



HUMAN RIGHTS

new dimensions and
challenges

Edited by
Lakhimee Kakoty

**Human Rights :
New Dimensions and Challenges**

Edited by
Lakhimee Kakoty
Dr. B.K.B. College, Puranigudam

"Human Rights : New Dimensions and Challenges" – Proceeding of the UGC Sponsored National Seminar, Edited by Lakhimee Kakoty, Head of the Department of Economics, Dr. BKB College, Puranigudam, Nagaon (Assam).

Published in February : 2012

Price : ₹ 200/-

Publisher : Organizing Committee of the seminar

Published by : Krantikaal Prakashan, Nagaon
on behalf of Organizing Committee of the seminar

ISBN : 978-93-81694-15-2

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Printed at : Ajanta Press, Haibargaon : Nagaon : Assam

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PROLOGUE

The Department of Economics, Dr. BKB College, Puranigudam, Nagaon (Assam) organized a UGC Sponsored National Seminar on '*Human Rights : New Dimensions and Challenges*' on 27th August, 2011 in collaboration with the Bar Association, Nagaon. The present volume is a collection of papers presented at the seminar.

Human Rights is considered as one of the top most priority factor in the present day world. It influences the all round development of the humanity, worldwide. It ensures peace, security, justice and stability to the humanity. It inculcates humane value, dignity of labour, and above all a concern for truth. Social obligation amongst individuals and justice within groups; which are the prime concerns of human rights.

This seminar highlighted different issues concerning political, economic, social, cultural, spiritual and physical aspects. "Human Rights : New Dimensions and Challenges" could draw participations of a number of research-scholars and college teachers from different corners of the nation. And a large number of legal practitioners attended the seminar, who are also the co-organisers.

After the welcome address by Dr. Bhupen Saikia, Principal of the college, the Seminar is inaugurated by Dr. Annadacharan Bhagwati, former Vice Chancellor, Rajiv Gandhi University, Arunachal Pradesh, following by lighting of the inaugural lamp by Sreejut Sarat

Chandra Khound, President, Governing Body of the college. Dr. Shyam Bhadra Medhi, former Commissioner and Secretary, Government of Assam, chaired the occasion and delivered the keynote address. Dr. Jogen Ch. Kalita, Professor, Department of Zoology, Guwahati University and Dr. Jayanta Krishna Sarma, Professor, Department of Political Science, Guwahati University graced the seminar as resource persons and also presented papers on the topic.

More than fifteen papers are presented on different aspects in relation to Human Rights and the resource persons had threadbare discussion, where the papers are mainly on Human Rights of Common people, role of Media and International Bodies, Women participation in day to day life.

As the co-ordinator of the seminar, I do hereby convey my heartfelt thanks to the honoured persons as mentioned earlier, and the other participants, the members of the Bar Association of Nagaon, and all my colleagues of the college.

Place : Dr. BKB College, Puranigudam

Lakhimee Kakoty
Co-ordinator, Seminar

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Welcome Address

Dr. Bhupen Saikia

President, Organising Committee

Dr. B.K.B. College, Puranigudam

Respected Dr. A.C. Bhagabati, former Vice-Chancellor of Rajib Gandhi University, Arunachal Pradesh and Inaugurator of today's seminar, Resource Person S.B. Medhi, IAS (Rtd.), former Commissioner and Secretary, Govt. of Assam, dear participants, my colleagues, students, guests and other dignitaries present.

At the very outset, I, on behalf of the Organizing Committee of UGC Sponsored one day National Seminar, Dr. B.K.B. College, welcome you all to this small but beautiful place Puranigudam. It has been known for its historical antiquity, rich cultural heritage, and a variety of demographic and occupational patterns. Besides being the birth place of many eminent personalities of Assam, Puranigudam was the erstwhile district headquarters during British regime.

Dr. B.K.B. College came into being in July 1967 with the sincere and honest efforts of the enthusiast people of this locality. The untiring effort of doyen like late Bidyadhar Khound, the first Secretary of the G.B. is worth-mentioning. The college is situated just beside the N.H. N. 37 in the district of Nagaon at a distance of about 12 kilometers away from district headquarter. It is named after Dr. Birinchikumar Barooah, a noted educationist and literature

of Assam who hails from the famous Kharangi family of Puranigudam.

The Department of Economics of this college has organized the seminar on the topic 'Human Rights : New Dimension and Challenges'. As you know very well that the issues of Human Rights draw more attention especially in recent years in national as well as global context as because these are integral to the concept of justice. Human Rights plays a very important role in the process of humanization. These rights are essential for human beings to live with dignity. But every often these are denied and violated, It becomes more serious when these are violated by the custodians of law and law enforcers. Human Rights violation can be understood as the dehumanization.

The Indian Constitution granted some fundamental rights to each and every citizen of India to protect life and property. The constitution classifies the fundamental rights under six groups. There are – a. Right to equality, b. Right to particular freedom, c. Right against exploitation, d. Right to freedom of religion, e. Cultural and educational rights; and f. Right to constitutional remedies.

These constitutional rights are yet to be ascertained in true sense of the term. It is true that Rights cannot be achieved automatically. So, everyone have to be cautious and vigilant. As we know that the history of Human Rights is the history of struggles. The working class had to fight for their wages and privileges, the downtrodden masses and marginalized people for basic needs, women for age-old domination so and so forth. Hence the struggle for protection of Human Rights can be seen as a never ending process.

Hope this seminar will discuss about various facets of Human Rights and throw light on relevant problems. With these few words, one again I welcome you all to this UGC Sponsored one-day semiar organized by the college. #

Key Note Address

Human Rights in 21 Century (With Special Reference to India and North-East India)

Dr. S.B. Medhi

(Human Rights Educator for North East India)

"Human Rights" is a very old concept in India. We may refer to Rig Veda, Kautilya's Artashastra and even Mahapurush Sankardev while discussing the subject of Human Rights

Human rights became more urgent in the Western world in view of the consequences of industrial revolution and particularly the Second World War, We also know how and why the American war of independence and the French revolution occurred.

We, in India start doing things only on the pressure of the international organizations the familiar examples are institutions of Ombudsman, concept of Citizens charter, and the creation of Human Rights Institutions etc. The National Human Rights Commission was set up by an Act of Parliament only in 1993. Human Rights Institutions were created in many Western Countries much earlier.

The Universal Declaration of Human Rights (10 Dec. 1948) of the United Nations marked the beginning of organized and systematic activities for protection and promotion of Human Rights in various parts of the globe. Today we have more than 100 (one hundred)

agreements for the protection of Human Rights as the consequence of various international declarations.

Despite all efforts Human Rights violation is going on everywhere all over the world. And this is the reason why we, particularly the young generations should be more serious on the Human Rights issues.

If we analyze the history of Human Rights movement we notice broadly the three generations of Human Rights all over the world. In the first generation we find our concern for civil and political rights (freedom of the speech, freedom of movement, right to life etc.) In the second generation, particularly after the Second World War we became conscious about social and cultural rights. Since the later part of the last century we became conscious about the third generation of Human Rights - viz. right to self-determination, right to environment, right to development (1986) etc.

In India with the formation of the National Human Rights Commission (NHRC) - as per the Paris Principle of 1991- a beginning is made for the protection and promotion of Human Rights with the Act of 1993 as noted above. The powers and functions of the NHRC are detailed in the Act of 1993. As per this Act, various states of India are also to set up States Human Rights Commissions. A detail picture of works done by the NHRC is available in the Annual Reports. Unfortunately many states have not yet set up States Human Rights Commissions. Those state which have set up commissions are also not functioning effectively for various reasons. The District Human Rights Courts, as noted in the Act, are also not yet set up even after about 17 years.

In Assam, Assam Human Rights Commission was set up in 1996 but its function is questioned in various quarters. The Annual Reports and the news letters are not published except in first two years.

In the North East India we are concerned about extremism and mass violations of Human Rights during the last several decades. There are many reasons for violence and extremism. The AFSP Act- 1958 and the TADA Act-1987 and the POTA-2002 have not been able

to give a solution. People feel that armed forces are necessary for the security of people but the abuse of AFSP Act have become a matter of serious concern. It appears that solution to militancy and insurgency problems like not only in control through armed or paramilitary forces but mainly through GOOD GOVERNANCE. Human Rights are more important than states rights.

Civil society - particularly the defenders of human rights and NGO'S (International, National, Local) has a big role to play. NGO's are to be the watch-dogs.

Corporate social responsibility is a familiar idea today : corporate houses can help promoting and protecting Human Rights with proper poverty alleviation programmes. Details can be discussed in our interactions in various sessions.

We have many suggestions for Human Rights activities in future in Assam and in entire North East. The NHRC and SHRC must have right persons as members. And they should be given proper budgets/ financial grant by the state. The commissions should constantly visit police stations, jails, juvenile homes etc. and take corrective actions. They should also encourage frequent seminars in schools and colleges with sufficient grants for proper Human Rights education at all levels. The commissions should also arrange regular meetings with NGO's and media not only in district head quarters but also in every block and every gram-panchayat office. The defects/ lacuna in the Human Rights Acts should also be amended as early as possible.

It has also become urgent to publish all important declarations, agreements, and publications of various commissions in local language so that the common people become aware of various issues of Human Rights.

The great scientist Einstein, who himself was a refugee, rightly said we should be constantly alert to stop all types of violations and he also said the world is dangerous not because of the dangerous people but because of the good people who always remain silent without doing anything. †

Human Rights Education : Towards a Value Centric Pedagogy

Dr. Jayadeba Sahoo

Head, Dept. of Education, Rajiv Gandhi University

Abstract :

The Human development Report, 2000, focused on the linkage between human development and human rights. It puts human development as a prerequisite for ensuring and guaranteeing human rights. This linkage is very much true for all societies and it is more pertinent in the context of the north-east Indian region. But Across cultures, human rights have been not violated but also unrecognized because the dominant local meaning of what it means to be a human.

The lack of economic development has, on the one hand, led to social and political unrest contributing to the rise in insurgency and separatist movements. And the problem of insurgency has, on the other, proved a major impediment in the path of faster economic growth. This vicious circle has had inexplicable and far-reaching impact on the human rights perspective of the region. The context, contour and contents of '**Human Rights : New Dimension and Challenges**' can be better explained in terms of human development. Further Human Rights have been widely theorized and debated, but their duties have been comparatively neglected. Here I argue that the justifications that generate a list human rights require duties to (a) give resources away

to the point of marginal human right fulfillment and (b) that this is consistent with duties.

Thus, the urgent need is a U-turn, a paradigm shift, a shift of values, social practices and Global view in our education system that too Higher education to humanize, divinize and spiritualise whole educational dynamics to develop each of an elevated and harmonious personality for protecting human rights and dignity to usher in a peaceful just society.

In this paper an enquiry is made on '**Human Rights : New Dimension and Challenges**' norms in India with special reference to cultural heritage of ancient Indian vintage and ethical & value system to usher in a peaceful just society. Human right evolution in the West and Indian concept of Dharma and right are also discussed. The paper deals at length with the issues and dimensions of 'Protection of Human Rights, Dignity and Duties' in India with special reference to cultural heritage of ancient Indian vintage and ethical & value system and also puts forward strategies '**Human Rights Education : Towards A Value Centric Pedagogy**' for meeting the challenges and violations of human rights in the region to usher in a peaceful just society.

The paper is supported by diagrams, charts and model emphasis.

Keywords : human rights, methodology, International law, cultural rights, economic rights, political rights, civil rights, social rights, cross-cultural, Duties, Dharma and right, Living Values Education Programme.

DE PROFUNDIS – Prologue :

Respected Chairperson, Honourable Chief guest for the occasion, Honourable Guest of honour in today's function, Respected Heads of departments, Faculty members, distinguished delegates and all other ladies and gentlemen present here.

It is with great humility and sincerity I express that it gives me immense pleasure for accepting invitation to associate myself with this College and be among you. It is my proud privilege, a great honour and pleasure for me to have the opportunity to address this UGC Sponsored National Seminar on "Human Rights : New Dimension and

Challenges" on 27th Aug. 2011 organised by Dept. of Economics, Dr. BKB College in collaboration with Nagaon Bar Association. May I first of all thank the college Authority, Seminar Organizing Committee and people for their kind hospitality in organizing this very important timely Seminar, which marks a new phase in the struggle for achievement and strengthening of the Human Rights, Dignity and Duties to usher in a peaceful just society.

I am a human being and nothing pertaining to a human is alien to me.

Any person who has drunk deep of the cultural heritage of ancient Indian vintage, justly called 'The Wonder that was India', gains a vision of the human promise too profound for expression in Western diction and West-bound Eastern thought. The votaries of Humanist-Rationalist theology and philosophy worship at the church of materialism and science and do produce sublime perceptions and luminous insights; but the Upanishadic visionaries proclaimed the fundamental truth that divinity dwells everywhere, that the presence of the Supreme power illumines and enlivens the universe and so, the highest manifestation of Creation in the shape of homo sapiens has title to great rights, not by virtue of covenants, Compacts and Constitutions but because they spring from the infinite of which each person is a spark. This universal source is the Reality too lofty for our mortal lens to discern if our sights are only materialist-humanist. In Sri Aurobinda's epic lines (Savitri) the saint-cum-scientist tells us :

"A death bound littleness is not all we are;
Immortal our forgotten vastnesses

A wait discovery in our summit selves;
Unmeasured breadths and depths of being are ours."

Then who am I? Asks very reflective human being and the answer rings back : Thou art that ! I am Brahman ! TATWAMASI! SOHAM ! This profound truth is a fundamental the sages have proclaimed. So I hold as of universal application to all. I am divine, not servile, puissant, and not craven. My personality possesses potential infinity and my human rights are manifestations of this latent majesty.

The pariah and the high-born rise from the same supreme and are equal in inherent dignity, potential faculty and performance capacity if propitious opportunity were afforded to unfold what lies dormant. In this heavenly perspective were valid on earth, human rights rise to great heights and dive to profound depths, with widest spread, soulfully indefeasible. My conceptual and analytical approach to "Human Rights : New Dimension and Challenges" proceeds on this diamond-hard foundation. To put it in plain words, human rights spring from a divine fount and the field of human affairs must accept and respect this categorical imperative. Such is the supremacy of "Protection of Human Rights, Dignity and Duties" Philosophy.

How do I relate it to my personal involvement in the battle of the human race in its bleeding spiraling journey towards its higher destiny ? The first article of my faith and the last article of my creed explain my basic approach to the larger issue of 'Human Rights Education : Towards A Value Centric Pedagogy'. I am a human being inhabiting an integral universe of divine creation and so, nothing that pertains to dear Mother Earth or affects fellow human beings in their earthly home is alien to me or fails to sensitize me into action or expression. My material, moral and spiritual concern and constituency are therefore co-extensive with humanity and all that sustains the perennial stream of values which promotes the universal well-being and civilisational advance of homo sapiens. No cause is more worthy of a sensitive soul's superlative concern than the cause of human rights which, do remember, are not mere legal titles. They are the quintessence of human justice, the conscience of global jurisprudence. They are holistic and make a person human in his dignity and divinity. Deny them and you diminish human status to that of a brute.

The Saga of Homo Sapiens & Omega of 'Human Rights' :

I would like to start my paper with another Sanskrit Shlok : "Sarve Jana Sukhino Bhavatu...." -'Let all be happy' is the highest ideal of human life.

But in this threshold of a new millennium, today we are witnessing

the familiar patterns of genocides, mass murders, and massive violations of human rights caused by the rise of racism, xenophobia, sexism & religious intolerance that tear people apart within nations. Certainly, cold war has come to a close. Now we pass through a historic period characterized by many unexpected, strange and forceful under currents. The world scenario today presents a gloomy picture of utter disharmony, discord and disarray. Human greed has badly damaged the eco-system and polluted the environment. Distrust in the minds and deceit in dealings of human beings are wide spread. Violence has become the way life.

Disorder has become the order of the day. Genocide, mass murders and massive violation of Human Rights continue. For example, women constitute about 50% of the world population. Their role in any field of human activity is in no way less important than the role of men. But they have been treated as second rate citizens or an inferior creation for the enjoyment and service of men. So we have an imbalanced society where human rights are violated even at the family level and there is injustice and exploitations of women by men even at home.

Still, no less disturbing for the protection of human rights, world peace, and security are new threats stemming from environmental degradation, terrorism, biomedical tech., drug addiction and HIV/AIDS. The scourge is universal.

We behold chaos in the cosmos and the inner voice in each of us, the inner driving power, functionally pushes us all-Buddha, Jesus, Gandhi et al-on to strive, why struggle, with ceaseless zest and burning conviction, to attenuate suffering, liberate from bondage and enhance happiness world-wide. The divinity that dwells in every person must be afforded opportunity by the State and the Society to manifest this infinite potentiality sans which the right to liberty and equality is but egregious baloney. Such is the ageless progress of the human pilgrim. Such is the source and soul of all human rights. But what do we see around us currently and hear from the whispering gallery of history? Asurie (demoniac) forces overpowering Satvic (humanist)

commandments, and blood and tears drowning the joy of life and developmental prospects. The cornucopia/ profusion of privations and exploitations is economic and the source of predation is vacuum of spiritual values and dominance of material vulgarity. Human rights, for me, spring from the spiritual nidus nourished, with a sense of balance, by contentment which is sustained by provision for all of basic material needs and other conditions which make for joy in life. An exchange between American Economist Higginbothom and Gandhiji may be apt.

Higginbothom said :

"Spirituality to be meaningful should be tree-fourths economics."

Gandhiji replied :

"Economics too, to be useful, should be three parts spirituality."

What then are the challenges to human progress in the 21st century ?

In the 21st century, human society faces the daunting yet inspiring task of forging a new relationship with the natural world & exercise of all human rights and duties. This new relationship is best defined by 'sustainability', a question that has emerged from analysis of the regional and global trends in the environment, development and human rights.

Thus 'if we want to preserve this humanity, we must give every chance to peace, freedom and conviviality. Because lasting peace is a prerequisite for the exercise of all human rights and duties,' says Federico Mayor, the Director General of UNESCO. So there is talk of human rights.

Understanding the Human Right :

Human rights as a global phenomenon are inherent in nature, which refers to fundamental freedom and basic liberties without which one cannot live with peace, happiness, respect and dignity. Rights are those conditions of social life without which man cannot be at his best or give of his best. It is needful to the adequate development and expression of his personality. As H.J. Laski said, "Liberty is the atmosphere created by right". According to Bosanquet, "A right is a claim recognized by society and enforced by the state. Rights are related

to certain ends, they are essential to the development of individual personality."

