utility, brief information on the process and procedure of filing patent and case studies with problems. Patent offices in India.

#### **UNIT-II Intellectual Property (Copyrights)**

Introduction to Intellectual Property Rights with special emphasis on copyrights and neighbouring rights, basic principles, concepts, significance of registration of copyrights and associated benefits. History and evolution of copyright law in modern era, international character, Berne convention and universal copyright convention. Copyright Act 1957 and amendments. Introduction to copyright Act, terms of copyright, brief information on the process and procedure of registering copyright and case studies. Copyright Registrar offices in India.

#### **References**

1. P. Narayanan, Intellectual Property Law, Eastern Law House.
2. D. P. Mittal, Indian Patents Law and Procedure, Taxman Publication.
3. B. L. Wadera, Patents, trademarks, copyright, Designs and Geographical Judications.
4. R. K. Nagarjan, Intellectual Property Law
5. P. Ganguli, Intellectual Property Rights, Tata Mcgraw
6. Bare Acts: Patent Act 1970 and Copyright Act 1957

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# Applicant can obtain Information within 30 days from the date of request in a normal case

# Information can be obtained within 48 hours from time of request. If it is a matter of life or liberty of a person.

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â€œGovernment ought to be all outside and no inside... Everybody knows that corruption thrives in secret places, and avoids public places, and we believe it a fair presumption that secrecy means improprietyâ€ .-Woodrow Wilson

## **End-Notes**

[1] <http://rti.gov.in/rticorner/guideonrti.pdf>

[2] First Report, Second Administrative Reforms Commission, Right To Information June 2006, Master Key to Good Governance

[4] SP Gupta v. UOI (AIR) 1982 SC (149)

[5] Prime Minister, Narendra Modi, addressing at the 10th Annual Convention of RTI law.

[6] Dr. Manmohan Singh former Prime Minister of India, Valedictory Address at the National Convention on RTI, October 15, 2006

[7] <http://info.worldbank.org/governance/wgi/resources.htm>

[8] World Bank, "Legislation on Freedom of Information: Trends and Standards," PREM Note No.93, October, 2004.

[9] First Report, Second Administrative Reforms Commission, Right To Information June 2006, Master Key to Good Governance

[10] The Right to Information Act, 2005, A Guide for Civil Society Organizations

## **Introduction to Human Rights:**

Human rights are a set of principles concerned with equality and fairness.

They are not a recent invention - ideas about rights and responsibilities have been an important part of all societies throughout history. Since the end of World War II, there has been a united effort by the nations of the world to decide what rights belong to all people and how they can best be promoted and protected.

Explore the sections below to find information about the important human rights questions:

- [What are human rights?](#)
- [Where do human rights come from?](#)
- [Why are human rights important?](#)

## **What are Human Rights?**

Every person has dignity and value. One of the ways that we recognise the fundamental worth of every person is by acknowledging and respecting their human rights.

Human rights are a set of principles concerned with equality and fairness. They recognise our freedom to make choices about our lives and to develop our potential as human beings. They are about living a life free from fear, harassment or discrimination.

Human rights can broadly be defined as a number of basic rights that people from around the world have agreed are essential. These include the right to life, the right to a fair trial, freedom from torture and other cruel and inhuman treatment, freedom of speech, freedom of religion, and the rights to health, education and an adequate standard of living.

These human rights are the same for all people everywhere – men and women, young and old, rich and poor, regardless of our background, where we live, what we think or what we believe. This is what makes human rights ‘universal’.

## **Who has a responsibility to protect human rights?**

Human rights connect us to each other through a shared set of rights and responsibilities.

A person’s ability to enjoy their human rights depends on other people respecting those rights. This means that human rights involve responsibility



and duties towards other people and the community. Individuals have a responsibility to ensure that they exercise their rights with consideration for the rights of others. For example, when someone uses their right to freedom of speech, they should do so without interfering with someone else's right to privacy.

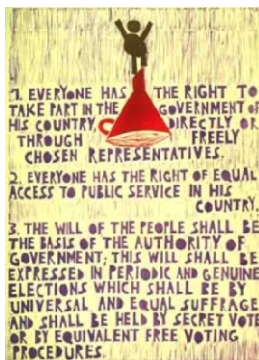
Governments have a particular responsibility to ensure that people are able to enjoy their rights. They are required to establish and maintain laws and services that enable people to enjoy a life in which their rights are respected and protected.

For example, the right to education says that everyone is entitled to a good education. This means that governments have an obligation to provide good quality education facilities and services to their people. Whether or not governments actually do this, it is generally accepted that this is the government's responsibility and people can call them to account if they fail to respect or protect their basic human rights.

## What do human rights cover?

Human rights cover virtually every area of human activity.

They include **civil and political rights**, which refer to a person's rights to take part in the civil and political life of their community without discrimination or oppression. These include rights and freedoms such as the right to vote, the right to privacy, freedom of speech and freedom from torture.



*The right to vote and take part in choosing a government is a civil and political right.*

They also include **economic, social and cultural rights**, which relate to a person's rights to prosper and grow and to take part in social and cultural activities. This group includes rights such as the right to health, the right to education and the right to work.



*The right to education is an example of an economic, social and cultural right.*

One of the main differences between these two groups of rights is that, in the case of civil and political rights, governments must make sure that they, or any other group, are **not denying** people access to their rights, whereas in relation to economic, social and cultural rights, governments must **take active steps** to ensure rights are being fulfilled.

As well as belonging to every individual, there are some rights that also belong to groups of people. This is often in recognition of the fact that these groups have been disadvantaged and marginalised throughout history and consequently need greater protection of their rights. These rights are called **collective rights**. For example, Aboriginal and Torres Strait Islander peoples possess collective rights to their ancestral lands, which are known as native title rights.

Rights that can only apply to individuals, for example the right to a fair trial, are called **individual rights**.

## **Where do human rights come from?**

### **The origins of human rights**

Human rights are not a recent invention.

Throughout history, concepts of ethical behaviour, justice and human dignity have been important in the development of human societies. These ideas can be traced back to the ancient civilisations of Babylon, China and India. They contributed to the laws of Greek and Roman society and are central to Buddhist, Christian, Confucian, Hindu, Islamic and Jewish teachings. Concepts of ethics, justice and dignity were also important in societies which have not left written records, but consist of oral histories such as those of

Aboriginal and Torres Strait Islander people in Australia and other indigenous societies elsewhere.

Ideas about justice were prominent in the thinking of philosophers in the Middle Ages, the Renaissance and the Enlightenment. An important strand in this thinking was that there was a 'natural law' that stood above the law of rulers. This meant that individuals had certain rights simply because they were human beings.

In 1215, the English barons forced the King of England to sign Magna Carta (which is Latin for 'the Great Charter'). Magna Carta was the first document to place limits on the absolute power of the king and make him accountable to his subjects. It also laid out some basic rights for the protection of citizens, such as the right to a trial.

Significant development in thinking about human rights took place in the seventeenth and eighteenth centuries, during a time of revolution and emerging national identities.

The American Declaration of Independence (1776) was based on the understanding that certain rights, such as 'life, liberty and the pursuit of happiness', were fundamental to all people. Similarly, the French Declaration of the Rights of Man and the Citizen (1789) challenged the authority of the aristocracy and recognised the 'liberty, equality and fraternity' of individuals. These values were also echoed in the United States' Bill of Rights (1791), which recognised freedom of speech, religion and the press, as well as the right to 'peaceable' assembly, private property and a fair trial.



*The English barons forcing the tyrannical King John to sign Magna Carta in 1215*

## **The development of modern human rights**

The nineteenth and early twentieth centuries saw continuing advances in social progress, for example, in the abolition of slavery, the widespread provision of education and the extension of political rights. Despite these advances, international activity on human rights remained weak. The general attitude was that nations could do what they liked within their borders and that other countries and the broader international community had no basis for intervening or even raising concerns when rights were violated.

This is expressed in the term 'state sovereignty', which refers to the idea that whoever has the political authority within a country has the power to rule and pass laws over that territory. Importantly, countries agree to mutually recognise this sovereignty. In doing so, they agree to refrain from interfering in the internal or external affairs of other sovereign states.

However, the atrocities and human rights violations that occurred during World War II galvanised worldwide opinion and made human rights a universal concern.

### **World War II onwards**

During World War II millions of soldiers and civilians were killed or maimed. The Nazi regime in Germany created concentration camps for certain groups - including Jews, communists, homosexuals and political opponents. Some of these people were used as slave labour, others were exterminated in mass executions. The Japanese occupation of China and other Asian countries was marked by frequent and large-scale brutality toward local populations. Japanese forces took thousands of prisoners of war who were used as slave labour, with no medical treatment and inadequate food.