Development of the Concept of Human Right :

The origin of the contemporary conception of human rights can be traced to the period of Renaissance and the Enlightenment. The idea that there are equal rights for everybody and freedoms that apply to everybody is an idea of modern times. This idea of Human Rights first emerged with the Magna Carta of 1215 and the Bill of Rights and 1689 in England and spread with the Declaration of Independence of the USA in 1776 and the Declaration of Rights of Man and the Citizens in France in 1789, but the idea of Human Rights only took place on a Universal dimension with the adaptation by the UN General Assembly of the Universal Declaration of Human Rights (UDHR) in 10th December, 1948.

From these declarations are derived what we call the 'first generation' of civil and political rights. These rights are drawn from the political philosophy of liberal individualism and the economic and social doctrine of laissez-faire and, thus, explain human rights more in 'negative' (freedoms from) than 'positive' (rights to) terms Articles 2-21 of the Universal Declaration of Human Rights (UDHR) constitute such rights 6.

A new and the most significant dimension of the concept of human rights was added by the Bolshevik Revolution of 1917 with its stress on the abolition of class rule and the establishment of social and economic equality. With this is associated 'the second generation' of social, economic and cultural rights. It conceives human rights more in 'positive' (rights to) than 'negative' (freedom from) terms. It puts obligation on the state to intervene rather than abstain for ensuing equality and justice. Such rights are incorporated in Articles 22-27 of the Universal Declaration of Human Rights (UDHR).

Latter two more documents were adopted namely :

- a) International covenants on Economic, Social & Cultural Rights (ICESCR) & its optional Protocol.

- b) International covenant on Civil & Political Rights (ICCPR) & its optional Protocol.

These three documents together constitute the International Bill of Human Rights.

The emergence of Third World nationalism in the 50s and 60s owing largely to the processes of decolonization in Asia and Africa added a new dimension to the meaning and the concept of human rights. It led to the demand for a global redistribution of power and wealth (as reflected in Algiers' NAM declaration of 1973), the right to political, economic, social and cultural self-determination, the right to economic and social development, the right to participate in and benefit from the 'common heritage of mankind' like earth and space resources, and progress in science and technology and the right to a 'healthy and balanced environment'. With this evolved the concept of 'collective rights', commonly referred to as 'the third generation' rights. Article 25 of UDHR illustrates this fact. A Third World approach to the concept of human rights had emerged.

Values-Basic of Human Rights :

The very first Para of the preamble of the UDHR declaration says that recognition of the inherent dignity & of the equal and inalienable Rights of all members of the human family are the foundation of freedom, justice and peace in the world. Para 5 of the preamble states that the people of the United Nations have in character reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom." Again, Article 1 states, among other things that "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and calls upon all human beings "to act towards one another in a spirit of brotherhood."

So the declaration enjoins upon all to enjoy and tell all others enjoy freedom, justice and peace. This freedom, peace, justice, dignity are feelings and experiences as well as Human values. Likewise, Article

5 says, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Article 12 says, "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."

The intention of the Article 5, enunciated in positive terms, is that "everyone should be kind, considerate, compassionate or dignified in his behavior with others." The intention of the Article 12 is that "every person must allow others the freedom of privacy.... and should treat everyone else respectfully and gracefully." Further, Article 20 states, "everyone has the right to freedom of peaceful assembly and association." Thus all these HRs asserts the various values like a) Kindness, b) Compassion, c) Care for others, d) Respect the dignity & honour e) Maintaining peace, f) Universal brotherhood, g) Fellow feeling etc. Therefore values are the roots or basis of all HRs enshrined in UDHR and Consequently in Constitutions of various countries.

Human Rights & Indian Values :

Though the expression 'Human Rights' seems to be western originated and western-oriented as values are the basis of all Human Rights, Indian (Bharatiya) traditional values have the oldest pedigree about it. The Vedas including Upanishads (Shruti) are the primordial source of "Dharma," a compendious term for all Human Rights and duties essential for peace and happiness to individuals and society. The Smritis and the 'Puranas' are collections of the rules of Dharma including civil rights and criminal liabilities (Vyavahara Dharma the Code of Conduct) as also Raja Dharma (Constitutional Law) where as Kamandaka, Sukraniti and Kautilya's Arthashastra are on Raja Dharma. All these intend for securing peace and happiness to all.

"Dharayate eti Dharmah" Justice K. Ramaswamy in a Supreme Court Judgement in the case of A.S. Narayan Dixitulu Vs. State of Andhra Pradesh (1996) after referring to a plethora of literature on the meaning of Dharma stated : "The world Dharma denotes upholding,

supporting, nourishing that which upholds, nourishes or supports stability of the society maintaining, social orders and general well being and progress of mankind."

The proclamation, "Vasudheiva Kutumbakam" cannotes to "humanity as family," the concept of global village/ citizenship. As the natural desire of all human beings is 'Peace and Happiness' these are the basic human rights for which all those world bodies and declarations are striving for. In the words of Frederico Mayor, the Director General of USECO, the basic right which underlies all human rights is the Right to peace-the right to live in peace." So, there is UNESCO programme for 'Culture of Peace.'

The idea that all should enjoy peace and happiness is age old in India as Shikshyavali of Taittiriya Upanishad says : "Sahanabhavatu Ma bidisabahi, Om Shantih, Shantih, Santih"

"May he (God protect us both together.... May we not hate any one. Let there be peace, peace & peace."

"Sarva Jana Sukhino Bhavatu....." 'Let all be happy' is the highest ideal of human life.

Right of Equality :

Regarding Right to Equality and spirit of Brotherhood Rig Veda says "Ajyasthas, Akanishtas etc..... San Bhrataran." No one is superior, nor inferior. All are brothers. "Samani Propa Saha Vannabhagah...." "All have equal right on food, water...." Says Arthervada. Giving high status and honour to women Manu Smriti says, "Jatra Pujyante Narih Ramanti Tatra Devataha' -The land where women are honoured is a land of deities.

Right of Education :

Veda proclaims three types of pious obligations viz., a) Devruna, b) Pitruna, c) Rishiruna, Supreme Court of India in Mohini Jain's (1992) and Unikrishnan (1993) cases upholding the right to education as fundamental right say ".....Education as are of thee pious obligations of the human so..... The importance of the education was

emphasized in the 'Neetishatakam' by Bhartruhari (First Century B.C.)." Neetishatakam says: "Vidyanam narasya... Vidya bihinah pasuh." "Education is the special manifestation of man... A man without Education is a beast."

Article 26 of UDHR & Article 41, 45, 46 of Indian Constitution speaks about right to education.

Human Rights vs. Duty/ Responsibility :

The difference is when western expression talks of Human Rights, Indian tradition Dharma emphasize on Human Duties and Responsibilities. The Universal Declaration of HR has all 30 Articles, out of which 29 Articles talk of 'Right' only. Only part of Articles 29 makes a brief reference to Duties. Therefore, HR is of negative affirmation.

The Indian Constitution, however, gives a better expression to Duties of an Indian citizen in Article 51A, added to the Constitution in 1976-77. It enjoins on its citizens to have compassion for living creatures, to live with the spirit of brotherhood, to abjure violence i.e. adopt non-violence, to have honesty and to treat women with respect. Doubtlessly all these talk of inculcating some moral values in the self.

Human Rights Education has three dimensions : moral, legal and contextual. The ethical terrain of the human kind lies in its sensitivities and sensibilities which are rooted in the moral potential, which always reminds the people that the world can be a better place than what it is at a given point of time. The standard setting exercise that international agencies like the UN took up from 1948 with the commencement of Universal Declaration of Human Rights has been an attempt in exploration of the 'moral' dimension of HRE. There was no year after 1948 when the UN did not come up with new fresh standards. Today, there are about one hundred documents in the form of Declarations, Conventions, Covenants and Treaties on human rights. The people all over the world should be enabled to appreciate the deepening of the scope and content of human rights, and their relevance to protect and enlarge human freedoms. As the roots cause of these human rights

predicaments, troubles, turmoils, trauma and abuse of human rights and responsibilities are the direct result of moral lapse, the erosion of the inherent human values in our lives. So the present trends demand an ethical dimension, to reinstate moral and ethical principles, to inculcate values in practical life for protecting human rights and dignity to usher in a peaceful just society.

Values and Attitudes Based on the UDHR can be enunciated as bellow:

1. "Strengthening respect for human rights and fundamental freedoms" (UDHR, Article 30.2)
2. Nurturing self-esteem, respect for others, and hope
3. Understanding the nature of human dignity and respecting the dignity of self and others
4. Empathizing with those whose rights are violated and feeling a sense of solidarity with them
5. Recognizing that the enjoyment of human rights by all citizens is a precondition to a just and humane society
6. Perceiving the human rights dimension of civil, social, political, economic and cultural issues and conflicts between groups, within groups, and across groups
7. Valuing non-violence and believing that cooperation is better than conflict

The Role of Education :

Jesus Christ told "Thou shalt love thy neighbor as thy self." In spite of all these proclamations and assertions why has our Garden world become a jungle of thrones, squeezing the joy out of existence at every moment ? What can be done ? We have capacity to overcome all these. However, what is missing is the wisdom. Knowledge proliferates but wisdom languishes. Gandhiji had said "information without formation leads to deformation." This is the cause of present predicament. What we need is to internalize knowledge and values empowerment of human beings. Here comes the role of education in its true sense, which is futuristic, and Value Based, not mere literacy or Human Rights literacy only. Frederico Mayer states, "In education

nothing can replace the friendly words of a teacher, or the caresses and smiles of parents. The real education is the education by example.... And love." Again, it contains values like sweetness, cheerfulness and love.

However, daily experience is different. For example, everybody knows not to be angry and hurt feelings of others. Still in every day life we all most all angry upon others in our family itself and destroy the family peace violating human rights in our micro-world family.

The crux of the problem is lack of inner powers as in this case power of tolerance, patience that creates mental stress and tensions, which is root cause of all violation, crime and illness. In the worlds of renounced Psychiatrist and Professor at University of Wisconsin, Sir S.L. Halleck, "The Stresses that lead to mental illness are often the same stresses that lead to crime."

"This syndrome of stress and strain can be cured not be money spent in hospitalization or years spent in prisons for illness or Human Right violations but by Mediation, diving into one's inner self.... His spiritual entity"says Justice Krishna Iyer.

Because human actions done in relation to other human beings are determined partly by inner nature, habits i.e. personality traits. These die-hard personality traits (Samskars) art to be changed. He says "Humanism and Compassion, fundamental in all human Rights and Article 51A of our constitution takes us to practice egalite and fraternity. So needs not skin-deep but soul-deep search which takes us to meditative exercises and contemplative moods, which is our legacy."

So to change the personality traits of 'culture of violence' to 'culture of peace', to reduce mental tension, we need holistic spiritual wisdom and Yogic Meditation, which has stood the test of silence, psychiatry, medical experiments and visionary experiences. In the words of Justice Krishna Iyer, victory must be own by Raja Yoga (Meditation) in the battle against bhoga (indulgence), if Roga (malady) that besets our Yuga (era of the world cycle) is to be beaten back.

As UNESCO Charter says : "War starts in the minds of people, so the defenses of peace must be constructed in the minds of people;"

so also inculcation of positive Human Rights values and attitudes should be started in the hearts and minds of individuals.

Here is the role of education and educationists as social engineers. Because the destiny of a nation is built on the character of its people which is shaped in its class rooms. In education, tools are useful. But nothing can replace the friendly words of teacher, or caresses and smiles of parents and elders. The only real values education by example and love.

But in spite of increased emphasis of all the education Commissions and Committees on moral and values Education, which is a stepping stone for character building and foundation of a strong & healthy society, it does not find any place in present curriculum. I think all human rights have their base in values and all the positive values like 'Universal brotherhood', 'non-violence', 'concern for all', etc. have the source in spirituality (not religion). This link of spirituality with values & Human Rights has not been recognized so far. Here I would make it clear that human being is a duality of body & soul.

So, the knowledge of soul i.e. Spiritual Education must be imparted at all levels of Primary, Secondary and University Education through all the agencies-formal, informal and non-formal. only we can achieve the objectives of UN Declaration of Human Rights (1948) &, UN Decade of Human rights education.

Human Rights Education : Paradigm Shift

Thus, the urgent need is a U-turn, a paradigm shift, a shift of values, social practices and Global view in our education system that too Higher education to humanize, divinize and spiritualise whole educational dynamics to develop each of an elevated and harmonious personality for Excellence, Culture of Peace and Sustainable future which is seen as important milestone in the future of higher education.

This paper is concerned with a delicate and sensitive issue most academicians and policy-makers do not wish to dwell on, for it deals with the personal choices and innermost motivations of people, their values and priorities, their moral and ethical principles, their freedoms and responsibilities, their lifestyles and behaviors. Yet, learning how to

value, how to appreciate and to love, to choose what is right and just, what is true and good, is an imperative in today's world of rapidly advancing technology and fast deteriorating morality and spiritual stagnancy.

It can be said that the true progress of human kind is in crisis amidst our materialistic and mechanistic Capitalism that has forgotten the human soul. The worship of knowledge over wisdom, greed over justice and compassion, the satisfaction of the wants of a few at the expense of the needs of most, unbridled competition over cooperation, -- is bringing our technologically-advanced world to the precarious condition it is in today, -- the brink of the destruction of the human spirit.

So education should have a paradigm shift - a shift of values, social practice and global view based on universal set of Human Rights values i.e. freedom, fraternity, equality, cooperation, peace, social justice etc. therefore, we need radical humanism, dynamic secularism and synthesis of material and spiritual values instilled thro' our educational system to root out socio-cultural disbeliefs and Human Rights violations sans which this planet earth will be no more. It is rightly said, 'you take care of spirituality, it will take care of you all.' This will be "appropriate educational strategies for Human Rights" at all levels thro' all agencies as desired by International Congress on Education for Human Rights and Democracy, Montreal, 1993.

Again an Asian Educationists' Conference on "Human Rights & Values Education : To Achieve Goal of U.N. Decade for Human Rights Education (1995-2004)" was organized jointly by Prajapita Brahma Kumaris Ishwariya Vishwa Vidyalaya, Mount Abu; Rajasthan Council of Educational Administration & Management (RCEAM); Council of Teacher Education (CTE); International Association of Educators for World Peace (IAEWP); World Council of Curriculum & Instruction (WCCI) & 12 other Teacher Education organizations. The Conference resolved and adopted a declaration called Abu Declaration, 1997 on "Human Rights & Values Education. Here the specific suggestions given in this declaration is worthy of mentioned in our Indian context also.

Education for Human Rights and Values : Abu Declaration, 1997

"Prajapita Brahma Kumaris Ishwariya Vishwa Vidyalaya, Mount Abu, organized a four-day Conference of Educationists on Human Rights & Values from June 22 to 25, 1997 at its Academy for a Better World, Gyan Sarovar Complex. Seven hundred Educationists from all over the country participated in the Conference, Vice-Chancellors and Pro-Vice-Chancellors of 16 Universities provided ualuable guidance for the deliberations. There were six plenary sessions, ten seminars and four Rajyoga Meditation sessions.

The conference was inaugurated by Hon'ble Justice M.N. Venkatachallaiah, Chairman, National Human Rights Commission, India. The function was presided over by His Excellency Shri Baliram Bhagat, Governor of Rajasthan and Gujarat. Dr. Harsh Vardhan, Minister for Education and Health, Govt. of Delhi and Shri Kameng Dolo, Minister for Rural Development, Govt. of Arunachal Pradesh and Prof. Nargesh C. Mahtur, Vice-Chairman, University Grants Commission, addressed the conference. Rajyogini Dadi Prakashmanai, Chief of Brahma Kumaris emphasized the need of spiritual and value education alongwith education for Human Rights. Hon'ble Justice V.S. Malimath, Member, National Human Rights Commission delivered the valedictory address.

The Conference threw light on the following topics :

- The role of governmental and non-governmental organizations in promoting human rights & values.
- Spiritual education--the missing link in developing human rights and values
- The role of women in educating for human rights & values.
- Efforts to arrest the abuses of human rights against deprived sections of society.
- UN Declaration & role in protecting and upholding human rights & values.
- Three role of education in ensuring the development of human rights & values among children.
- Education, Values and Human Rights for the 21st Century.

The delegates expressed deep concern over violations of Human Rights in the Country and highlighted the responsibility of governmental and non-governmental organizations for implementing the fundamental rights as enshrined in our Constitutions. A special obligation of Educationists was insisted on to bring awareness of Human Rights and Values. Eradication of illiteracy was pointed out as the first requisite for promoting Human Rights Education. The following conclusions emerged out of these deliberations :

We welcome the U.N. Decade for Human Rights Education (1995-2004) and pledge that we shall adopt an Action Plan for achieving the goals of U.N. Decade.

1. We shall associate and fully co-operate with Government of India and the State Governments in all their endeavours in this direction.
2. In all educational institutions of the country special emphasis should be laid on Value-Based Education for the protection of Human Rights.
3. The Universities all over India are requested to organize training courses for Human Rights and Values Education.
4. Facilities should be provided in all the Educational Institutions to impart spiritual and Raja Yoga Education to re-establish the importance of Human Rights and Values. To facilitate this, teachers of all Educational Institutions of this country should be sent to the Academy for a Better World, Gyan Sarovar, Mount Abu for training on Raja Yoga Meditation & Values.
5. We request the National Human Rights Commission, India to set up State Human Rights Commission in states where there are no such commissions so far.
6. For the past sixty years Prajapita Brahma Kumaris Ishwariya Vishwa Vidyalaya has been doing commendable work to promote human welfare, spiritual education, universal peace and development of human values. By organizing this Conference, this Institution has taken a revolutionary step in giving new direction and in motivating the academicians of

the nation. We, the participants, assure Rajayogini Dr. Prakashmani Dadiji, Chief of Brahma Kumaris, that we will whole heartedly extend our active co-operation in the National Programme for Human Rights and Value Education.

We, the participants of this conference, pledge to adopt this Declaration as Prajapita Brahma Kumaris Ishwariya Vishwa Vidyalaya, Abu Declaration, 1997 and forward it to the Central Government, State Governments, Human Rights Commission of India and Educational Institutions for appropriate action."