*A group of prisoners at a concentration camp during WWII in Ebensee, Austria*

The promotion and protection of human rights became a fundamental objective of the Allied powers. In 1941, U.S. President Roosevelt proclaimed the 'Four Freedoms' that people everywhere in the world ought to enjoy - freedom of speech and belief, and freedom from want and fear.

The war ended in 1945, but only after the destruction of millions of lives, including through the first and only use of atomic weapons at Hiroshima and Nagasaki. Many countries were devastated by the war, and millions of people died or became homeless refugees.



This new organisation was the United Nations, known as the UN, which came into existence in 1945. As the war drew to a close, the victorious powers decided to establish a world organisation that would prevent further conflict and help build a better world.

The UN was created to fulfil four key aims:

- to ensure peace and security
- to promote economic development
- to promote the development of international law
- to ensure the observance of human rights.

In the UN Charter – the UN's founding document – the countries of the United Nations stated that they were determined:

'... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small ... and to promote social progress and better standards of life in larger freedom ...'

The UN's strong emphasis on human rights made it different from previous international organisations. UN member countries believed that the protection of human rights would help ensure freedom, justice and peace for all in the future.

## **Why are human rights important?**

Values of tolerance, equality and respect can help reduce friction within society. Putting human rights ideas into practice can help us create the kind of society we want to live in.

In recent decades, there has been a tremendous growth in how we think about and apply human rights ideas. This has had many positive results - knowledge about human rights can empower individuals and offer solutions for specific problems.

Human rights are an important part of how people interact with others at all levels in society - in the family, the community, schools, the workplace, in politics and in international relations. It is vital therefore that people everywhere should strive to understand what human rights are. When people better understand human rights, it is easier for them to promote justice and the well-being of society.

### **Can my human rights be taken away from me?**

A person's human rights cannot be taken away. In its final Article, the Universal Declaration of Human Rights states that no State, group or person '[has] 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'.

This doesn't mean that abuses and violations of human rights don't occur. On television and in newspapers every day we hear tragic stories of murder, violence, racism, hunger, unemployment, poverty, abuse, homelessness and discrimination.

However, the Universal Declaration and other human rights treaties are more than just noble aspirations. They are essential legal principles. To meet their international human rights obligations, many nations have incorporated these principles into their own laws. This provides an opportunity for individuals to have a complaint settled by a court in their own country.

Individuals from some countries may also be able to take a complaint of human rights violations to a United Nations committee of experts, which would then give its opinion.

In addition, education about human rights is just as important as having laws to protect people. Long term progress can really only be made when people are aware of what human rights are and what standards exist.

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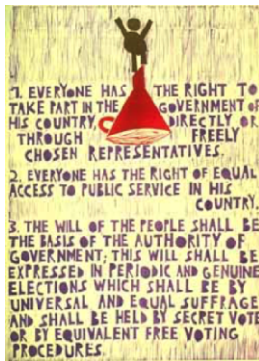
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## **Human Rights Movements in India**

### **Introduction**

In India, the last quarter of the 20th century has been witness to a growing recognition of the place and relevance of human rights due to pressure from various social movements. It is axiomatic that this interest in human rights is rooted in the denial of life and liberty that was a pervasive aspect of the emergency (1975–77). The mass arrests of the leaders of the opposition and the targeted apprehension of those who could present a challenge to an authoritarian state are some of the dominant images that have survived. The involuntary disappearance of Rajan in

Kerala is more than a symbol of the excesses of unbridled power. Forced evictions carried out in Delhi in what is known as 'Turkman Gate' conjures up visions of large-scale razing of dwellings of those without economic clout, and of their displacement into what were the outlying areas of the city. The catastrophic programme of barbaric mass sterilisation is an indelible part of emergency memory. The civil liberties movement was a product of the emergency. Arbitrary detention, custodial violence, prisons and the use of the judicial process were on the agenda of the civil liberties movement. For past three decades, peasant movements, tribal movements, dalit movements, backward caste movements, women's movements, working class movements, students' movements, middle class movements and environmental movements have highlighted human rights concerns (Shah, 2004).