Living Values Education Programme (LVEP) - a paradigm shift in Education for Human Rights

Addressing this need specifically for achieving and strengthening of the Human Rights, dignity and duties to usher in a peaceful just society, Living Values Education Programme (LVEP) (www.livingvalues.net) has been developed. Living Values Education Programme (LVEP) is a comprehensive values education programme based on the principle that values can and should be both taught and caught. Educators are trained to accept, listen and guide rather than impose and moralize. A values-based environment is created in which students, and teachers, can think about and reflect on the things that matter most to them. When taught in this way, values can also be caught. Living Values Education Programme (LVEP) - a paradigm shift in Education for achieving and strengthening of the Human Rights, dignity and Duties to usher in a peaceful just society. "Living Values - An Educational Programme (LVEP)" will prove a boon.

Prajapita Brahma Kumaris Ishwariya Viswavidyalaya (Popularly known as Brahma Kumaris) having vast experience and expertise in the field helped educators from around the globe to develop the "Living Values : An Educational Program (LVEP)" integrated with Raja Yoga (Meditation) in consultation with UNICEF's Education cluster and UNESCO's planet society. The programme features a self-contained Training kit which offers exact content, practical methodologies and tools for use by teachers and facilitators (Trainers) to enable children

and youths (Young adults) to explore and develop 12 core (key) personal and social values of universal nature and empower them with such values and leadership qualities necessary for good governance and social progress every where. The twelve core (key) values specifically covered in the programme are : Peace, Respect, Cooperation, Freedom, Happiness, Honesty, Humility, Love, Responsibility, Simplicity, Tolerance and Unity.

Its approach is experiential, participatory and flexible, allowing it to be adapted according to varying cultural, social and other circumstances. So LVEP has been a non-profit-making co-operative partnership amongst educators around the world; the Programme is supported by UNESCO; sponsored by the National Committee at UNICEF (Spain), Planet Society of UNESCO and the Brahma Kumaris; developed in consultation with the Education cluster of UNICEF (New York). The purpose of Living Values is to provide guiding principles and tools for the development of the whole person, recognizing that the individual is comprised of physical, intellectual, emotional and spiritual dimensions. LVEP is currently being implemented at some 6,000 educational settings. While most such settings are schools, others are day-care Centers, youth clubs, parents associations, centers for street children, health centers and refugee camps.

So education authorities and other interested organizations working in this field who wish to make use of it as an instrument of youth policy and programming for creating and sustaining positive change among youth for better Governance, betterment of society & a Culture of Peace (COP).

Epilogue/ Conclusion

To conclude in the line of Dr. Winsome Gordon, Director of Primary & Secondary Education, UNESCO, who opines "UNESCO gives high priority to programmes promoting human values. All these values are to be found in Living Values : An Educational Program (LVEP) that is reaching out to people all over the world. Such an initiative should be encouraged by the global community at this time

when there is a concerted effort towards world peace and the knowledge that peace must come from within."

Thus I would suggest All the Governments specifically of NE region to follow the foot print of (inter) national bodies and Governments of Andhra Pradesh, Himachal Pradesh, Karnataka, Haryana to implement LVEP to empower youths for better governance to make world a Value Based Better Society of a Culture of Peace (COP) and Non-Violence and a better place to live in. Sooner the Better.

Colleagues and partners in education, let us stop worshipping at the altar of high-tech. Its value is only instrumental and has to be judged by how efficiently and effectively it promotes the welfare of the human person, his physical and economic well-being as well as his deep ethical, moral and spiritual values. Let us be concerned to make our students not merely smart, but also good. Let us strive for moral excellence, alongside with academic excellence. Let us educate the whole person, and recognize that values education is the heart of all education which is human, holistic and democratic, progressive and modern, yet respectful of differences, tolerant and appreciative of diversity, – for these are the ingredients we need to transform our culture of violence to a genuine and sustainable culture of peace.

I end by asking these questions : Does Education and Legal system make us more human, more capable of thinking clearly and critically, of loving and caring more deeply, or does it make us more like a machine ? Will Education and Legal system be a tool a transforming our culture of violence to genuine culture of peace, where people love and care for each other, accept and cherish each other's uniqueness and differences, and learn to live together in peace and in harmony ? Or will it sharpen and widen the great divide between the haves and the have nots, the info-rich and the info-poor, the powerful and the downtrodden, the masters of the future and those that have no voice, no face, and no count in shaping their own destiny?

Colleagues in education, for the sake of the future generations, we must have the courage, the will and the commitment to grapple with these problems, face the challenges, and search for solutions.

Reference :

1. Andreopoulos, George J. & Pierre, Richard (2005) : Human Rights Education for the Twenty-First Century Pennsylvania : University of Pennsylvania Press
2. Aurobindo, Sri (1947) : The Doctrine of passive resistance, Pondichery, Sri Aurobindo Ashram. P-3.
3. Baxi, Upendra (2002) : The Future of Human Rights. New Delhi, Oxford University Press.
4. Dev, A., Dev, I. A. and Das, S. (1996) : Human Rights : A Source Book. New Delhi, NCERT.
5. Hassiji, J.C. (1997) : Human Rights Education Mount Abu, Brahma Kumaris,.
6. Iyar, K (1999) : The Dialectics and Dynamics of Human Rights in India : Yesterday, Today & Tomorrow. New Delhi, Eastern Law House,
7. Kappoor, K.C., Sahoo, J., et.al (ed.), (2008) : Teacher Education in the 21st Century. Associated Publishers, Ambala
8. Krippner, S. & Rubin, D. (Ed) (1975) : The Energy of Consciousness. New York, Garden & Breach,.
9. Peck, R. F. & Havighurst, R.J. (1960) : The Psychology of Character Development. New York, Willey,.
10. Rama Jois, M. (1997) : Human Rights and Indian Values. New Delhi, NCTE.
11. Sahoo, Jayadeba (1995). Human Rights, Indian Cultural Heritage, Values & Education : A Critical Analysis. University News. 43 (50) : 85-99.
12. Singh, A.K. (2001) : Human Rights in the North-East Perspective : Issues, Challenges and Strategies, AURJ. Vol. 4(2), 2001, 49-68.
13. Swami Ranganathananda (1972) : Eternal Values for a Changing Society, Bombay Bharatheeya Vidya Bhavan,.
14. Tillman, Diane. (2000) : Living Values Activities for Young Adults. New Delhi, Sterling Publishers.

Human Rights Education : Bringing Human Rights Home

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Human rights education is all learning that develops the knowledge, skills, and values of human rights. Human rights education constitutes an essential contribution to the long-term prevention of human rights abuses and represents an important investment in the endeavour to achieve a just society in which all human rights of all persons are valued and respected. The importance of human rights education has long been recognized by the international community. The prominence accorded to it at the Vienna World Conference on Human Rights in 1993, and the fact that the United Nations decided to establish the Decade for Human Rights Education, are evidence of this. More than Sixty years ago, the UN General Assembly recognized the equal and inalienable rights accorded to every human being by adopting the Universal Declaration of Human Rights. The Declaration calls upon every individual and every institution of society to strive, by teaching and education, to promote respect for human rights and to secure their universal and effective recognition and implementation.

The proclamation of the United Nations Decade for Human Rights Education represented not the beginning but the maturation of the global

effort for human rights education. Consistent with the provisions of Article One of the Charter, United Nations activities in the field of human rights have, for more than fifty years, been devoted to promoting and encouraging respect for human rights and for fundamental freedoms. Specific human rights education obligations have been embodied in the main United Nations human rights instruments, ensuring the sound legal basis of the right to human rights education. Thus, States have undertaken legal obligations, within the framework of international treaties, to provide not only education in general, but education in and for human rights in particular.

Still, more efforts are needed to realize everybody's right to human rights education. The proposed World Programme for Human Rights Education, adopted by the General Assembly, will ensure a priority focus on human rights education within the international agenda, provide a common collective framework for action for all relevant actors, support existing programmes and provide an incentive for the development of new ones, as well as enhance partnership and cooperation at all levels. The transformative power of human rights learning must be seen as an integral part of building a global community based on a culture of human rights.

On 10 December, 2004, the General Assembly of the United Nations proclaimed the World Programme for Human Rights Education (2005 ongoing) to advance the implementation of human rights education programmes in all sectors. The World Programme was established by the General Assembly's resolution 59/113 (10 December, 2004). OHCHR provides global coordination of the World Programme.

Building on the achievements of the **United Nations Decade for Human Rights Education** (1995-2004), the World Programme seeks to promote a common understanding of basic principles and methodologies of human rights education, to provide a concrete framework for action and to strengthen partnerships and cooperation from the international level down to the grass roots.

Unlike the specific time frame of the Decade, the World

Programme is structured in consecutive phases, in order to further focus national human rights education efforts on specific sectors/issues. The first phase (2005-2009) focused on human rights education in the primary and secondary school systems. The second phase (2010-2015) focuses on human rights education for higher education and on human rights training programmes for teachers and educators, civil servants, law enforcement officials and military personnel. Relevant resolutions, plans of action, reports and other information concerning the two phases can be accessed through the links below.

The World Conference on Human Rights in the Vienna Declaration and Programme of Action (in particular, para. 33 of Section I) stated that human rights education, training and public information were essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. The Conference recommended that States should strive to eradicate illiteracy and should direct education towards the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms. It called on all States and institutions to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings. Pursuant to a suggestion of the World Conference, the United Nations General Assembly, in its resolution 49/184 of 23 December 1994, proclaimed the 10 year period beginning on 1st January 1995 the United Nations Decade for Human Rights Education, and welcomed the Plan of Action for the Decade contained in the report of the Secretary-General.

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 (Universal Declaration of Human Rights, Article 26.2)

Human Rights Day 2004 was dedicated to human rights education. On 10 December, the United Nations General Assembly was devoting

a special plenary session to mark the end of the United Nations Decade for Human Rights Education (1995-2004). At the meeting, the General Assembly expected to proclaim a World Programme for Human Rights Education. The first phase of the Programme, to run from 2005 to 2007, was to be devoted to human rights education in the primary and secondary school systems.

Announcing the theme, Mrs. Louise Arbour, the UN High Commissioner for Human Rights, stated in Geneva on 16 November 2004: "Every year, Human Rights Day reminds us of persisting human rights problems in our communities and in the world, and of the huge effort still needed, on the part of each and every one of us, to make human rights a reality for all". UNESCO Director-General Koichiro Matsuura stated that "Human rights education is indispensable for every individual to fully enjoy and claim a life of security and dignity. It is indispensable for public officials to give effect to human rights commitments by the State. Finally, it is indispensable for the entire society to develop and nature a human rights culture as a prerequisite of harmonious and peaceful development". The High Commissioner and the Director General had called on everyone to take the opportunity provided by Human Rights Day to organize educational activities, disseminate good practices and lunch future initiatives in this area, "in a spirit of cooperation and mutual respect among all those involved. Human Rights Day should provide us with an opportunity to pay tribute to human rights educators - indeed, human rights defenders - who, in formal and informal settings, in small or large communities, and often encountering difficulties and hazards, contribute to building a universal culture of human rights". The office of the High Commissioner for Human Rights was the coordinator of the United Nations Decade for Human Rights Education (1995-2004). It had been carrying out many activities related to the Decade in cooperation with UNESCO.

Human rights education is a deliberate, participatory practice aimed at empowering individuals, groups and communities through fostering knowledge, skills and attitudes consistent with internationally recognized human rights principles. As a medium to long-term process, human rights

education seeks to develop and integrate people's cognitive, affective and attitudinal dimensions, including critical thinking, in relation to human rights. Its goal is to build a culture of respects for and action in the defense and promotion of human rights for all. Human rights education is an internationally recognized method for promoting human rights on a local, national and global level among many levels of stakeholders. Human rights education can also play a vital role in building social structures that support participatory democracies and the resolution of conflict, and can provide a common understanding of how to address political and social differences equitably and celebrate cultural diversity.

Using the older, schools only conception, many countries (e.g. USA) established human rights as an essential component of the school curriculum decades ago. As a result their current populations have a high level of understanding about human rights. However, in the United States human rights education is still in its beginning stages. Although virtually every high school in the country requires a course on the US Constitution and Bill of Rights, very few people study human rights in schools or even at the university or graduate level.

In US, the National Council for the Social Studies (NCSS) brought human rights education to national attention for the first time in September 1985 with a groundbreaking issue of its periodical Social Education dedicated to the topic of human rights. Articles stressed the human rights dimension of traditional social studies topics like the civil rights movements, the Holocaust, and the Emancipation Movement. In an influential article, "Human Rights: An Essential Part of the Social Studies Curriculum", Carole L. Hahn, then national president of the NCSS, argued for the global perspective and democratic attitudes fostered by human rights education. In the same year, Amnesty International USA organized its Human Rights Educators' Network and in 1989 began producing Human Rights Education : The 4th R, the first US periodical in this new field. In 1991 the Human Rights Educators' Network of Amnesty International USA published a defining rationale for human rights education that reflected the expanding definition of the field :

In 1986 David Shiman had published the first human rights curriculum in the United States, Teaching about Human Rights (Shiman, 1999) which has been followed by a steady stream of new resources in the field, notably Betty Reardon's Teaching for Human Dignity (Reardon 1995) and the establishment of the University of Minnesota Human Rights Education Series in 1998. Another significant stimulus was the 1992 meeting of human rights educators sponsored by the Columbia University Centre for the Study of Human Rights with the support of the Organizing Committee of the People's Decade of Human Rights. Many US human rights educators met for the first time at this seminal meeting and formed working alliances that have resulted in significant projects such as Human Rights USA, a partnership of Amnesty International USA, the Centre for Human Rights Education, Inc. Sponsored by the Ford Foundation, Human Rights USA sought to raise human rights awareness and celebrate the fiftieth anniversary of the Universal Declaration of Human Rights in 1998. As a result of such efforts, human rights education in the United States has become a recognized educational force. However, it remains to find an established place in the mainstream educational system. Instead it has flourished in alternative settings: non-profit organizations, extracurricular groups like Amnesty International's campus chapters, alternative educational settings and communities of faith. See Part VII, "Human Rights Education Resources", p. 155, for a list of US organizations engaged in human rights education.

The mandate for human rights education is unequivocal: we have a human right to know about our rights. The Preamble to the Universal Declaration of Human Rights (UDHR) exhorts "every individual and every organ of society" to "strive by teaching and education to promote respect for these rights and freedoms." Article 30 of the UDHR declares that one goal of education should be "the strengthening of respect for human rights and fundamental freedoms." According to the International Covenant on Civil and Political Rights (ICCPR), a government "may not stand in the way of people's learning about [their rights]."

HUMAN RIGHTS EDUCATION declares a commitment to those human rights expressed in the Universal Declaration of Human Rights of 1948, the UN Covenants, and the United States Bill of Rights. It asserts the responsibility to respect, protect, and promote the rights of all people.

HUMAN RIGHTS EDUCATION promotes democratic principles. It examines human rights issues without bias and from diverse perspectives through a variety of educational practices.

HUMAN RIGHTS EDUCATION helps to develop the communication skills and informed critical thinking essential to a democracy. It provides multicultural and historical perspectives on the universal struggle for justice and dignity.

HUMAN RIGHTS EDUCATION engages the heart as well as the mind. It challenges students to ask what human rights mean to them personally and encourages them to translate caring into informed, nonviolent action.

HUMAN RIGHTS EDUCATION affirms the interdependence of the human family. It promotes understanding of the complex global forces that create abuses, as well as the ways in which abuses can be abolished and avoided.

In proclaiming the United Nations Decade for Human Rights Education in December 1994, the General Assembly defined human rights education as "a life-long process by which people at all levels of development and in all strata of society learn respect for the dignity of others and the means and methods of ensuring that respect in all societies." The Assembly emphasized that the responsibility for human rights education rested with all elements of society-government, nongovernmental organizations, professional associations, and all other sectors of civil society, as well as individuals.

The Plan of Action for the Decade further defines human rights education as "training, dissemination and information efforts aimed at the building of a universal culture of human rights through the imparting of knowledge and skills and the molding of attitudes which are directed to :

- (a) The strengthening of respect for human rights and fundamental freedoms;
- (b) The full development of the human personality and the sense of its dignity;
- (c) The promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
- (d) The enabling of all persons to participate effectively in a free society;
- (e) The furtherance of the activities of the United Nations for the maintenance of peace."

Conclusion :

Though our children studying in schools now (up to the age of 16) constitute 30% of the State's population but they are the 100% of the future of our country. In India the Human rights education programme must be included in the school and college education curriculum without any further delay. If it is done now then we see the effect in 20 years time.

1. Quoted in Human Rights Here and Now : Celebrating the Universal Declaration of Human Rights, ed. Nancy Flowers (Minneapolis : Human Rights Educators' Network, Amnesty International USA, 1998) 20.
2. Shiman, David. Teaching Human Rights (Denver : Centre for Teaching International Relations, 1986; 2nd edition, Teaching about Human Rights, 1999).
3. Reardon, Betty A. Educating for Human Dignity : Learning about Rights and Responsibilities (Philadelphia : University of Pennsylvania Press, 1995).
4. Vienna Declaration and Programme of Action, Part I, pars 33-34 and Part II, pars 78-82.
5. General Assembly Resolution 49/184, 23 December 1994.
6. Plan of Action of the United Nations Decade for Human Rights Education (1995-2004), para. 2.

Paradox of Human Rights : Dimensions and Challenges

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The Universal Declaration of Human Rights (UDHR) states, freedom, justice and peace in the world are founded on the basis of 'the inherent dignity and the equal and inalienable rights of all members of the human family.'¹ At the same time, every man, woman and child has the right to peace and the absence of violence. There can be no form of good governance, justice, rule of law or security without respect for human rights. Human rights must be integrated into every aspect of reconstruction and institution building. This requires a commitment by the government, civil society and the international community to support, implement and enforce human rights standards.

Human rights can be defined as the rights of all individuals regardless of sex, race, colour, language, national origin age, class or religious or political beliefs to certain fundamental freedoms.² Human rights are universal, inalienable, indivisible and interrelated.³ Every state has the obligation to promote universal respect for all human rights without discrimination, regardless of cultural or other differences. It is generally true that all human beings would like to enjoy human rights perfectly and that nobody would want to be deprived of them. These aspects of human wellbeing are valued to the extent of being considered fundamental to human dignity.

Human rights belong to all human being simply because they are 'human'. This is known as the 'universality' of human rights. Historically, rights were considered the privilege of people of a certain race, gender, social origin or economic status - who would also view the use of state power as primarily intended for their own benefit. The principle of 'universality' is thus linked to 'non-discrimination'. Non-discrimination does not necessarily mean identical treatment : those who are in a disadvantaged or marginalized position, sometimes require special attention, as treating equally what are unequal situations may reinforce existing marginalization.⁴

The human rights framework reflects standards that most people in most societies can identify with, but at the same time it is legal in character. Human rights are more than principles or values related to human dignity, they are also a legal framework of entitlements and obligations. Whenever there is a right, there is a duty. Hence, with respect to a particular right there are claim-holders and duty bearers. Every person not only has rights, but also has the responsibility of respecting the rights of others.