### **Genesis of Human Rights Movements in India**

Rude shock received from the imposition of the national emergency in India in 1976 made the articulate and vocal sections of society sensitised to human rights. Absence of democratic rights during those eighteen months galvanised students, intellectuals, political activists, trade unionists, artists into action. The educated middle class of India had thrived on an uninterrupted flow of democracy in its national life since it gained independence in 1947. The emergency rule was marked by detention without trial for a large number of people—students, youth, political personalities—news censorship, trespassing without legal sanction of private premises, tapping of telephones, interception of letters and constitutional amendment curtailing basic rights to life and freedom in the name of national security and violation of civil liberties. Television being monopoly of the government was totally controlled by the ruling party (Nair, 2006). Hundreds of thousands of people joined massive rallies to protest against the anti-democratic acts of the government and to mobilise public opinion to safeguard the Indian democracy. Organisations such as Citizens for Democracy, People's Union for Civil Liberties (PUCL), People's Union for Civil Liberties and Democratic Rights (PUCLDR) and Chhatra Yuva Sangharsh Vahini were at the forefront of human rights struggles at the national level. Dozens of state-level and city-based groups were also formed during this period. For example, Committee for Protection for Democratic Rights (Mumbai), Association for Protection of Democratic Rights (APDR) and Andhra Pradesh Civil Liberties Committee (APCLC) in Hyderabad. With the national emergency lifted in 1977, horror stories of custodial violence and barbaric acts of torture in the police custody and prisons started pouring into the mainstream newspapers. Bright young men and women opted for investigative journalism as a career. Newly formed civil liberties and democratic rights groups started bringing out their newsletters and journals in English, Hindi and several regional languages. Even in the post-emergency period, the Janata Party that had earlier raised the slogan of 'Democracy



versus Dictatorship', after came to power with popular mandate, brought into force draconian laws such as Pre-ventive Detention Act, Industrial Relations Bill and condoned Essential Services Maintenance Act and Disturbed Areas Act to repress the toiling poor (Louis and Vashum, 2002). During 1980s, those who were concerned only about formal democracy confined themselves to 'civil liberties movement'. And organisations working against repression of the workers, poor, peasants, dalits, women and tribal people joined 'democratic rights movement'. This set the tone for human rights movements in India during 1990s that established their networks from local and regional to global level. Now, we have reached a stage where social movements of all ideological hues accept 'emancipatory potential' of human rights (Baxi, 2002). Even the main-stream institutions—universities, print and electronic media, religious organisations and political parties—with mutually exclusive interests talk about 'violation of human rights' in their campaigns. In the 21st century, the state of human rights in a 'post human' and 'machinistic' world is almost overwhelmed by security concerns, 'terrorist threats' and techno-science (Baxi, 2007).

## **Political Economy and Human Rights Concerns**

India's social demography reads as follows: Approximately half of India's population of over 1129 million consists of women. India has at least 375 million children—more than any other country in the world; over 166 million people in India are dalits, known officially as persons belonging to scheduled castes and scheduled tribes; at least 70 million people are physically/mentally challenged; religious minorities account for almost 20 per cent of the population, including over 138 million Muslims and 24 million Christians; at least 25 per cent of the total population lives below the poverty line;



*adivasi*

s (indigenous people/tribals) account for another 84 million; at least 2.4 million people are living with HIV/AIDS in India, as per the 2007 statistics; approximately 500,000 persons are internally displaced, due to internal armed conflict, ethnic, communal and other forms of violence; the total migrants, according to the 2001 population, are 315 million, a majority of whom are migrant labourers; a very conservative estimate indicates that the gay, lesbian and bisexual population in India constitutes about 10 per cent of the total population—that is, at least 100 million; no conclusive statistics exist on the number of transgendered and transsexual persons. Human rights violations of vulnerable groups in contemporary India are the result of a complex nexus between the politics of identity, exclusion, inclusion and segregation, rooted in history, cultural ethos, politics and economics (Uma, 2009). Almost 400 million people—more than 85 per cent of the working population in India—work in the unorganised sector. Of these, at least 120 million are women. The recent Arjun Sengupta Committee Report (2006) is a stark reminder of the huge size and poor conditions in this sector. A subsequent draft bill to provide security to workers, which bypasses regulatory measures and budgetary provisions, has generated intense debate. Lobbying around this report resulted into Social Security Act, 2008.

## **Contribution of Women's Movement to Human Rights Movement**

Nationwide anti-rape campaign in 1980 resulted into emergence and proliferation of the autonomous women's organisations in several cities and towns of India. While doing agitation and propaganda work against series of rape cases in custodial situation, domestic violence and dowry harassment, these groups realised that to work on a sustained basis and to take care of the

rehabilitative aspects of violence against women, it was important to evolve institutional structures for support to the women victims of violence based on feminist principles of solidarity (mutual counselling) and sisterhood. Criminal legal system in India made it inevitable for these groups to establish rapport with the police for an immediate redressal to the women victims of violence. Condition of women in the remand homes and the Nari Niketans were so repugnant and barbaric that they could not be trusted for women's rehabilitation. In fact, many women who suffered at their hands approached the new women's groups. The women activists had to deal with the attitude of victim baiting and double standards of sexual morality, sexist remarks and sick humour from the staff of the police, the legal apparatus and the public hospitals. At each and every step, they encountered class, caste and communal biases. These resulted into confrontation between the women's groups and the established institutions. But in course of time, they realised that it was necessary to suggest concrete alternatives in terms of legal reforms, method of interventions and staff training for attitudinal changes. For public education, literature written in convincing style was a must. Audio-visual material for reaching out to more and more people was necessary. Professional bodies and educational institutions were approaching these groups for understanding the women's question. In these context 'special interest groups' focusing on agitation and propaganda, media-monitoring, resource material for consciousness raising, creation of cultural alternatives, publications, research and documentation, bookstalls and legal aid work came into existence during the 1980s and got consolidated in the 1990s. These groups played complementary roles in each other's development, though the process was not so smooth (Desai, 1988).

Law subjugated Muslim women by imposing

*purdah*

, allowing polygamy and unilateral divorce by men to his wife/wives and by depriving divorced Muslim women of maintenance rights. Underlying philosophy of all these personal laws was that women are not equal to men. They are governed by the patriarchal ideology. Irrespective of their religious backgrounds, these personal laws perpetuate patrilineage, patrilocality, double standard of sexual morality for men and women and perceive women as dependent on men. Individual women from different communities have challenged the constitutional validity of discriminatory aspects of the personal laws in the Supreme Court of India. Increasing number of educated working women and housewives from all religious backgrounds have been approaching secular women's organisations. Main problems faced by them from their natal families have been forcible marriage, murderous attacks in cases of inter-caste, inter-class and inter-religious marriages, property disputes and incest, and from their husbands and in-laws have been adultery, bigamy, polygamy, divorce, custody of child/children, property, incest etc. As the issue of personal laws is intertwined with the religious identities, the secular women's movement had to face tremendous hostility from the elite of the different communities, mass organisations, patriarchal secular lobby and the parliamentary parties cashing on block

votes. Individual women (divorced, deserted, single and married under duress) are questioning discrimination in the customary laws. Tribal women in Maharashtra and Bihar have filed petitions demanding land rights in the Supreme Court of India. Several women's groups (Saheli, Delhi, Vimochana, Bangalore and Forum against Oppression of Women, Mumbai) and human rights lawyers' team (The Lawyers Collective, Mumbai and Indian Social Institute, Delhi) have prepared drafts containing technical detail of gender

just and secular family laws. In 1996, Ahmedabad Women's Action Group (AWAG) filed writ petition to declare Muslim Personal Law which allows polygamy as void as offending Articles 14 and 15 of the constitution (Chorine, Desai and Gonsalves, 2000: 861). 'The issue of women's rights and family law reform has been increasingly entangled within the polemics of identity politics and minority rights', says a feminist lawyer, Ad. Flavia Agnes (2001: 1). On 23 April 1985, the Supreme Court of India awarded lifelong maintenance to an old divorced Muslim woman, Shah Bano. The communal tone of the judgment—which, instead of highlighting the right to maintenance of a divorced woman, spoke of 'Muslim woman' and 'Muslim husband'—created unnecessary and harmful polarisation on religious grounds. Lawyers, women's groups, progressive and conservative people reacted sharply. Demonstrations, rallies, petitioning, signature campaigns, media war, public meeting, both for and against the Muslim Personal Law—all totally communalised the issue of gender justice (Patel, 2002). The women's movement has been among the most articulate, and heard, in the public arena. The woman as victim of dowry, domestic violence, liquor, rape and custodial violence has constituted one discourse. Located partly in the women's rights movement, and partly in the campaign against AIDS, women in prostitution have acquired visibility. The question of the practice of prostitution being considered as 'sex work' has been variously raised, while there has been a gathering unanimity on protecting the women in prostitution from harassment by the law. The Uniform Civil Code debate, contesting the inequality imposed on women by 'personal' laws, has been resurrected, diverted and re-started (Engineer, 1987). Representation, through reservation, of women in parliament and state legislatures has followed the mandated presence of women in panchayats. Population policies have been contested terrain, with the experience of the emergency acting as a constant backdrop (Patel, 2009). 'Women's rights are human rights' has demanded a reconstruction of the