There is a long history of philosophical deliberations about the truth of human rights. Precedents exist in a range of religious and secular philosophies. For example, Confucius's Analects promoted a society founded on respect, tolerance and generosity towards others;⁵ the Indian emperor Asoka advocated non-violence and religious tolerance in the 3rd century BCE;⁶ and Cicero (106-43 BCE) established the foundations of natural law, a concept closely connected to the modern idea of human rights.⁷

For centuries many thinkers who considered questions to do with justice and rights took as their starting point the idea that all human beings were created by God and were thus endowed with particular gifts and divinely commanded to live in a particular way. Such thinking holds little sway in the public domain today, even if some religious people still find it convincing.

Disgusted by the religious wars of the Reformation period, Dutch lawyer Hugo Grotius (1583-1654) was convinced that disputes about

rights were the main cause of war. He defined a natural right to be 'a moral quality pertaining to a person to possess or do something justly'.⁸ Reflecting on the human person in the community, he set down the demands for a peaceful and rational life lived in community and said, 'What we have spoken about would carry some weight even if we were to suppose that God does not exist or that God takes no interest in human affairs.'⁹

Thomas Hobbes (1588-1679) also spoke of natural rights. He was troubled by the English Civil War and parliament's execution of Charles I. Two years after the execution, and anxious that people be able to avoid the state of nature in which life would be brutish and short, he published his Leviathan.¹⁰ He thought the natural human condition was a state of war in which 'every man has a right to everything; even to one another's body'¹¹, and he proposed the social contract, whereby all individuals would give up their right to govern themselves in exchange for security and peace guaranteed by a State able to provide 'peace at home and mutual aid against their enemies abroad'.¹²

Jhon Locke (1632-1704) had a less jaundiced view of the state of nature than did Hobbes : Man being born, as has been proved, with a Title to perfect Freedom, and an uncontrolled enjoyment of all the Rights and Privileges of the Law of Nature, equally with any other Man or Number of Men in the World, hath by Nature a Power ...to preserve his property, that is, his Life, Liberty and Estate, against the injuries and Attempts of other men.¹³ Locke thought the laws enacted by the State needed to reflect this law of nature, which stood as 'an eternal rule to all men'.¹⁴ This thinking on natural rights was central to much of the political ferment in England, what was to become the United States of America, and France.

The founding fathers of the United States declared, 'We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights.'¹⁵

Kantians do not find much moral guidance in emotion; rather, they seek universal rules or maxims. Immanuel Kant (1724-1804) propounded his famous maxim 'Act in such a way that you treat

humanity, whether in your own person or in the person of any other, never merely as a means, but always at the same time as an end'.¹⁶

Some philosophers admire the thinking of Professor John Rawls, who posited the thought experiment of people standing behind a veil of ignorance, knowing little about their future prospects and agreeing on principles of justice such as 'Each person has an equal right to a fully adequate scheme of equal basic liberties compatible with a similar scheme of liberties for all'.¹⁷

John Rawls' *A Theory of Justice* (1971) is the most influential contemporary work on rights. For Rawls, what is directly relevant for social ethics and justice is the individual's means to pursue their own ends and to live whatever 'good life' they choose for themselves. Rawls argue that an adequate theory of Justice must morally respond to and preserve the 'distinction of persons'. Rawls theory of justice as fairness consists of the two principles.

First Principle: Each person is to have an equal right to the most extensive liberty compatible with similar liberty of others.'

Second Principle: 'Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be in everyone's advantage and in particular to the advantage of the last well-off persons; and (b) attached to positions and offices open to all.

Whereas rights are often enshrined in international treaties and instruments such as the UDHR, this is not usually the case for any responsibilities which rights holders might be thought to have. In fact, as noted above, human rights are often seen as unconditional, and much of the language of human rights implies a rights holder on the one hand and a different 'duty bearer', with responsibilities towards that rights holder, on the other.

Rights holders are usually thought of as individuals or families, whilst those with responsibilities for granting these rights are usually seen as institutions (often nation states), which are assumed intrinsically to be in a more powerful position.

In some respects, however, rights can be seen as determining responsibilities. For example, political rights, such as the right to vote,

could be seen as bringing a responsibility to exercise that right; in some countries, such as Australia, this 'right' is indeed made a compulsory responsibility. Likewise paid work can be, and often is, construed as a right; however, it can also be seen as a responsibility, not only to oneself and any dependants, but also to other people and/ or to the state.

There are other areas where responsibilities are both clear and enforceable, for example, the responsibilities of parents, both resident and non-resident, to care/ provide for their children. There are also civic responsibilities: to be part of a jury when called, to give evidence in court, to abide by the law etc. Additionally, financial responsibilities can include making contributions through taxes (income tax etc.).

The concept of social citizenship has historically been concerned with what membership of society means in terms of entitlements.

An emphasis on responsibilities can also be seen in the concept of 'active citizenship'. Active citizenship usually involves the idea of giving something (back) to the community. Examples of the duties of active citizenship could include such activities as volunteering and recycling.

Active citizenship is also an important element of communitarianism, which emphasizes responsibilities to the community (though the meaning of 'community' is not always clear). Communitarianism was founded on the premise that people were 'claiming more rights but recognizing fewer obligations to the community' (Deacon, 2002), and that this 'violates a profound moral precept: that it is unfair to take and not to give', as one of its foremost proponents, Etzioni (1998), wrote.

Strengthening social responsibility is said to help maintain social order and strengthen communities (Deacon, 2002).

Tony Blair, the former British Prime Minister-said that 'the rights we enjoy reflect the duties we owe' (cited in Powell, 1999, p.220). It has even been proposed that, rather than a Bill of Rights, the UK should introduce a Bill of Rights and Responsibilities (see Ministry of Justice, 2008b). A Green Paper has recently been published in UK which sets out this proposal in more detail (Ministry of Justice, 2009).

This Bill would set out both people's rights (guaranteed to the individual by the state) and their civic responsibilities (the duties owed to one another and to wider communities).

'The British people can help to foster a stronger sense of shared citizenship. It can do so by establishing and articulating the balance between the rights to which we are all entitled and the obligations we all owe to each other.' (Ministry of Justice, 2008b)

This proposal has been criticized on a number of fronts. Within government, there are concerns that a Bill of Rights and Responsibilities would strengthen the powers of the judiciary over parliament and further alienate the public from the concept of human rights (Wintour, 2008). Outside it, there is anxiety that it would codify government expectations of individuals' behavior.

Nobody said it better, from a national perspective, than John F. Kennedy: "Ask not what your country can do for you-ask what you can do for your country."

If one person or government seeks to maximize freedom but does it at the expense of others, a larger number of people will suffer. If human beings maximize their freedom by plundering the natural resources of the earth, then future generations will suffer. This is the view of the INTER-ACTION COUNCIL which was established in 1983 as an independent international organization to mobilize the experience, energy and international contacts of a group of statesmen who have held the highest office in their own countries. It has three priority areas: i. Peace and Security, ii. World Economic Revitalisation and iii. Universal ethical standards.

The initiative to draft a universal Declaration of Human Responsibilities is not only a way of balancing freedom with responsibility, but also a means of reconciling ideologies, beliefs and political views that were deemed antagonistic in the past. The proposed declaration points out that the exclusive insistence on rights can lead to endless dispute and conflict, that religious groups in pressing for their own freedom have a duty to respect the freedom of others. The basic premise should be to aim at the greatest amount of freedom possible,

but also to develop the fullest sense of responsibility that will allow that freedom itself to grow.

Fundamental Principles for Humanity

Article 1

Every person, regardless of gender, ethnic origin, social status, political opinion, language, age, nationality, or religion, has a responsibility to treat all people in a humane way.

Article 2

No person should lend support to any form of inhumane behavior, but all people have a responsibility to strive for the dignity and self-esteem of all others.

Article 3

No person, no group or organization, no state, no army or police stands above good and evil; all are subject to ethical standards. Everyone has a responsibility to promote good and to avoid evil in all things.

Article 4

All people, endowed with reason and conscience, must accept a responsibility to each and all, to families and communities, to races, nations, and religions in a spirit of solidarity: What you do not wish to be done to yourself, do not do to others.

Non-Violence and Respect for Life

Article 5

Every person has a responsibility to respect life. No one has the right to injure, to torture or to kill another human person. This does not exclude the right of justified self-defense of individuals or communities.

Article 6

Disputes between states, groups or individuals should be resolved without violence. No government should tolerate or participate in acts of genocide or terrorism, nor should it abuse women, children, or any other civilians as instruments of war. Every citizen and public official has a responsibility to act in a peaceful, non-violent way.

Article 7

Every person is infinitely precious and must be protected unconditionally. The animals and the natural environment also demand protection. All people have a responsibility to protect the air, water and soil of the earth for the sake of present inhabitants and future generations.

Justice and Solidarity

Article 8

Every person has a responsibility to behave with integrity, honesty and fairness. No person or group should rob or arbitrarily deprive any other person or group of their property.

Article 9

All people, given the necessary tools, have a responsibility to make serious efforts to overcome poverty, malnutrition, ignorance and inequality. They should promote sustainable development all over the world in order to assure dignity, freedom, security and justice for all people.

Article 10

All people have a responsibility to develop their talents through diligent endeavor; they should have equal access to education and to meaningful work. Everyone should lend support to the needy, the disadvantaged, the disabled and to the victims of discrimination.

Article 11

All property and wealth must be used responsibly in accordance with justice and for the advancement of the human race. Economic and political power must not be handled as an instrument of domination, but in the service of economic justice and of the social order.

Truthfulness and Tolerance

Article 12

Every person has a responsibility to speak and act truthfully. No one, however high or mighty, should speak lies. The right to privacy and to personal and professional confidentiality is to be respected. No one is obliged to all the truth to everyone all the time.

Article 13

No politicians, public servants, business leaders, scientists, writers or artists are exempt from general ethical standards, nor are physicians, lawyers and other professionals who have special duties to clients. Professional and other codes of ethics should reflect the priority of general standards such as those of truthfulness and fairness.

Article 14

The freedom of the media to inform the public and to criticize institutions of society and governmental actions, which is essential for a just society, must be used with responsibility and discretion. Freedom of the media carries a special responsibility for accurate and truthful reporting. Sensational reporting that degrades the human person or dignity must at all times be avoided.

Article 15

While religious freedom must be guaranteed, the representatives of religions have a special responsibility to avoid expressions of prejudice and acts of discrimination toward those of different beliefs. They should not incite or legitimize hatred, fanaticism and religious wars, but should foster tolerance and mutual respect between all people.

Mutual Respect and Partnership

Article 16

All men and all women have a responsibility to show respect to one another and understanding in their partnership. No one should subject another person to sexual exploitation in their partnership. No one should subject another person to sexual exploitation or dependence. Rather, sexual partners should accept the responsibility of caring for each other's well-being.

Article 17

In all its cultural and religious varieties, marriage requires love, loyalty and forgiveness and should aim at guaranteeing security and mutual support.

Article 18

Sensible family planning is the responsibility of every couple. The

relationship between parents and children should reflect mutual love, respect, appreciation and concern. No parents or other adults should exploit abuse or maltreat children.

Conclusion

Article 19

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 responsibilities, rights and freedom set forth in this Declaration and in the Universal Declaration of Human Rights of 1948.

Recognizing this need, the Inter Action Council began its search for universal ethical standards with a meeting of spiritual leaders and political leaders in March 1987 at La Civiltà Cattolica in Rome, Italy. The initiative was taken by the late Takeo Fukuda, former Prime Minister of Japan who founded the Inter Action Council in 1983. Again in 1996, the Council requested a report by a high-level expert group on the subject of global ethical standards.

This is hardly a new idea. Throughout the millennia prophets, saints and sages have begged mankind to take its responsibilities seriously. In our century, for example, Mahatma Gandhi preached on the seven social sins.

1. Politics without principles
2. Commerce without morality
3. Wealth without work
4. Education without character
5. Science without humanity
6. Pleasure without conscience
7. Worship without sacrifice.

Environmental Justice offers a fresh perspective. Humanity is struggling to survive in the face of growing deserts, de-creasing forests, declining fisheries, poisoned food/ water/ air, and climatic extremes and weather events that continue to intensify: floods, droughts,

hurricanes. Many of today's environmental crises lack tangibility-It is difficult to see them, to define them, to understand their origins, and to understand their consequences. These crises are rarely confined to an immediate locale - radiation knows no boundaries. In many places of the world information about environmental crises is withheld from those who experience the adverse consequences. And, environment crises are not experienced equally.¹⁸

Two basic premises of Environmental Justice are : first, that everyone should have the right and be able to live in a healthy environment, with access to enough environmental resources for a healthy life, and second, that it is predominantly the poorest and least powerful people who are missing these conditions. Taking these two premises together suggests that a priority is to ensure that the adverse conditions faced by the least powerful people are tackled first. As well as implying environmental rights, it implies environmental responsibilities. These responsibilities are on this current generation to ensure a healthy environment exists for future generations, and on countries, organizations and individuals in this generation to ensure that development does not create environmental problems or distribute environmental resources in ways which damage other people's health.

This is a view which reframes environmental issues as a critical and core element of achieving social justice goals, rather than as a set of priorities which conflict with social goals. If social justice can be thought of ensuring that all people have at least a basic set of minimum conditions to achieve a healthy life, then having a healthy, safe environment and access to enough environmental resources for all people is a central part of this social justice goal. Environmental justice is concerned with ensuring the environmental part of this social justice goal.

The concept of multiculturalism is highly contested in terms of its philosophical meaning and in terms of its efficacy as a set of policies. Its central concern has been fostering a sense of tolerance and respect of group rights in ethnically and racially diverse societies.

Globalization is changing the conditions under which all countries and societies are integrated into world politics and the world economy. Among human rights activists and some human rights scholars, there is a debate about whether globalization is 'good' or 'bad' for human rights. Peter Schwab and Adamantia Pollis, for example, focus only on the negative aspects of globalization, stating "Clearly globalization has had a deleterious effect on the entire complex of human rights. ...".¹⁹

In 1996 and 1999, Human Rights Quarterly published a debate about the relationship between globalization and human rights. The relevant variables in this debate were foreign investment by multinational corporations (representing globalization) and civil and political rights (representing human rights). William H. Meyer investigated two contrasting theses.²⁰

The first thesis, as exemplified by the early work of Daniel Lerner, was that multinational investment is an 'engine of development.'²¹ It promotes economic rights through investment and job creation, and civil and political rights through the creation of a stable and tolerant environment. The second thesis was that multinational investment causes underdevelopment. Meyer referred to this proposition as the Stephen Hymer thesis. The "Hymer thesis" refers to an article that was very influential among adherents of the Marxist and dependency schools of thought in the 1970s. Hymer argued that foreign investment undermines national development and ? by extrapolation ? subsequent improvements in human rights.²²

Some significant models are developed by Rhoda E. Howard-Hassmann. Rhoda E. Howard Hassmann is Canada Research Chair in Global Studies and Political Science at Wilfrid Laurier University, and a fellow of the Royal Society of Canada. Her books include Colonialism and Underdevelopment in Ghana (1978), Human Rights in Commonwealth Africa (1986), and Human Rights and the Search for Community (1995). She is also co-editor of An International Handbook of Human Rights (1987), and Sleeping under Bridges : Economic Rights in Canada and the United States (2005). Her models of the relationship between Globalisation and Human Rights can be studied as below .²³

A. Globalization and Human Rights : A Positive Relationship

A simple model of a positive relationship between globalization and human rights seems to posit the following inevitable relationship.

FIGURE I (a)

Globalization Causes Human Rights : A Simple Model
Globalization \Rightarrow human rights

FIGURE I (b)

Globalization Causes Human Rights : The Simple Model
Complicated
Globalization \Rightarrow wealth \Rightarrow human rights

FIGURE I (c)

Globalization Causes Human Rights : The Simple Model Further
Complicated
Globalization \Rightarrow markets \Rightarrow liberal economic order \Rightarrow democracy
 \Rightarrow human rights

B. Globalization and Human Rights : A Negative Relationship

FIGURE II (a)

Globalization undermines Human Rights : The Simple Model
Globalization \Rightarrow Rightlessness

FIGURE II (b)

Globalization Undermines Human Rights : The Simple Model
Complicated
Globalization \Rightarrow de-development \Rightarrow Rightlessness

FIGURE II (c)

Globalization Undermines Human Rights : The Simple Model
Further Complicated
Globalization \Rightarrow Market Economics \Rightarrow Liberal Economic Order \Rightarrow
Class Society (rich vs. poor) \Rightarrow Rightlessness

Examining an alternative paradigm of Human Rights, Baxi²⁴ started with a stark statement : the paradigm of the Universal Declaration of Human Rights (UDHR) is being steadily, but surely, being supplanted by that of trade-related, Market friendly human rights (TRMFHR) under the auspices of contemporary globalization.

This formulation raises many distinctively different sets of questions.

First, in what ways may we understand, and extend, the notions of paradigm and paradigm shifts to the sphere of human rights ?

Second, does the expression 'human rights of global capital' make any sense at all ? etc. Here the historical question arises : "What begins and ends when the nation state ends ?" The UDHR paradigm assigned human rights responsibilities to states; it called upon states to construct progressively and within the community of states, a just social order, national and global that will at least meet the basic needs of human beings. The new paradigm denies any significant redistributive role of the state; it calls upon the states (and world order) to free as many spaces for capital as possible, initially by fully pursuing the 3-Ds of contemporary globalization : *de-regulation, de-nationalisation and disinvestment.*

At the same time, it is also argued that the global institutionalization of human rights has created an international context in which governments often ratify human rights treaties as a matter of window dressing, radically decoupling policy from practice and at times worsen negative human rights practices.

References and Notes :

- ¹ "Preamble, Universal Declaration of Human Rights." <http://www.un.org/Overview/rights.html>.
- ² Women's Human Rights step by step. Washington, DC : Women, Law and Development International, 1997.
- ³ "Vienna Declaration and Programme of Action," UN General Assembly, A/Conf. 157/23, 12 July 1993, para 5.
- ⁴ Office of the High Commissioner for Human Rights (OHCHR) Documents.

⁵ Confucius, 'On fair distribution and education' in the Analects, cited in M Ishay, The Human Rights Reader (2nd edn, 2007)45.