understanding of human rights as being directed against action and inaction of the state and agents of the state. Patriarchy has entered the domain of human rights as nurturing the offender.

## **Sexual Harassment at Workplace**

During the 1990s the most controversial survivor of brutal gang rape at workplace involved an employee of Rajasthan state government who tried to prevent child marriage as a part of her duty as a worker of Women Development Programme. The feudal patriarchy who were enraged by the 'guts' of, in their words, 'a lowly woman from a poor and potter community' decided to teach her a lesson and repeatedly raped her (Samhita, 2001). After extremely humiliating legal battle in the Rajasthan High Court the rape survivor did not get justice and the rapists, 'educated and upper caste affluent men', were allowed to go scot-free. This enraged a women's rights group called VISHAKHA that filed public interest litigation in the Supreme Court of India

The Supreme Court directive provided the legitimate space for the hidden truth about SHW to surface; earlier one only heard about victim-blaming, witch-hunting and blackmailing. Now women are fighting back tooth and nail. Sexual Harassment (Prevention and Redress) Bill, 2003 was introduced in the parliament.

## **Public Interest Litigations and Judicial Activism**

During the early 1980s, the Supreme Court devised an institutional mechanism in public interest litigation (PIL). PIL opened up the court to issues concerning violations of rights,

and non-realisation of even bare non-negotiables by diluting the rule of

*locus standi*; any person could move the court on behalf of a class of persons who, due to indigence, illiteracy or incapacity of any other kind are unable to reach out for their rights. In its attempt to make the court process less intimidating, the procedure was simplified, and even a letter to the court could be converted into a petition. In its early years, PIL was a process which recognised rights and their denial which had been invisibilised in the public domain. Prisoners, for instance, hidden amidst high walls which confined them, found a space to speak the language of fundamental and human rights. This led to 'judicial activism', which expanded the territory of rights of persons. The fundamental rights were elaborated to find within them the right to dignity, to livelihood, to a clean environment, to health, to education, to safety at the workplace... The potential for reading a range of rights into the fundamental rights was explored. Individuals, groups and movements have since used the court as a situs for struggle and contest, with varying effect on the defining of what constitute human rights, and prioritising when rights appear to be in conflict.

Child labour, AIDS-related work, the area of devolution and aiding women's participation in panchayat institutions, and battling violence against women, witch-hunting, honour killing have found support and sustainability in funding infrastructure development and support. These have existed alongside civil liberties groups and initiatives, grassroots campaigns such as the Campaign for the Right to Information based in Rajasthan, the development struggle which has the Narmada Bachao Andolan at its helm, or the fishworkers' forum that has combated, sometimes successfully, the encroachments by

the large-scale and capital-intensive corporate into the livelihoods of traditional fishing communities. Binayak Sen, a pediatrician, public health specialist and national vice-president of PUCL was imprisoned in Raipur. Sen is noted for extending healthcare to the poorest people, monitoring the health and nutrition status of the people of Chhattisgarh, and as an activist defending the human rights of tribal and other poor people. In May 2007, he was detained for allegedly violating the provisions of the Chhattisgarh Special Public Security Act 2005 (CSPSA) and the Unlawful Activities (Prevention) Act 1967. His detention was declared in breach of international law by Amnesty International. Despite being accused of non-bailable offences, the special laws he has been booked under don't affect his bail rights. Sen first applied for bail before the Raipur Sessions Court and then the Chhattisgarh High Court in July 2007, soon after his arrest, but was granted bail by Supreme Court of India on 25 May 2009. There was a massive campaign demanding release of Dr Sen. Movements for self-determination, militancy, dissent and the naxalite movement have provoked various extraordinary measures which have, in turn, prompted human rights groups into protest and challenge. The Terrorist and Disruptive Activities (Prevention) Act (TADA) is an instance (Singh, 2007). The Armed Forces Special Powers Act (AFSPA) continues. Encounter killings, disappearances and the ineffectiveness of the judicial system in places where 'extraordinary' situations of conflict prevail, characterise the human rights-related scenario. A jurisprudence of human rights has emerged in these contexts. Networking, and supporting each other through conflicts and campaigns, is not infrequent. There are glimmerings of the emergence of, or existence of, a 'human rights community' in this. This has had groups and movements working on tourism, forest dwellers' rights, civil liberties, displacement, women's rights and environment, for instance, finding a common voice in protesting the nuclear blasts in May 1999, or in condemning the attacks on the filming of 'Water' which had