⁶ Asoka, 'Against religious intolerance and discrimination within the community' in The Edicts, cited in M Ishay, The Human Rights Reader (2nd edn, 2007) 29.

⁷ Cicero, The Laws, cited in M Ishay, The Human Rights Reader (2nd edn, 2007) 15.

⁸ H Grotius, De Jure Belli et Pacis (1625), quoted in J Mahoney, The Challenge of Human Rights : origin, development and significance (2007) 12.

⁹ Ibid. 10.

¹⁰ T Hobbes, Leviathan (1651), quoted in J Mahoney, ibid. 20.

¹¹ Ibid. 12.

¹² Ibid. 13

¹³ J Locke, Two Treatises of Government (1689), quoted in J Mahoney, ibid. 19-20.

¹⁴ Ibid. 20.

¹⁵ U.S. Declaration of Independence, 1776.

¹⁶ I Kant, Groundwork for the Metaphysics of Morals (1785) 4 : 429.

¹⁷ Reformulated by John Rawls in Political Liberalism : expanded edition (2005) 291.

¹⁸ Johnston Barbara Rose (1995); Human Ecology, Vol. 23, No. 2 (Jun., 1995), pp. 111-123

¹⁹ Peter Schwab & Adamantia Pollis, Globalization's Impact on Human Rights, in Human Rights : New Perspectives, New Realities 209, 217 (Adamantia Pollis & Peter Schwab eds., 2000).

²⁰ See William H. Meyer, Human Rights and MNCs : Theory versus Quantitative Analysis, 18 Hum. Rts. Q 368 (1996); see also Stephen Hymer, the Multinational Corporation and the Law of Uneven Development, in Introduction to the Sociology of "Developing Societies" 128 (Hamza Alavi & Teodor Shanin eds., 1982).

²¹ See Daniel Lerner, The Passing of Traditional Society : Modernizing the Middle East (1958).

²² See William H. Meyer, Human Rights and MNCs : Theory versus Quantitative Analysis, 18 Hum. Rts. Q. 368 (1996); see also Stephen Hymer, the Multinational Corporation and the Law of Uneven Development, in Introduction to the Sociology of "Developing Societies" 128 (Hamza Alavi & Teodor Shanin eds., 1982).

²³ Rhoda E. Howard- Hassmann (2005); The Second Great Transformation : Human Rights Leapfrogging in the Era of Globalization; Human Rights Quarterly, Vol. 27, No. 1 (Feb., 2005), pp. 1-40

²⁴ Baxi Upendra (2006), The Future of Human Rights, Oxford University Press, New Delhi.

Role of Judiciary and State Machineries to Protect Human Rights

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Concept of Human Rights

A change in the position of the individuals has been one of the most remarkable and dignified development in the post 2nd world war period. An obvious result of such a change in the status of individuals has brought forward the concept of human rights in a big way. **In modern international law too, the concept of human rights has gained popularity.** In fact, it was the havoc, pain, panic and scourge caused by the 2nd world war which made the world populace turn their heads towards the rights of human beings. Particularly the concept of human rights came into light to rescue the harassed populace from undemocratic and autocratic practices which dominated a major part of the world scene after the 2nd World War. Human beings are rational beings and, they by virtue of their beings human possess certain basic and inalienable rights, which are commonly termed as human rights. The concept of human rights was earlier known as natural rights. Since these rights belong to human beings because of their very existence, they become operative with their birth. Human Rights therefore being birth rights are inherent in

all the individuals irrespective of caste, creed, sex, religion and nationality. These rights are consonant with the freedom and dignity of individuals and also helps in their physical, moral, social and spiritual upliftment. Because of the tremendous significance and importance of human rights, they are also sometimes termed as fundamental rights, basic rights, inherent rights, natural rights and birth rights etc. Human rights is a generic term which embraces civil rights, civil liberties and social, economic and cultural rights of people as well.

Though it is difficult to offer a precise definition of the term "Human Rights" owing to the broad scope it encompasses, it can be said that the rights which all people have by virtue of they being human are human rights.

These rights are utmost essential for the maintenance of human dignity. Eminent scholar D.D. Basu defines Human Rights, as those minimum rights which every individual must have against the state or public authority by virtue of his being a member of the human family, irrespective of any other consideration. According to Bennett, Human Rights include those areas of individual or group freedom that are immune from governmental interference or that, because of their basic contribution to human dignity or welfare, are subject to governmental guarantee, protections or promotion. Drawing conclusion from different interpretations put forwarded by various scholars, human rights can thus be termed as those rights which preserve the human dignity of an individual. Human Rights also denotes a 'guarantee' to all people that certain things cannot or ought not to be done to a person against his or her will.

The general belief is that the concept of human rights is Western and that the origin of the concept in world history found its first expression in the Magna Carta of 1215 and then subsequently in the Petition of Rights of 1628, the Bills of Rights 1688, the American Bill of Rights-1789 etc. which came to be recognized as the milestones in the road of development of human rights. However, it is not justified to limit the origin of the concept of human rights to only Western civilization. In fact, the concept of human rights has

occupied a place of prime significance in the ancient Indian society too. India has embedded the same in its deep rooted traditions since time immemorial India's rich legacy has always believed in the principle of "Welfare of All". Moreover a reference of the famous Indian Political treatise "Arthashastra" by Kautilya also depicts the concept of human rights. In this book Kautilya ordained that "the king shall provide the orphan, the aged, the infirm, the afflicted and helpless with maintenance, he shall also provide subsistence to the helpless expectant mothers and also to the children they give birth to". This reference throws lights on the fact that in Mauryan times there was a clear protection of right to social security and the right to livelihood as a natural right, which is known as human rights today.

Trend of Human Rights Violation :

In simple terms, human rights violation would occur when a person would not get what is assured and guaranteed to him by the constitution of the country. However, it would not be entirely correct to interpret human rights in terms of constitutional provisions alone. The provisions and clauses of even the most sophisticated and modern constitutions may fail to meet the requirement of every situation.

Generally, the unlawful arrest of individuals by the government and the police who are supposed to be the 'protector' of the society is a gross violation of human right. Also the confinement of people in prison without adequate justification and the use of third degree methods used by enforcement agencies also depict human rights violation.

In all human rights violation issues, it would inevitably be found that someone would have violated legislative law or natural law and consequently another person or group of persons would have suffered resulting in his or their human rights being violated. Many of such human rights violation also take place due to offences which we normally term as economic offence or social offence. Therefore, it is high time that we redefine the term human right violation by including social offences and acts of corruption which have decayed the social fabric of the world in general and India in particular.

Every issue of corruption and social offence should be legitimately considered as the violation of human rights. Thus if a person has been deprived of his due by any means, whether by buying under weighed or contaminated food, it should come under the ambit of human rights violation besides other acts. Many innocent people of all ages are dying from starvation and lack of medical treatment, besides terrorism which has taken many lives away by courtesy of destructive bombs. Besides the traditional crimes like rape, murder, trafficking etc. which continues unabated there has evolved new instances and trends in the violation of human rights in the form of witch hunting, honour killings etc. Especially in India, the situation of human rights is very complex owing to the large size of the country and its tremendous diversity. Human Trafficking is a million dollar business in India. Approximately nearly 10,000 women and girls are brought to India annually for commercial sexual exploitation. According to "Human Rights Watch" which is an international non-governmental organization which conducts research and advocacy on human rights, Dalits and indigenous people in India continue to face discrimination, exclusion and acts of communal violence in a large way in India.

Throughout the world, the governments of various nation states have also indulged in human rights violation. The various police and armed forces use 'torture' upon people as a means of carrying out interrogations and extracting confessions or information. In addition, tens of thousands of people detained in connection with conflicts disappear each year and are usually secretly killed and buried. Moreover various lesser forms of political oppression are also enacted, when individuals who pose a threat to power or who do not share political views are arbitrarily imprisoned. Often Mass groups of people are also denied political participation and thus deprived of their basic rights leading to human rights violation.

Viewed in this context one can be sure that countless human rights violations take place throughout the world everyday. Even literally speaking there are numerous instances of human rights violation in

the form of trafficking in human beings, custodial deaths, violation of freedom of individuals, depriving individuals of their rights, sexual harassment at the work place etc. With a million scavengers, thousands of cases of domestic violence and dowry deaths and an appalling number of child labourers, there is no doubt that the world community has a long way to go in securing human rights to the world populace.

Judiciary as the Protector of Human Rights :

The world has come a long way since the times of skepticism. The majority of the nation states of the world today have adopted the principle of 'Welfare state' which signifies the zeal of the world community to attain a more 'civilised' state of existence. It is at this juncture that the judiciary comes into play as the custodian and protector of the people and the society. There is no doubt that a unified, efficient and impartial judiciary is indispensable for a civilized society. It is only an independent and alert judiciary which can provide the proper test of democracy to the people primarily by protecting their rights. Therefore the judiciary as the saviour of the people has to play a crucial role in safeguarding human rights of the people.

The judiciary too has accepted this august responsibility and has time and again assumed the role of the protector of human rights of the people. In order to ensure the rule of law the constitution makers of almost all the democratic nations have made provisions for the independence of the judiciary. The judiciary in India too enjoys a significant position by virtue of it being made the guardian and custodian of the constitution. The judiciary of a country is also a watch dog against the violation of rights of its people. Liberty and equality have well survived and thrived in most of the democratic societies due to the pro-active role played by the judicial system of those countries. It is the judicial system which allows citizen to seek protection of their rights and also to redress against government actions. These limits set forth by the judiciary help make branches of government accountable to each other and to the people. The judicial organ of a state therefore is most significant in protecting and restoring rights of the people and in preserving the rule of law.

In this regard, the Indian judiciary too has assumed a pro-active role and has scrupulously guarded the rights for fundamental human existence. In the specific context of human rights, the Indian judiciary has provided for the meaningful understanding of human rights through its various orders and judgements etc. In this direction the scope of right to life and personal liberty under Article 21 of the Indian constitution was widened and interpreted by the judiciary to the extent that life means life with human dignity. The scope of Right to Equality under Article 14 of the Indian constitution was also dynamically interpreted as 'distributional equality' that is equality of result along with equality of opportunity in recent times.

A most important concept associated with the role of judiciary as the protector of human rights is 'Judicial activism', which in simple terms may be defined as the progressive working of the judiciary. Judicial activism is used with reference to the judicial decisions in various fields including the domain of human rights. The term judicial activism refers to an act of the bench to fill up the gaps and doubts where the provisions of any law or the constitution are narrow. Responding to changing times and to meet the aspirations of people and also to safeguard human rights, the courts have at various times made use of judicial activism to provide due basic rights to the downtrodden and underprivileged people.

The role played by the judiciary in safeguarding human rights of people can at best be described only by studying and elaborating upon various case laws decided by the judiciary at various times. The Supreme Court of India in Hussainara Khatoon's case while considering the plight of the under trials in jail, held that "speedy trial" was an integral and essential part of the right to life and liberty contained in Article 21 of the constitution of India. In Nadini Satpathy Vs P.L. Dani, the Supreme Court held that an accused has the right to consult a lawyer during interrogation and that the right to make self incrimatory statements should be liberally interpreted to cover the per-trial stage also. The Supreme Court also laid down certain safeguards for arrested persons in Sheela Barse Vs State of

Maharashtra. Again in *Banddhua Mukti Morcha's Case*, the Supreme Court held that the right to life guaranteed by Art 21 included the right to live with human dignity, free from exploitation. Thus the courts have at various times been making judicial intervention in cases concerning violation of human rights and have safeguarded human rights as and when possible. Of late, the judiciary has become primarily concerned with human rights violation cases and in fact the sentencing policy of the judiciary in torture related cases against erring officials have become very strict. In *Prem Shankar Shukla Vs Delhi administration*, the Supreme Court found the practice of using handcuffs and fetters on prisoners as violating the guarantee of basic human dignity and thus violative of Art 14, 19 and 21 of the constitution. The Supreme Court observed in this case that "to bind a man on hand and foot, fetter his limbs with ropes of steel, shuffle him along in the streets and to stand him for hours in the courts is to torture him, defile his dignity, vulgarise society and foul the soul of our Constitutional Culture". In *D.K. Basu Vs state of West Bengal*, the court found custodial torture "a naked violation of human dignity".

In the case of *Ichhu Devi Choraria Vs Union Bank of India*, the Supreme Court declared that "personal liberty is a most precious possession and life without it would not be worth living." The court also held in the case of *Delhi Domestic Working women's Forum Vs Union Bank of India* and others that "Speedy trial is one of the essential requisites of law and that expeditious investigations and trial only could give meaning to guarantee of equal protection of law under Art 14 of the constitution". Again in the case of *Vishaka Vs State Bank of Rajasthan & others*, the Supreme Court while giving judgement stated that "gender equality includes protection from sexual harassment and right to work with dignity, which is a universally recognized basic human right".

The aforesaid cases are only a few examples from the numerous judgements passed by the judiciary in India, which throws ample light upon the role played by it as the protector of human rights.

Role of State Machineries :

Besides the judicial organ, there are other state machineries as well who have also been entrusted with the task of protecting human rights. In the very first place the state enforcement agencies like the police, military forces etc. possess the scope of protecting human rights of people to a large extent, as because they have been entrusted with necessary power and authority to curb such violations. In different times and places, the police and military forces have succeeded in rescuing young women and girls from being sexually exploited. Besides these law enforcement agencies have also safeguarded the rights of children who are forced to work in various commercial factories companies etc, or who were sold off for such commercial use. Therefore the role played by the police and military forces needs to be lauded for their every commendable effort of safeguarding human rights. But then again, quite ironically more often than not human rights are being violated by these law enforcers every other day in the form of custodial deaths, arbitrary arrests, detention etc. which needs to be seriously checked at all times.

In this context, the role played by various Non-Government Organizations (NGO's) working in the field of human rights also deserves special attention. These NGO's who are well represented by people from different strata of the society work as watchdogs by monitoring various schemes implemented by the government towards the protection of human rights. They assess the extent to which different policies of the government are being implemented. Besides the NGO's also take part in various government sponsored projects and thereby work towards securing and safeguarding human rights of people. They also create public awareness in cases of violation of human rights and also lobby for better legislative measures. They also provide early warning thereby enabling people to take up preventive measures from rights being violated. There are many NGO's working in the field of human rights in India. To name a few the Sulabh movement which is working for upliftment of the Dalits; Child Relief and You (CRY) an organization committed to the

upliftment children; Saheli and Chetna who are actively involved in protecting women's rights and providing free legal aid etc are worth mentioning.

While speaking of Human Rights Protection, the National Human Rights Commission and State Human Rights Commissions and the Human Rights Courts in the districts set up under the protection of Human Rights Act, 1993, also deserve special attention. The primary function of the these Commissions and courts is to receive complaints and initiate investigations into violations of Human Rights. Since its inception in 1993, the National Human Rights Commission has been working extensively to protect and promote Human Rights in India. Its contribution in this regard has gone beyond its expected role of investigating alleged violations alone. The National Human Rights Commission, the State Commissions and the Human Rights courts thus play a key role in facing the formidable challenges in the domain of Human Rights. At this critical juncture it may be mentioned that the NHRC, and the SHRC's also need to simplify their procedures a bit so that everyone including the most vulnerable sections of the society can access it.

Here again, members of the legal fraternity such as the lawyers also play a crucial role in safeguarding Human Rights. Since the members of the legal profession have a deep understanding of not only human rights enumerated in the constitution but also of relevant laws and conventions, and also have the added advantage of being fully conversant with court procedures and practices, it thereby enables them to secure relief to the litigant public better than others. The eminent position of the Indian judiciary as being the protector of human rights is partly due to the assistance given by the lawyers since the rule of law cannot be sustained without the help of lawyers.

The education sector of a nation also plays a crucial role as a guardian of human rights by disseminating knowledge and information to young and old learners alike. Human Rights education today has become a core subject in almost all educational institutions starting from schools to colleges and universities. A society founded on the

principles of liberty, equality and justice have to inculcate human rights literacy and awareness in order to sustain itself, and this grave responsibility is in the hands of the educationists.

Last but not the least, the role of the Press and Mass media is of prime significance in safeguarding and creating awareness of Human Rights of people. The mass media is an instrument for educators, Government and Non-government Organizations, institutions etc. for the emancipation of Human Rights. Electronic media like the computer, television or radio have a deep impact on young and old alike and thus possess the ability to shape values, attitudes and perceptions on issues pertaining to human rights.

Conclusion :

The judiciary and other allied state machineries has a critical role to play in a representative democracy in safeguarding human rights. The Judiciary has been transformed from an instrument of state to an institution of governance. However, it would be highly laudable if the judiciary in India comes out of the straight jacket to assume a more flexible role by creating legal awareness among the general public. Since it is the judiciary which dwells upon the legal road, therefore it is best adapt at creating legal awareness. Though the provision of legal aid exists in the Indian constitution and specific Indian laws, yet such provision has remained largely on paper than in practice. Therefore the unified Indian judiciary may take up this responsibility of impacting legal aid and thus foster in protecting Human Rights of the people. Moreover the idea of founding Public Relation Cells of the judiciary would also perhaps cater to the need of safeguarding Human Rights of people.

It has been more than six decades now since India inherited a well founded system of judicial administration from the British. Though these laws have stood the test of time, over the years the judicial administration and laws have been fine-tuned to suit Indian conditions and needs by way of amendments etc. As already discussed earlier, it is an independent judiciary which can provide the proper test of

democracy to the people by protecting their basic rights. The Judiciary therefore plays a most crucial role in safeguarding the basic human rights of people and ensuring good governance by checking the reigns of power. At the same time the role of other state machineries protecting people's rights must also be positive and more encouraging for a better future.

Reference :

1. Human Rights - U. Chandra
2. Human Rights and Indian Constitution; P.L. Mehta & Neena Mehta
3. International Law & Human Rights - Dr. H.O. Agarwal
4. Human Rights in Constitutional law - D.D. Basu, Wadwa Law House, Nagpur IIInd ed. (2003)
5. Constitutional Development through judicial process, Manohar G, Asia law House, 1st ed. (2006)
6. AIR 1979, SC 1360
7. SCC 1980, 526, 531
8. SCC 1993, 746
9. SCC 1995 14
10. AIR 1997, SC 610
11. SCC 1997, 241
12. World Wide Web

Human Right violation: A case study of Custodial deaths in Dibrugarh Central Jail

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Abstract :

The right to life with dignity is the basis of all human rights. Human rights are "rights and freedoms to which all human are entitled." Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language or any other status. These rights are all interrelated, interdependent and indivisible. These include certain civil liberties and political rights, the most fundamental of which is the right to life and physical safety.