undisguised communal overtones. There has also been a building of bridges across causes and the emergence of an inter-woven community of interests (Roy, 2004). As the vista of rights has expanded, conflicts between rights have begun to surface. There has been a consequent prioritisation of rights. The determination of priorities has often depended on the agency which engages in setting them—sometimes this has been environmental groups, at others workers, and yet other times, it has been the court.

### **Responses: State and Non-state, to Human Rights Situations**

The post-emergency period has been full of narratives of torture of political prisoners. The last quarter of the 20th century opened the vistas of human rights concerns as a result of interdisciplinary dialogues among the academicians, journalists, film-makers, feminists, judiciary, prison authorities and progressive section of the police and inputs provided by the social movements. The notion of human rights is founded on core values of freedom, equality, equity and justice. It insists on equality of treatment for all and no discrimination against anyone. Human rights are basic guarantees of entitlements and freedoms that every human being must enjoy in order to be able to live a life of dignity and pursue opportunities to realise one's full potential. Human rights include the rights to live free from fear and want; to be treated as an equal and not to be discriminated against; to be protected from cruel, inhuman and degrading treatment; to have equal opportunities for the pursuit of livelihood; to be free to own and dispose of property; to be in good health and receive care and treatment when ill; to receive education; to have shelter; to express one's thoughts and opinion freely; to pursue the religion of one's choice; and most importantly to have access to justice and an effective remedy when



one or more of these entitlements are violated. Human rights belong to all persons no matter who they are, what they do or where they come from, that is to say, they must be enjoyed by every person irrespective of citizenship, nationality, race, ethnicity, language, gender, class, caste, religion, political opinion or abilities (Kannabiran, 2003). Human rights are not a privilege that may be granted to a chosen few or a discretionary gift or reward. They are the means and measure that, when fulfilled, will ensure human needs are met, human potential realised, opportunity is equally available to all, benefits are equitably shared and the weakest are included and protected. The central notion of equity permits special groups like women, children, minorities and those that have traditionally suffered disadvantage or are vulnerable, to be specifically protected to ensure their equality of status and opportunity.

## **Prison Reforms**

Present prison rules for inmates (whether they are criminals or victims) infantilise the prisoners because there is no input for capacity building and emotional solace. The UN approach which involves

*only regular income and food security*

turn

the prisoners into bullies. Dissociating prisoners from their family members makes them self-centred, ego-centric and devoid of a quality of nurturance or long-lasting human bond. Movement for prison reforms is led by Human Rights and Law Network.

## **Human Rights Education**

Need for human rights education was felt for the first time in the post-emergency period by the Indian intelligentsia

which faced witch-hunting during the emergency rule. Those who opposed the emergency rule had given the slogan of 'Democracy versus Dictatorship'. In response, the supporters of emergency gave a slogan of 'Discipline versus Democracy'. Betrayal of the large majority of the educated and verbally articulate section of Indian society which opened its mouth only to eat and to yawn (the most famous slogan during nineteen months of emergency rule during 1975–76,

*Hum Hamara Munn sirf Khane ke liye aur ubasi*

*leneke liye Kholate hai*

) during the emergency rule was shocking. Networks such as Mumbai Initiative for Human Rights Education (MIHRE) organises workshops for schools and colleges to inculcate ethos of human rights among teachers and students.