But this Human rights and its violation is becoming the vital concern of mankind in recent times. Ironically, we now a day often hear violation of human right in our society in different spheres and stages. We hear of police torture, arbitrary arrest, long term detention without trial in jail, Police firing, killed by army atrocities, custodial deaths in police and judicial custody, terrorist attack and killed by terrorist, mysterious disappearance etc.

In this paper, attempt has been made to find out Custodial deaths in Dibrugarh Central Jail and reason behind it. The study is an empirical study depended on primary and secondary sources of data. It covers

both empirical and analytical methods. The researcher himself visited the Jail and had an interview schedule with the Jail inmate and staff during his doctoral thesis work in 2008.

So far as sampling is concern for prisoner interview, the sample was 5 percentage of the total prison population. As a result out of total 1433 prisoners (at that time), including all categories of prisoners as-trial, under-trial, convict prisoner including men and women total 72 prisoners were interviewed. Additional to this, interview was also taken from Jail staff to know the actual cause of Custodial deaths in Jail and also know the different loopholes in Jail administration.

After going through the problem and analysis all the aspects from different perspective conclusion was drawn out of it. Addition to the conclusion some constructive suggestions and remedial measures are suggested for early implementation.

Human Rights are commonly understood as being those rights which are inherent in the mere fact of being human. The concept of human rights is based on the belief that every human being is entitled to enjoy his/her rights without discrimination. It comprises both civil and political rights as well as economic, social and cultural rights.

Human rights allow us to fully developed and use our conscience and satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of each will respect and protection. Human Rights, intrinsic to all humans as members of humanity, are the modern and secular version of the natural rights. All humans, being born equal are equally entitled to the Human Rights without any distinction of birth, sex, race, status, religion, language or nationality. Standing above the ideologies of the capitalism or communism. Human Rights reflect the concern for democracy, development and peace.

But it is unfortunate that denial of these human rights is not only an individual and personal tragedy, but also creates conditions of social and political unrest, sowing seeds of violence and conflict within and between societies and nations. Human rights violation is becoming the

vital concern of mankind in recent times both by State and Non-State actors. Ironically, we now a day often hear violation of human right in our society in different spheres and stages. We hear of police torture, arbitrary arrest, long term detention without trial in jail, Police firing, killed by army atrocities, custodial deaths in police and judicial custody, terrorist attack and killed by terrorist, mysterious disappearance etc.

If we see the national figure of Custodial deaths, then we find that for eight years since 2000, a 54.2 percent increase has been recorded in prison deaths in India, while deaths in police custody have gone up by 19.88 percent, says a report released by the Asian Centre for Human Rights. On the other hand the numbers of deaths in Judicial Custody (Jail) between 2000 and 2008 were 10,721. While 1,345 people died in police custody says the report, based on figures released by the National Human Rights Commission and government department.

In this paper, an attempt has been made to understand the cause of the Custodial deaths in Dibrugarh Central Jail. The study is an empirical study depended on primary and secondary sources of data. It covers both empirical and analytical methods. The researcher himself visited the Jail and had an interview schedule with the Jail inmate and staff during his doctoral thesis work in 2008.

Before going details about the findings of the custodial deaths, it is very important to discuss briefly about the Prison and Prison rights and its violation, which is interlink with Custodial deaths in Jail.

As we know that Prison is an important part of Criminal Justice system. It is a subject of legislation and place in Entry 4, list II [State List] of the Seventh Schedule of the constitution of Indian. According to 'The Prisons Act, 1894' Chapter I (3) in Assam Jail Manual defines 'Prison' as 'Jail' or place or place used permanently or temporarily under the general or special order of a State Government for the detention of prisoners, and include all lands and buildings apartments thereto.

Prisoners Rights:

Prisoners are meant as a punishment, an enforcement of the loose of an individual's right to liberty by keeping them in close custody

during the duration of their jail tenure. But they don't lose their basic fundamental right to living with dignity and the rights. Prisoners have inalienable rights conferred upon them. They enjoy all human rights except those rights they are necessary deprived of as a fact of incarceration. They are under the authority of life as well as all other entitlements and privileges.

The following rights include those expressly recognized under the various Indian laws governing prisoners, Supreme Court and High Court rulings as well as those recommended of expert committees. Each category lists the corresponding duties of the prison staff and other officers of the Criminal Justice system. The broad categories of rights are not exhaustive as this field is still developing.

- 1) Right to be lodged appropriately based on proper classification.
- 2) Special right of young Prisoners to be segregated from adult Prisoners.
- 3) Right of Women Prisoners.
- 4) Right to healthy environment and timely medical services.
- 5) Right to Bail.
- 6) Right to speedy trial.
- 7) Right to free legal services.
- 8) Right to have interviews with one's lawyer.
- 9) Right against being detained for more than the period of sentence imposed by the Court.
- 10) Right to protection against being forced into sexual activities.
- 11) Right against arbitrary use of handcuffs and fetters.
- 12) Right against torture, cruel and degrading punishment.
- 13) Right not to be punished with solitary confinement for a prison offence.
- 14) Right against arbitrary prison punishment.
- 15) Right to air grievances and to effective remedy.
- 16) Right to evoke the writ of Habeas Corpus against prison authorities for excesses.
- 17) Right to be compensated for violation of Human Rights.

- 18) Right to visits and access by family members of prisoners.
- 19) Right to write letters to family and friends and to receive letters, magazines etc.
- 20) Right to reformative programmes.
- 21) Rights in the context of employment of prisoners
- 22) Rights to Information about Prison rules.

The above mentioned Prisoner rights are often seen violated or not given due respect by Jail authorities in India.

Prisoner's Rights violation and Judicial custodial death :

Custodial death generally means death of a person in a custody of police, prison or under any investigating staff or any other institution under a law or otherwise.

The two main categories of custodial deaths are:

- 1) Deaths in Police Custody.
- 2) Deaths in Judicial Custody.

In this paper emphasis is given on the Judicial Custodial deaths. Any person who died in Prison, Prison hospital to which the inmate was referred from the prison, died during transit to court or hospital is known as death in Judicial Custody.

The Dibrugarh and Tinsukia district has only one Central Jail till February 2008 in Dibrugarh itself. However a new Tinsukia district Jail was constructed in Tinsukia and inaugurated in the month of February, 2008. As this Tinsukia District Jail is new one, so all the studied cases related to Judicial Custodial deaths of these two districts are from Dibrugarh Central Jail

Now, let us overview some Custodial Deaths in Dibrugarh Central Jail.

1) Custodial Death of Soni San Karmakar (AHRC Case no: 320/97)

The case is related to death of convict Soni San Karmakar. He was admitted in Dibrugarh Central Jail on 13/08/96. As per Magisterial report on his death it was stated that he was suffering from suspected casineme of neck. During staying in Jail between 13/08/96 and 03/01/97,

he was send several times to Assam Medical College (AMC) Hospital, Dibrugarh for treatment but was not admitted there. Karmakar was continuously ill for one year period, provided medical treatment in Jail hospital, which is not at all sufficient and adequate. When his health condition further deteriorated, he was initially shifted to AMC Hospital Dibrugarh and admitted on 03/01/97, where he ultimately died on 16/01/97.

In the post mortem report it was stated that he died due to branch opnevmonia and secondary neck gland.

After going through the case, it was found that why Karmakar was not admitted in AMC Hospital earlier, despite repeatedly forwarded by the Jail doctor. He was admitted only when his condition severely deteriorated. Does it not signify medical negligence on the part of AMC Hospital, Dibrugarh in providing treatment in time? The Jail Hospital is not sufficient to treat such severe disease.

The convict died within 13 months of his stay in Jail. Another important point is the report given by AMCH, is that, no evidence of negligence and the prisoner died of illness after due treatment seems to be bias. It is not the question of proper treatment but along with this it is the question of treatment in proper time. There was a greater scope to investigate in this case by AHRC, but it passed its order only on the basis of magisterial report.

2) Custodial death of Under Trial Prisoner Prem Bahadur Taman : (AHRC Case no: 3159/00)

The case is about T.B related death case, where UTP Prem Bahadur Tamang died. He was admitted in the Dibrugarh Central Jail on 16/02/99 and died on 24/01/00. During his stay in Jail for about one year, the doctor opined that the UTP Tamang did not complaint any ailment, and on that fateful day on 24/01/00 early morning he complaint of chest pain and died just after.

Now if we analysis the view point of Dr. P. Barua, Superintendent of LGB T.B Hospital, which was send by Dr. Barua on AHRC 's request, opine that –

- 1) T.B is a curable disease if proper treatment is given.
- 2) It depends on the extensiveness of the disease, the patient suffer.
- 3) Delay diagnosis lead to death.
- 4) Spitting of blood not necessarily mean that a person is suffering in T.B. Although it is a symptoms.

In this case, Dr. P. Barua gives stress on delay diagnosis of the disease which leads to death. So, in this case UTP Tamang was in Jail for one year, but did not complain anything to doctor about it and suddenly died on that day.

A patient suffering from such diseases may have shown some pre-symptoms of disease (spitting blood is not necessary) which the Jail doctor did not notice. Though, he was already in Jail for one year, so there is every possibility of developing such diseases in Jail itself by different factors. And if this is denied and said that, he was already suffering from this kind of disease before admitting in the Jail, then question arises about the credibility of the medical test, which was conducted just before the UTP Karmakar admitted in the Jail. Because it is mandatory to all person who are admitted in the Jail, has to undergo a Medical Check-up by the Jail doctor.

So, in the conclusion it was found that the Jail doctor's view could not be acceptable as he was unable to trace the disease and properly diagnosis it in time, thus resulted in death of the prisoner.

3) Custodial death of convict Sukra Majhi. (AHRC case no : 4552/03).

This case was the case of custodial death of life term convict Sukra Majhi who was admitted in Dibrugarh Central Jail on 26/05/97. While going through the case, it was found that the convict was not in sound health during admission in the Jail. As stated by doctor, he was detected as suffering from anemia while he was admitted in the Jail on 26/05/97. He was in Jail since 7 years.

Now let us analysis the disease which the convict Sukra Majhi was suffering from in different times during his life time.

- a) Suffering from anemia. (25/05/97).
- b) Gastroenteritis and dehydration. (05/12/99)
- c) Generalised weakness and palpation. (13/12/99).
- d) General weakness and anemia. (28/11/01).
- e) Severe anemia with acute bacillary dysentery with peripheral circulatory failure, resulted death. (26/11/0).

The convict prisoner was admitted five times in total in AMCH, Dibrugarh in different year during his life time. From, the above it was found that the main problem of the prisoner was anemia. The anemia is however not called disease but recognized as a symptom of different disease.

The above disease which the prisoner was suffering, are mainly due to water born disease, and along with the diet which the prisoners were provided.

As per the statement of the Jail doctor, the prisoners was treated in Jail hospital as well in AMCH, Dibrugarh, whenever he fell ill. Despite providing treatment, he was not well. This signifies that the prisoner was a ill health person.

Now coming to the reason behind such diseases, it is true that there are definitely some reasons or a factor which is responsible for developing such diseases in prison. They are –

- 1) Lack of quality drinking water.
- 2) Eatable diet provided by Jail Authority.
- 3) Unhygienic surrounding.
- 4) Non- availability of clean clothing, bedding with mosquito net.

After interview with Jail inmates of Dibrugarh District Jail on 13/02/08., it was found that, those above mentioned facilities provided is not up to the level as prescribed norms by the Assam Jail Manual.

The condition is same as it was in 2003. The drinking water is not well (rusted iron mixed water), no proper food up to the minimum standard as prescribed by Assam Jail Manual, over-crowding, conjusion in Jail, leading to unhygienic condition in Jail Wards. There is also no segregation of convict, UTP, young, elder and diseased prisoners, where there is every possibility of spreading diseases.

The AHRC has ordered in this case on the basis of magisterial enquiry and found that there is no foul play and medical negligence. The prisoners died due to the mentioned diseases and accordingly closed the case. It did not even address the Jail condition and opted to visit it

Every day, the prisoners are sent to AMCH, Dibrugarh as Jail Hospital is totally dysfunctioning due to lack of medicines, lab-technicians for diagnosis and poor old equipment. During interview, it was found that most of the prisoners complain of loose-motion, stomach pain, skin diseases, fever etc.

So, until and unless such minimum basic facilities are not provided in the Jail, there is every possibilities of repeated occurrence of such diseases, despite medical assistance is provided.

From the above case studies, it was found that in most of the cases of custodial deaths in Dibrugarh Central Jail, is due to disease which developed in Jail itself. There are various reasons behind it. So, in order to find out the main reasons, it was necessary to meet the Prisoners and Jail staff. So, an interview schedule was conducted in the Jail. The following findings were found. They are discussed below.

- 1) Overcrowding in Dibrugarh Central Jail is the major problem. Most of the male as well as female wards are filled up above actual capacity. The problem of overcrowding is mainly due to, heavy overcrowding caused by under trial prisoners which far outnumber the convicts. This is due to delay in bringing the offenders to trials, which leads to this problem.
- 2) The food supplied in the Jail to inmates is not good, a s complained by most of the prisoners. As per jail rule Rs. 18/- per day is allotted to each prisoners that is Rs. 9/- in one meal including the morning tea and a small size roti, which is totally not sufficient.
- 3) Medical facilities are very poor. As the Jail has its own small hospital having small staff comprising two doctors, one nurse and one pharmacist only. There are only 8 nos. of beds which is not sufficient. Daily 32-36 patients undergo treatment.

Some of them have to hospitalized, but due to lack of sufficient bed they have to sleep in the hospital floor bed. The medical equipments are old and not to be in use condition.

Unavailability of medicine is also a greater concern. There is doctor, but no medicine. Those prisoners who get money from their family can bring medicine from outside the Jail. But what about the poor prisoners, who could not effort it. It is noticed that most of the prisoners are from poor family background and hail from tea garden community.

4) Most of the prisoners have scurvy disease problem which is a kind of skin diseases. The cause of this disease is due to dirty clothing and bedding. The Jail authority supply one fourth size of detergent soap to the prisoners, which they have to wash both cloths and bath. They further says that if they asked for more than the store- keeper refuse to give, as he always used to say about limited stock. So, such insufficient supply of soap and especially detergent soap for bathing leads to such skin diseases, which is borne in nature.

5) There is no segregation of jail inmate, that is under trial, convicts all are kept together in Jail except 10/13 wards which is separately for ULFA extremist. Keeping all type of prisoners together is against Jail manual. Such kind of things resulted a bad impact on the under-trial prisoners; those came contact with convict prisoners.

6) Water supply in the Jail is only through 20 nos. of tubewell. Out of these, 5 tube well are not functioning. The tube well water has iron contain. There is no filtering system of water in the prison, which resulted various water borne diseases among the prisoners.

7) Asking Jail doctor about the custodial deaths, the doctor opine that, if prisoner find some health problem, they treat them as far possible in the Jail Hospital. But due to lack of medicines and medical equipments, they has to refer the prisoners to the Assam Medical Hospital., Dibrugarh which is about 2 km.

In case of different kind of disease and cause of such disease the doctor viewed that, it is due to overcrowding congested wards, dirty bedding, clothing and the water supplied from the tubewell without filtration.

The diseases mostly seen among the prisoners are scurvy, loose motion, stomach pain, diahrea, gastroenteritis, tuberculosis etc. Most of the custodial deaths as the doctor says that due to gastroentities, tuberculosis, meningities and diaheria.

The supplied food in Jail is also responsible for such diseases which most of the Jail inmate complain.

8) There is a saying 'Justice delay is justice denied'. This saying is very much applicable in the case of undertrial prisoners; those are languishing in the Jail without trial. Most of them say that they are languishing since 2 to 3 years in Jail without even not appearing in front of Chief Judicial Magistrate (CJM). It is seen that at least up to one year, they are not produced in front of CJM. And if produced, later on the Magistrate extended or gives date for next attendance. The UTP says that they want judgment soon, whatever consequences they have to face.

Some suggested remedial measures on Prison system and Custodial Deaths :

The present study indicates that there are many complex and inter related issues that lie behind death in custody. Preventing such deaths in custody is the sole responsible of the concern state government.

1) Minimizing overcrowding :

In order to minimize overcrowding in the Jail some measures should be adopted. They are:

- a) If there are prisoners accused of only bailable offences, then the Session Judge should release on bail or personal bonds without sureties. Now the Cr.P.C amendment act, 2005

provides under section 436 A that if a prisoner undergoing to one-half of the maximum period extending to one-half of the maximum period of imprisonment specified for that offence under the law, he/she shall be released by the court on personal bonds.

Recently directive of Gauhati High Court as discussed above is a good steps towards this direction. However the Judiciary must take a serious note of it and implement it as soon as possible.

b) If there are prisoners in Jail accused of petty offences who are willing to confer voluntarily, their case should be bring before the Special Courts in Prison popularly also known as Jail Adalats. Chief Justice of the High Courts should organize Jail Adalats to dispose of cases defined as petty offences.

2) Speedy Trial:

c) Fast Track Court (FTC's) should be more activated to speed up trials. The FTCs are to give priority to sessions cases pending for over two years and other Criminal cases involved under trials.

d) Government should facilitate the Video-linking facility between the prison and Court. Through the Integrate Services Digital Network (ISDN) technology, courts and prisons can be connected through video linkage. The technology simply requires that a Video camera and television set, be set up in a separate room in the Prison complex and linked to another set put in the chamber of the presiding magistrate. All prisoners, who have to be produced in a particular court on a particular day can then, be produced before the Video camera one by one.

Andhra Pradesh was the first State in the country to introduce this scheme successfully with active cooperation between the State High Court, the State government and the Jail department. This scheme is now being applied in Delhi, Bangalore, Mumbai and other places too.

3) Improvement of Medical facilities in Jail Hospital :

e) There is need of medicine and well equipped labs in prison where routine tests can be performed as blood test, sugar test, X-ray facility etc. should be there. Addition to this well equipped Ambulance facility should be provided to Jail by the Government. Addition to this the system of medicine supply needs to be streamlined and the Civil surgeon must inspect the Prison monthly.

So, far as infrastructure development in the Jail is concern, the construction of more barracks and emphasis on health and hygiene should be taken utmost priority by the Jail authority. Adequate financial assistance should be provided by the government in this regard.