## **Human Rights and Pro-poor Development**

Poverty is a brutal denial of human rights and this must be recognised at the outset by policy makers—governments, donors, international organisations and individual parliamentarians. It is a condition generated by chronic situations where individuals, families and entire communities are deprived and as such may suffer from some or all of the following conditions—homelessness, lack of education, ill health, disability, lack of opportunities for livelihood and the inability to access public services or indeed access justice itself (Muralidhar, 2004). Each of these conditions in turn corresponds to the violation of internationally recognised human rights standards, namely, the right to adequate housing, the right to educational opportunities, the right to health facilities, the right to work, the right to livelihood, the

right of equal access to public services and the right to seek justice(Mishra, 2008).

## **Right to Food**

PUCL petition on hunger in Rajasthan in the Supreme Court in 2001 snowballed into emergence of the Right to Food Campaign that highlighted key issues such as making the Right to Food a Fundamental Right, converting all existing schemes into entitlements, tackling large-scale malnutrition and chronic hunger and securing employment as a fundamental right linked to the Right to Food. Some abiding concerns of the Right to Food Campaign are: effective implementation of all nutrition-related schemes; introduction of cooked mid-day meals in all primary schools; reform and expansion of the public distribution system(PDS); realisation of the right to work, especially in drought-affected areas; social security measures for the destitute.

## **Right to Health**

Indian chapter of People's Health Assembly (PHA) is actively fighting for right to health. PHA organises public hearing and press conferences, lobbies for enhancement in health budgets, issues statements and negotiates with the government. It is important to know PHA's history. In 1978 the governments of the world came together to sign the Alma Ata Declaration that promised 'Health for All by 2000'. However, this promise was never taken very seriously and was subsequently marginalised in health policy discussions. As the year 2000 approached it appeared that 'Health for All by 2000' was quietly being forgotten by governments around the world. To remind people of this forgotten commitment the First People's Health Assembly was organised in Savar, Bangladesh in December 2000. The PHA was a

coming together of people's movements and other non-governmental civil society organisations all over the world to reiterate the pledge for Health for All and to make governments take this promise seriously. PHA has contributed greatly to build global solidarity, and to bring together people's movements and organisations working to advance the people's health in the context of policies of globalisation.

### **Challenges before Human Rights Movements**

The urgent tasks before the human rights community in India are to consistently focus on the root causes of human rights violations both nationally and internationally and its specific political context. The war on terror is an attack on the rights and dignity of the workers, urban and rural poor. There is also a need to focus on the fact that the human rights violations on a world scale are due to the unfair terms of international trade and have resulted in the destruction of millions of cultures, economies and ecology. Documenting and exposing the growing role of intelligence agencies in the disinformation campaign and their penetration into the ranks of movements, including the human rights movement are also required. The argument that human rights must be sacrificed for national security must be countered. In fact preservation of human rights standards is the only way to ensure our nation remains secure, as violation leads to greater alienation of the victims. It is absolutely true that human rights is the most evolved form of western imperialism and it has been used selectively to justify gross human rights violations. The US opposed 150 times between 1984 and 1987 resolutions furthering human rights, peace, nuclear disarmament and economic justice. It is equally true that human rights is also the only common language and framework for the oppressed and victims of that imperialism. The Universal Declaration of Human Rights (UDHR) is a product of thousands of struggles the world over

and it needs to be evolved and become more inclusive, especially of collective rights. Human rights movement in India has rallied around fundamental rights guaranteed in the Constitution of India as human rights (Suresh, 2003).

## **Conclusion**

The character and structure of the human rights community has radically changed since the post-emergency period when India saw the first human rights movement emerge after independence from British colonial rule. The emergency period (1975–77) sensitised the middle class to fight for human rights as, for the first time, they experienced deficit in democracy in the post-independence period. Both top-down and bottom-up approaches are used by people's organisations to promote human rights. We must demand greater transparency from the government in dealing with militancy, which means that all fundamentalists, fascist forces have to be dealt with equal vigour. Those caught for violating the law and committing crimes must be punished but strictly in accordance with the law and human rights standards. The use of the politics of fear for narrow electoral and short-term political gains serves to encourage corruption among the investigating agencies and undermines the criminal justice system. The human rights movements are fighting both religious chauvinism and market fundamentalism politically and ideologically. They are promoting secular humanism and voicing the concerns of the oppressed, suppressed and brutalised human beings. Their commitment to human rights is not based merely on individual rights but that which includes the collective rights of the people.

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