- 4) Training programmes for Prison staff should focus on sharing of best practices, behavioral skill and mental health issues.
- 5) There should be more transparency in prisons by encouraging NGO's and non-official visitors to visit the Prison. NGO's and Civil Society groups should be encourage to participate in different welfare measures in Prisons.
- 6) Proper medical examination of each prisoner on entry should be there. The record must be properly maintained.
- 7) Diagnostic screening for tuberculosis (T.B) in prisoners should be done, so as to enable timely treatment.
- 8) Psychiatrists and counselors should be attached with the prisons.
- 9) The modernization of Prison, scheme of the Government of India needs to be effectively used by the state to develop hospital infrastructure for prison.
- 10) The education and vocation training plays an important role in the rehabilitation of prisoners. The Prison school should be well equipped books, effective qualified trained is very important, keeping in the view there future prospect. As, it will help them, when they are out, after completing their prison tenure.
- 11) Section 12(C) of the Protection of Human Rights Act 1993 makes it mandatory on the part of the NHRC to visit Jail and study the

- prevailing living conditions, which is often found to be most deplorable. The inspection of Jails should be done in an effective manner rather than those becoming routine affairs. It should assist in finding out the status of the UTPs, particularly the period for which they have been languishing in Jail.
- 12) The stress should be on modernization of the entire set up of Prisons in the state, which would include procuring sophisticated communication gadgets, vehicles and ensuring an update version of security arrangements.
 - 13) The service condition should be made attractive for Prison personnel in light of recommendation of expert committees and present needs.
 - 14) Last but not the least, there is urgent need of prisons reform to bring in tune with the modern principle on Criminology and Penology.
- So, the above few suggestion will definitely help in restoring prisoners rights and help in minimizing custodial deaths in the Jail.

Abortion : Violating The Human Right of The Unborn

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Abstract :

Once Mother Teresa had observed, "The greatest destroyer of peace today is abortion because it is a war against the child; a direct killing of the innocent child; murder by the mother herself. And if we can accept that a mother can even kill her own child, then how can we tell others not to kill one another."

The paper I am going to present will deal with the issue of abortion which is a gross violation of human rights of the unborn child. Abortion is an issue involving a matter of life and death and also the issue of civil and human rights. Legalising abortion amounts to abandoning the most basic human right, i.e. the right to life. It is necessary to make abortion illegal to guarantee equal human rights to the pre-born child.

The paper will also deal with the aspects of morality and immorality of the action of abortion, its medical, physical and the psychological impacts etc. The abortion scenario with particular reference to India will be also reviewed along with a brief historical account of the role of the medical profession in criminalizing and decriminalizing abortion services followed by a discussion of the politics of abortion in India.

The paper will also discuss the subject of selected abortion of female fetuses which is most common in areas where cultural norms value male children over female children. An analytical review of the abortion situation in India will provide information about legal and illegal abortions and the paper will conclude by placing the issue of abortion in the context of social needs and violation of human rights.

We are all here today to participate in a seminar on the very important and sensitive issue of "Human Rights-New Dimensions and Challenges", When we talk of Human Rights, the issue of its violations naturally comes up, which is also a sub-theme of this seminar. Today I will talk about a very sensitive, important and relevant issue of human rights violation.

In every meeting, every forum and every seminar on Human Rights, many issues and subjects related to human rights violation are brought up and discussed. Eg-domestic violence, child abuse, discriminations on grounds of healthcare, sex, workplace harrasments, racial discriminations etc. But a very crucial and serious act of violence of Human Rights is left untouched and undiscussed- I am taking about abortion which is a serious, gross and direct violation of the most important human rights, the Right to Life, which is the foundation of all other rights of a human being.

'ABORTION' is a subject about which we do not want to talk publicly because to talk of abortion is SICKENING'

The 'Right to Life' is the moral claim that a person has, to exist in this world. It is rooted in the intrinsic dignity of the human person as a creature that God has created in his own image and destined for eternal beatitude. Life is therefore God's gift to humanity and should not be taken away by human power. It is a natural and inalienable right of a human being. We, as human beings do possess various other natural rights such as right to liberty, right to property, right to work etc. but right to life is prior to them all because without it, the other rights are meaningless. The right to life is the most fundamental of all rights. So its violation is the most fundamental violation of rights. And ABORTION

is precisely that- the violation of the right to life. It is the cold-blooded killing of an innocent, dependent and helpless human being, It is therefore necessary that we take up such issues and sensitize our people and our culture against the evil of abortion. It is high time we realize that abortion is the most pressing human rights abuse. We must be aware that abortion is an offence no different than the murder of a living person. Abortion, like capital punishment is almost legalized murder. We must realize that we are not living in the evil times of Hitler or Stalin's concentration camps. Moreover the massacre committed by Nazism and Soviet communism were confined to areas under German and Russian control whereas abortion, the massacre committed by relativism, is a global evil. Massive number of abortions occur throughout the world both in first and third world countries. Worldwide, approximately 26-31 million legal abortions and approximately 10-22 million clandestine abortions take place every year (Henshaw & Morrow 1990). And according to the Guttmacher Institute, the research arm of Planned Parenthood, 46 million abortions were committed worldwide in 1995. But in addition to this number is the countless number of children killed through abortifacient contraceptives. Another important thing to be taken into consideration from the mother's point of view is that in countries with liberalised abortion laws, induced abortions are generally safe, however, where abortions have not been legalized, complications rates are unacceptably high and about 150,000 women die every year as a result of complications attributed to such illegal abortions.

Now the question arises that why women seek abortions? From a recent survey it has been observed that women both in rural and urban India have on an average at least one (or sometimes more) abortions during their lifetime. Women have many reasons for not wanting to be pregnant and so seek an abortion. Some such reasons are -

- a) Age: Most women under 25 yrs, of age go for abortions.
- b) Marital status- Most women seeking abortions are unmarried or are separated from their spouses.

- c) Economic status:- Many are poor and feel they cannot afford to raise a child.
- d) Personal reasons:- as they are not ready for the responsibility of raising a child, most feel their life would be changed too much; career education etc are a priority; lack of time and energy to commit to a baby; strained relationship with partner; not sufficiently matured to be a mother; already having a complete family; family pressure; lack of physical and emotional strength to go through another pregnancy etc.
- e) Mother and fetus has medical reasons:- genetically damaged; early age pregnancy dangerous; health problems, fear of familial or social disgrace.
- f) Only one percent of abortions are sought because of abusive sexual act like rape, incestuous relationships etc.

Gross Violation of Human Rights :

There can be absolutely nothing whatsoever benign, compassionate or just about a violent act that utterly destroys the life of a baby - it is a gross violation of human rights. Abortion methods either chemically poison a child to death or rip, tear dismember and vacuum the brain of the defenceless baby. How can this be accepted? Pope John Paul II, in his book "Memory and Identity" states that "At the root of the widespread slaughter of abortion is the rejection of God as self-existent Being and Supreme Creator."

The practice of abortion has generated intense moral, ethical, political and legal debates. Abortion is not merely a techno-medical issue but is the subject of a much broader ideological struggle in which the very meanings of the family, the State, the motherhood and woman's sexuality are contested. Moreover, abortion is not merely an issue of political and legal conflict but of social, cultural and moral conflict as well. Good social services expand the scope of what is meant by "women's reproductive freedom" and are, therefore, of utmost relevance and urgency. However, this could result only in a partial or total shift in child rearing responsibilities from women to men and ease the

burdensome aspect of motherhood. Petchesky argues that, "it may also operate to perpetuate the existing sexual division of labour and women's social subordination" and suggests that the realization of "women's reproductive freedom" will have to be part of the radical transformation in the social relations of reproduction and production." (Petchesky 1986:16-17) In the words of Hilda Scott, "..... no decisive changes can be brought about by measures aimed at women alone, but rather, the division of functions between sexes must be changed in such a way that men and women have the same opportunities to be active parents and to be gainfully employed. This makes women's, emancipation not merely a women's question but a function of the general drive for greater equality which affects everyone... the care of children becomes a fact which society has to take into consideration." (Scott 1974:190)

So when we speak of abortion as the greatest human rights issue of our day, we are speaking of something far more grave than a merely constitutional issue of civil rights. We are speaking of man undermining the most fundamental of all rights which Nature and God has invested in the human person. Furthermore when abortion is accepted, by numerous other attacks against human rights will inevitably follow. By creating a lack of respect for human life, abortion leads to artificial reproductive technologies (such as invitrofertilization) which violate the right of every child, "to be the fruit of the specific act of the conjugal love of his/her parents."

A mother's womb is considered to be the most safe and secure place for a baby's life. It ought to be the safest at least. But it is no more safe. We continue to abort our own children for our personal selfishness and convenience and STILL WE CONSIDER OURSELVES TO BE CIVILIZED ! Centuries ago when human sacrifices were prevalent, we would be horrified that how could a culture do that ! But today we are doing the same thing through abortions. Human sacrifices for our mere convenience !

We talk, discuss and argue on issues of human rights but what about the rights of the unborn ? Do they not have rights? Who are we

to decide who lives and who dies? If the innocent cannot be protected how can we possibly protect the rights of any one else? Nobody is safe either, if the unborn is unsafe.

Today we live and grow in the "use and throw" culture. Since we do not like to have a child for whatsoever reason, we abort and throw it away. Doing so, don't we kill ourselves spiritually? Instead of protecting and honouring life we destroy it for selfish reasons.

Many people have never actually seen an abortion so they feel it does not concern them. But if we see the images we will be horrified. The arms, legs, hands etc are actually torn off the body. Abortion affects humanity at a very deep level.

In India, the Medical Termination of Pregnancy (MTP) Act was passed by Parliament in 1971, and came into force on 1st April 1972. The act liberalized the abortion laws as a family welfare measure to ensure better health and prevent risk to the lives of women from the hazards of criminal abortion. The law indicates certain grounds for performing MTP:

- a. Medical grounds when the continuation of pregnancy is likely to (i) endanger the life of the pregnant woman. (ii) Cause grievous injury to her physical or mental health, as in cases of severe hypertension, cardiac disease, diabetes, psychiatric illnesses, genital or breast cancer.
- b. Eugenic grounds, when there is a substantial risk of the child being born with serious physical or mental abnormalities. For example hereditary disorders, congenital malformation in previous offspring with high risk of recurrence in subsequent childbirth Rh-immunization, maternal rubella posing risk of anomalies in the fetus.
- c. Humantarian grounds when the pregnancy is caused by rape or incest.
- d. Social grounds when (i) in the actual or reasonably foreseeable future, her environment (social/economic) might lead to risk of injury to her health, (ii) pregnancy resulting from failure of contraceptive device or methods.

However, the first three given grounds of aborting a fetus can be considered okay but the last indication of failure of contraception as ground of MTP, cannot be accepted wholeheartedly. Moreover though MTP under this law is permitted upto 20 weeks of gestation but if MTP is a must, then abortion should preferably happen within the first 12 weeks of gestation.

In its 1859 convention, the American Medical Association (AMA) declared that the practice of abortion should be outlawed. A decade later the Church followed too and by 1870, the Medical profession and the church had joined hands and forces in criminalizing abortion and succeeded in prohibiting its practice. Accordingly, induced abortion was allowed only for therapeutic purpose of saving the life of the pregnant woman. This decree remained in force for a century till 1975 when the Supreme Court initiated the process of liberalization through its ruling on the Roe vs Wade case.

In the United Kingdom, the Abortion Act of 1967 liberalised abortion services upto 28 weeks of pregnancy. This is appended with a cautionary note by the British Medical Association (BMA), which issued that, "the doctor should recommend or perform termination after 20 weeks only if he is convinced that the health of the woman is seriously threatened as if there is good reason to believe that the child will be seriously handicapped." (BMA 1988:80)

Sex-Selective Abortion :

Sex selective abortion is the practice of terminating a pregnancy based upon the predicted sex of the fetus. The selective abortion of female fetuses is most common in areas where cultural norms value male children over female, especially in parts of China, India, Korea, Pakistan, Taiwan etc. Indian's 2011 census shows a serious decline in the number of girls under the age of seven. Activists fear that about eight million female fetuses may have been aborted in between 2001 and 2011.

Sex selection abortions have worsened the Indians' sex-ratio, affecting gender issues related to sex compositions of Indian households. The use of ultrasound sonography to predetermine the sex of the

fetus was banned since 1994 in India, but however there is ample evidence that such bans are rarely enforced. As a consequence, after an analysis of the Indian census data it has been concluded that selective abortion of female fetuses has increased in India over the past few decades due to increased prenatal sex determination and has contributed to a widening imbalance in child sex ratio.

Today in 2011, we know and understand more about the magnificent world of the unborn child than ever before. We have empirical evidence that these babies move inside the womb and stretch, do somersaults, kick, wake and sleep. They can feel excruciating pain before birth- including the pain deliberately inflicted by abortionists. It is a VIOLENCE against children and it not only harms the woman but also adversely affects the health of subsequent children born to the woman who aborts.

A Woman's fertility control is to be exercised before a new life has been created within her. When Human Rights are to be considered, abortion cannot be regarded as an acceptable medium of fertility control. The unborn child is the bearer of the rights which are violated by abortion.

The Declaration of the Rights of the Child Proclaimed by General Assembly Resolution 1386 (XIV) of November 20, 1959 says- "..... whereas the child by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth."

A woman can have the right in regard to planning her family. She can decide whether to or when to, she will conceive a child. She has the liberty to chose to use contraceptives, natural family planning etc to control her fertility but however once conception has occurred, it implies the creation of a new, separate and unique human being, a human being who has the same right to life as that of the woman. So abortion shouldn't be amongst the 'rights' extended to women as part of their fertility control. A distinction has to be made regarding the rights of woman to prevent conception occurring and the rights which govern a newly conceived human being.

To deny the humanity of a person because of that person's level of development or state of being (within or outside the womb) at a particular time, is arbitrary and dangerous. The unborn child is a unique human being genetically, physiologically and organically distinct from both parents. Conception is the beginning point of human life and if we deny this, we deny the evidence of modern genetics and embryology. Some developmental facts which confirm the personhood of the unborn baby are -

1. 18th to 24th Day after conception - the little heart is beating.
2. 28th day onwards - Muscles start developing along the future spine Arms and legs are budding.
3. 40 days - Heart's energy out put is 20% of the adult's.
4. 42nd day - All major structures including the skeleton are formed. Brain starts coordinating movements of muscles and organs.
5. After 8th week - Every organ is present. Fetus becomes recognizably human. Stomach produces gastric juices. The kidney begins to function and the liver makes blood cells.
6. After 12 weeks- Vigorous activity shows distinct individuality.

During the process of writing this paper, I tried to talk to a few female friends of mine who I know had underwent one or more abortions. When I talked to my friends, on conditions of their identities to be dept anonymous, they revealed their feelings of pair, mental agony, anxiety, sense of guilt etc. they experienced before and after abortion. I found most had one or the other reasons, which I have already mentioned, to seek or decide to go for abortion. While some still suffered from a sense of quilt somewhere deep in their hearts for aborting their babies while there are others who never gave a second thought to it.

In India, the issue of abortion has failed to become an integral component of the agenda of the women's movement even as the feminist current has gained in strength in the last decade. This is perhaps because of the non-combative stand of anti-abortion votaries. This is not the case in many developed countries where the movement is pitted against

powerful anti-abortion and anti-contraceptive movements which are systematically backed up by Christian orthodoxy and right wing political forces. In some of these countries, abortions are still criminalized.

Conclusion :

We were all tiny little fetuses once, tiny but steadily developing journeying through each stage of life conceived, develop, born, grow through infancy, childhood and adolescence, we eventually reach adulthood and then the final stages of life. It is our right to expect protection and security throughout till the final stages of life. Just because we are small and unseen within our mother's womb does not mean those rights should be denied. The right to life is a 'core' right without which all other rights are meaningless. In seeking to protect the unborn and also solving the situational problem of the mother, creative non-violent solutions should be worked out, rather than abortion which is the ultimate social injustice. Even though the enforcement of law to protect unborn babies is difficult, this doesn't remove the need to seek just solutions.

Abortion is an evil to which presently our culture is totally desensitized. So it is more than ever necessary to make people understand the violation of our basic and core human right in the process of abortion.

Mother Teresa had observed "The greatest destroyer of peace today is abortion because it is a war against the child; a direct killing of the innocent child; murder by the mother herself and if we can accept that a mother can even kill her own child, then how can we tell others not to kill one another."

EVERYONE MUST SEE IT-BOTH MEN & WOMEN

Dear MA

I am in heaven now.

My heart has been broken.

I so wanted to be your little girl. I don't quite understand what has happened.

I was so excited when I began realizing my existence.

I was in a dark, yet comfortable place. I saw I had fingers and toes.

I was pretty far along in my developing, Yet not near ready to leave my surroundings.

I spent most of my time thinking or sleeping.

Even from my earliest day, I felt a special bonding between you and me.

Sometimes I heard you crying and I cried with you. Sometimes you would

Yell or scream, then cry.

I heard Papa yelling back

I was sad, and hoped you would be better soon.

I wondered why you cried so much. One day you cried almost all of the day

I was hurt for you. I couldn't imagine why you were so unhappy.

That same day, the most horrible thing happened.

A very mean monster came into that warm, comfortable place I was in.

I was so scared, I began screaming, but you never once tried to help me

Maybe you never heard me.

The monster got closer and closer as I was screaming and screaming,

"Ma, Ma, help me please; Ma, help me."

Complete terror is all I felt.

I screamed and screamed until I thought I couldn't anymore.

Then the, monster started ripping my arms of.

It hurt so bad; the pain I can never explain.

It didn't stop. Oh, how I begged it to stop.

I screamed in horror as it ripped my leg off.
Though I was in such complete pain, I was dying.
I knew I would never see your face or hear you say how much
you love me
I wanted to make all your tears go away.
I had so many plans to make you happy.
Now I couldn't; all my dreams were shattered.
Though I was in utter pain and horror, I felt the pain of my heart
breaking, above all.
I wanted more than anything to be your daughter.
No use now, for I was dying a painful death.
I could only imagine the terrible things that they had done to you.
I wanted to tell you that I love you before I was gone, but I didn't
know the words you could understand.
And soon, I no longer had the breath to say them; I was dead.
I felt myself rising. I was being carried by a huge angel into a big
beautiful place.
I was still crying, but the physical pain was gone.
The angel took me to God and set me on his lap.
He said He loved me, and he was my Father. Then I was happy.
I asked
Him what the thing was that killed me. He answered, "Abortion,
I am sorry, my child; for I know how it feels."
I don't know what abortion is;
I guess that's the name of the monster.
I'm writing to say that I love you and to tell you how much I
wanted to be your little girl.
I tried very hard to live.
I wanted to live. I had the will, but I couldn't; the monster was
too powerful.

It sucked my arms and legs off and finally all of me. It was
impossible to live.

I just wanted you to know I tried to stay with you.

I didn't want to die.

Also, Ma, please watch out for that ABORTION monster.

Ma, I love you and I would hate for you to go through the kind of
pain I did.

Please be careful.

Love,

Your Baby Girl

Reference:

1. Show's Textbook of Gynaecology- Howkins and Bourne (12th
Edition: Edition by V.G. Padubidri and Shirish N. Daftary)
2. Text Book of obstetrics including Perinatology and
Contraception D.C. Dutta (Edited by: Hiralal Konwar)
3. The Little Handbook on Pre-Conception and Pre-Natal
Diagnostic Techniques (Prohibition of Sex-Selection Act 1994-
Anubha Rastogi HRLN.
4. Claiming Dignity- Reproductive Right and the Law. - Anubha
Rastogi HRLN.

Human Rights : Traditional Indian standpoint

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Abstract :

'Right' is the most appropriate term to characterize the politico-socio-cultural spirit of the present day society. The meaning, essence and the ultimate end of human existence is understood in terms of rights only, and man's relationship with society and his fellow human beings is defined in reference to this notion alone. In fact, all political, social, moral, legal, cultural and even religious institutions of present day society use rights as the key concept, not only to define but also to justify their existence.

This right-centric world view perceives men as 'little Gods' having rights as absolute powers used against fellow beings or society as a whole. As a result, individual ego has overpowered the community spirit and humanity has split into fractions of races, classes, groups, professions, religions and ideologies.

A possible solution to this situation can be developed by replacing this right-centric world view by duty-centric world view, a world-view which maintains that 'duty' and not 'right' is the fundamental notion to understand human reality.

The duty-first value system is an important positive aspect of Indian culture which needs to be highlighted. This implies that in this modern age of representative government and Rule of Law, the government and its agencies should perform their duties well and faithfully so that the citizens can enjoy their rights. The example of the duties of the king in the ancient period should be cited to highlight the responsibilities of the institutions and individuals which have been entrusted with the task of governing. Another aspect of the early monarchical phase and the caste system was that non-performance of dharma was accompanied by danda (punishment). In today's context it is the courts which act as watchdog and compel the other agencies—the executive and the legislature to do their duties.

The heterodox tradition which challenged the Hindu vision of social order has always highlighted the equality of human beings and other values such as compassion, non-violence, tolerance, human dignity etc. The young Indians must be reminded over and over again about what Rabindranath Tagore said : "The Sikhs, the Hindus, the Pathans and the Mughals all have merged into one body".

In today's India, which remains divided over religious and communal differences, a fundamental duty of the human rights movement (this should include both the non-governmental and governmental agencies) is to enter in to a dialogue with various faith and sectarian movements. A continuous interaction and exchange of ideas between the two would go a long way in dispelling many of the misgivings which ultimately result in violent and abnormal human behaviours. No religious talks about intolerance and violence. The main emphasis of all religions is on the broader and brighter sides of human life like tolerance, co-existence, brotherhood and fellow feeling etc. These values need to be collectively highlighted and inculcated.

At the negative level, attention should be on three areas : the place and position of women as conceived in India's culture; the caste ideology and untouchability; and the evils of poverty, ignorance and illiteracy. © ©

The stated purpose of this paper is to discuss how the traditional values can contribute to the promotion and protection of human rights. Paper is intended to sketch out the issues of human rights through the concepts of Dharma and Rta, which can be considered as the basis on which meaning of human rights can be appropriated from Indian philosophical and Ethical perspectives. 'Right' is the most appropriate term to characterize the politico-socio-cultural spirit of the present day society. The meaning, essence and the ultimate end of human existence is understood in terms of rights only, and man's relationship with society and his fellow human beings is defined in reference to this notion alone. In fact, all political, social, moral, legal, cultural and even religious institutions of present day society use rights as the key concept, not only to define but also to justify their existence.

This right-centric worldview perceives men as 'little Gods' having rights as absolute powers used against fellow beings or society as a whole. As a result, individual ego has overpowered the community spirit and humanity has split into fractions of races, classes, groups, professionals, religions and ideologies.

A possible solution to this situation can be developed by replacing this right-centric worldview by duty-centric worldview, a world-view which maintains that 'duty' and not 'right' is the fundamental notion to understand human reality.

One of the most systematically developed examples of such a view can be found in classical Indian tradition which bases itself on the notion of Rina, Yagna and Purushartha. Most of the traditional human right theories maintain that man is born with certain 'natural', universal, inalienable rights, which can be ascribed to him because he is a human being. But duty centric world view maintains that man is born with certain Rinas (debts) or obligations and qua man, it is his foremost Dharma (duty) that he discharges these obligations with care and perfection. In other words, the very essence and meaning of human existence consists in fulfillment of certain obligations-paying off some basic debts he is born with. To do so he may need some privileges or facilities. He must be provided with these facilities. But he can possess

these 'rightfully', only if he can use them for discharging his obligations. An elaborate theory of Rina was developed in traditional Hindu literature. These Rinas were classified into three categories- (a) Deva Rina, (b) Pitri Rina and Rishi Rina.

- (a) Deva Rina is our debt towards powers which control nature and its various phenomena and which have endowed us with priceless gifts of air, water, fire, food, vegetation etc.
- (b) Pitri Rina is our debt to our ancestors, parents and society as a whole for giving us birth and providing condition for survival and development by maintaining the institution of family.
- (c) Rishi Rina is our indebtedness towards the teachers, great seers, sages, discoverers and inventors who have brought our civilization and culture to this stage and have imparted wisdom and knowledge to the whole humanity.

These three Rinas are paid off by performing five kinds of Yajnas (sacrifices) namely, (a) Deva Yajnas, (b) Pitri Yajnas, (c) Rishi Yajnas, (d) Bhuta Yajnas and (e) Nri Yajnas. Performance of this ritual (yajna) is only a symbolic gesture signifying the duty of every individual to offer a portion of his earnings towards the whole i.e., the universe.

In true sense of the term Deva yajna consists in showing our gratitude towards natural phenomena by contributing towards its preservation, maintenance and growth and by abstaining from its unnecessary exploitation. For this purpose, an elaborate system of Do's and Don'ts has been prescribed in Hindu Scriptures e.g., watering of certain plants every day, reverence for some rivers and mountains and by contributing towards the maintenance and well-being of the family.

Rishi Yajna is performed by imparting knowledge we have acquired from our teachers to our young generation and by paying our share in the growth and development of our heritage and cultural tradition.

Bhuta Yajna consists in caring for the various species of nature, visible or invisible, surrounding us in this universe.

Nri Yajna or Manushya Yajna consists in sharing our possessions with fellow human beings and one of its popular form is Atithi-Satkar i.e., hospitality even to a stranger.

The notion of three Rinas and five yajnas is integrally woven into the scheme of four-fold purusharthas the four basic goals/ ends of all human endeavours. They are (1) Artha the material well being of man obtained by the attainment of wealth and worldly prosperity, (2) Kama the accomplishment of pleasures which are related to emotional and sensuous aspect of man's being, (3) Dharma realization of moral norms in the essence of human nature, (4) Moksha-attainment of spiritual liberation. These four purusharthas are hierarchically ordered and Moksha is considered to be the highest amongst them the supreme and ultimate end of human existence. But from the point of view of society and interpersonal relationships of its members, Dharma is considered as the central purushartha and is supposed to provide the foundation for building a system of obligations and rights.

Rights as Dharma: In the Indian social and philosophical thought, all rights were treated as part of Dharma an omnibus concept with multiple shades of meaning. Dharma is said to be the nature of things and the law of their being and relationships, a cosmic order permeating the universe, rules of social and individual conduct, moral righteousness and religious duty. Inanimate objects and non-human creatures naturally follow their own dharma, the law of their nature. But man as unique possessor of free will is capable of defying it. And therefore, in his case 'dharma' not only stands for essence of his nature but also emphasizing moral and obligatory aspect. In this sense, dharma is conceived as the most fundamental moral norm grounded on the essence of human nature, prescribing duties and obligations accordingly, so that justice, order and righteousness can be maintained in the universe. Thus it is both principle of 'reality' as well as 'ideality'. The Hindu tradition firmly believes that the economic and emotional aspects of man's being should necessarily be subordinated to the moral aspect and all human

activity must be under the control of dharma, the system of supreme moral obligations.

Diverse aspects of Dharma are classified into two broad categories namely, (1) Sadharana Dharma and (2) Svadharma. Svadharma is further divided into two (a) Varna dharma and (b) Asrama dharma. (Apart from these, the notions of apad dharma and yuga dharma are also present in the scriptures.

(1) Sadharana dharma refers to those universal duties which are obligatory on all human beings irrespective of race, sex, religion, nationality, culture and even physical and mental capacities. These are eternal moral obligations of man and their fulfillment alone separates man from other animals. These dharmas are often referred as Manav dharma (human duties) includes a list of virtues such as honesty, love, forgiveness, non-violence, justice, self control, simplicity be getting children and maintenance of dependants. The essence of sadharana dharma is generally referred as 'refrain from doing unto others what you will not have done unto yourself'. (2) Svadharma is stated as one's own dharma (duty) which is essentially correlated with svabhava (one's own specific nature). The inner correlation of svabhava with svadharma is expressed in terms of the two aspects of svadharma, the social and the individual, which are reflected respectively in varna-dharma and the asrama-dharma. The former deals with the duties assigned according to man's class and position in society which is determined by character (guna) and function (karma). The latter deals with the duties relevant to different to different stages of man's life. (a) Varna-dharma classifies man into four basic classes on the basis of character and assigns different duties and functions accordingly. The four classes are: Brahmins, the men of learning and knowledge; Ksatriyas, the men of power, action and administration; Vaisyas, the men of trade and commerce and Sudras, the men of service and labour.

The class identity in Indian tradition has played a very important role in determining the status of man in social setup. These classes were initially determined on the basis of qualities but later on birth

became the sole criterion for determining the class of a person. This gave rise to the ill famous caste system in India. In a way, caste system can be called a deformed version of the class-system.

Ashrama dharma : while varna dharma emphasizes the social aspect of human life, asrama dharma concentrates on the personal aspect of the individual's development. It represents human life as consisting of four stages, each of which is associated with specific ends, duties and rights. The four asramas are (a) Brahmacharya, (b) Gridhastha, (c) Vanaprastha and Sanyasa. Besides these, the notions of apad dharma which maintains that in the times of distress and unusual difficulties one must be allowed to deviate from the regular course of duties and yuga dharma which maintains the notion of change according to the requirements of the conditions of a particular age or time period.

From the above brief sketchy out-line of traditional Hindu social structure it becomes clear that in this scheme (1) man is viewed primarily as a social being in an ordered universe (2) the true nature of this universe can be understood and explained through a teleological framework. (3) man is born with some basic obligations towards the universe and every aspect of human activity must be directed to the realization of the ultimate goals of this system. (4) to fulfill his obligations man needs certain privileges, facilities and things necessary to carry out his duties. These privileges and things are referred to as his rights. (5) from each set of dharma (duties) a corresponding set of rights emerges and is justified as long as it becomes a means to discharge these duties.

According to this scheme the rights flow from the sadharana dharma are universal and as general in character as the duties pertaining to this level. The basic obligatory duty of this level consists in treating other persons as one's own self and respecting their dignity and freedom. By performing this duty man becomes entitled to certain rights, namely the right to life, the right to freedom, the right to equality, the right to self-determination and the right to property.

At the level of svadharma, rights are determined according to the varna and asrama of a person and therefore they become relatively

specific and particularized. They vary according to the specific requirements and duties associated with different varnas and asramas. Since rights are means towards the fulfillment of duties, if duties vary, the modalities of the corresponding rights also vary, and therefore the form and mode of the same right may differ for the people belonging to different classes and at different stages of life.

In short, the whole system is based on a correlation between svabhava (one's nature), svadharma (one's duties) and svadhikara (one's rights). From one's specific nature certain specific duties follow and these duties create certain rights. As is obvious, rights in this scheme are of derivative character. They are derived from a more fundamental notion i.e. of duty or obligation. Here one person's obligations make the person himself the bearer of certain rights. The argument is, since I am morally bound to discharge certain obligations I must have corresponding rights which are necessary to me to perform my duties. Rights in this world view are perceived not as 'ends' in themselves but as necessary means to discharge certain obligations. According to this system from svabhava (one's nature) follows svadharma (one's duties) and from svadharma follows svadhikar or rights. An interesting implication of this right duty correlation is that it presents an reciprocal derivation of 'ought' from 'is' and 'is' from 'ought'. From the nature of man follow his duties, that is what he ought to do, but from this 'ought' follow his rights, that is, what he is supposed to possess as part of his nature.

In this duty-centric worldview, rights acquire a goal-oriented character. They are not cherished for their own sake. A system of rights if it wants to avoid charges of arbitrariness must provide a principle, which must explain why certain rights must be included in the list, and why certain others must necessarily be excluded. Why, for instance, it must include rights to certain things such as life, freedom, property, or equality, and must definitely exclude certain other rights such as right to deceive people, right to slavery, right to discriminate on the basis of colour and many others. Each time a new right is claimed, the basic question to be answered is what goal it aims at? What purpose will it serve? Answer to this question will definitely restrict arbitrary inclusion of rights.

The goal oriented character of rights also succeeds in keeping a right balance between the authority or the state and the autonomy of the individual the most disturbing problem of our present day political social phenomena. It may be noted that this duty based characterization of rights in no way diminishes their importance rather it seems to add new dimensions to it. Their derivation from moral obligation gives them significance of a 'value' and in a way makes them elements of ideal realm. Thus we see that the instrumentality of rights neither negates nor undermines their importance. On the contrary, it strengthens their theoretical possibility and enhance their practical efficiency.

References :

Metaphysical Approach to Human Rights :
Concept of Dharma Reconsidered, by Prof. Sebastian Velassery

Source :

JHSS, Volume : 1, Issue : 1, July-December 2010.

Domestic Violence and Child Abuses -----

A Challenge to Human Rights and the Role of the International Organizations and the Government

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Introduction:

The concept of Human Rights is as ancient as human civilization. The history of mankind is marked by efforts to ensure respect for the dignity of human beings. Human Rights are simply defined as the rights which every human being is entitled to enjoy and to have protected. Human Rights are inherent and inalienable by virtue of his/her being a human being. There rights are necessary to ensure the dignity of every person as human being irrespective of one's race, religion, nationality, language, sex or any other factor. However in India, women lives and women dignity and children's position (especially poor) have been disregarded throughout the history and continued to be disregarded till today. The right to life, the foremost human right, is denied where human dignity and equal opportunity are denied. Every sensitive soul in India must be haunted by the feeling that trafficking in women and indulging in a variety of other brutal activities is too booming and global a business that with each passing day gender crime is escalating and the human rights flag must fly half-mast in humiliation until total deliverance of women kind from this unkind turpitude is reached. Poor

children's position has been degraded day by day. The government of India must take bold step to stop brutal activities against women and children. Only laws can not stop these brutal activities. So government should take necessary steps to implement the laws.

Objective of the Paper: This paper depicts a vivid picture of pathetic condition of women in India and how they have become the prey of violence and also abuses of poor children. The paper also wants to focus the initiatives of the international organizations and the Government of India in controlling violations of human rights.

Domestic Violence: The International Day for the "Elimination of Violence Against Women" is celebrated on 25th November every year calling upon governments all over the world to muster all their efforts and action on behalf of those women who have suffered violence at some point of their life time.

Violence against women is a universal and multidimensional phenomenon and is the greatest human rights challenge facing the world today. It is the outcome of a gendering process where women are socialized into believing that they are subordinate to men, that they are unequal and that this inequality has its roots in biology. A reflection of this situation is found in the famous words of French Social theorist Simone De Beavoir, "Women are made, they are not born". Thus gender divisions in society that manifest male power and authority is the root cause of violence against women and may take different forms ranging from wife beating, bride burning, torture by their mothers-in law or other members of husband's families, psychological abuse and in extreme cases even murder. This type of violence is not characteristic of any society or community but cuts across social, political, religious, cultural or economic barriers and may be inflicted on women of all ages and all races, however educated or affluent they may be.

It is a irony of the fact that the "home" where a woman turns to for love, security and comfort often turns out to be the worst place of terror and abuse. Domestic Violence is the most pervasive of all forms of violence against women. Women are slapped, kicked, hit and humiliated, isolated from their families and friends in extreme cases even killed them.

Statistics reveal that one in three women in the world have been beaten or otherwise abused in her life time usually by some one close to her. She is punished for not cooking good meals, for neglect of children or for not bringing sufficient dowry. The National Crime Research Bureau (NCRB) under the Ministry of Home Affairs, Government of India to keep track of major crime against women. But yet there is no systematic recording of certain other types of crimes against women such as gang rape or organized trafficking in women or sale of girl children.

Table 1: Data on crimes against women.

Year	State	Crime Victims
1995-97	Rajasthan	2106
1995-97	Madhya Pradesh	2089
1995-97	Delhi	2000
1995-97	Maharashtra	1752

NCRB Data on crimes against women of the year 1995-97

The NCRB again reported in 1998 that the growth rate of crimes against women would be higher than the population growth rate by 2020.

The crime in India Report 2003 of the National Crime Records Bureau indicating a 3% increase over the proceeding years in cases relating to cruelty by husband or relatives. However a large number of cases go unreported as domestic violence is still a hushed up matter in many house holds.

Very often women are being made victims of such practices that are sanctioned by religion or tradition, a domain where patriarchal power structures still prevail. Women have miles to go to attain high status and non-discriminatory parity. Democracy is counterfeit currency if woman hood is devalued politically, economically, socially and culturally. The Indian dilemma of gender illusions and realities needs to be resolved without hypocrisy if the nation is to progress with women

taking their rightful place without the condescending concession of the masculine chauvinists.

In Assam also domestic violence has been increasing Dowry demands, bride burning, divorce are happening in Asomiya families also, which were completely absent in our society a few decades back.

Though there is States Human Rights Commission in Assam, domestic violence has been increasing day by day. Some of the cases and complaints petitions that were placed before the Assam Women Rights Commissions are discussed below which depict that the Commission can not interfere in any case which is placed before the Honourable High Court or registered by the police. (Data were collected from Assam Human Rights Commission)

i) This complaint petition was placed by the parents of Alam Ara Safika Haque on 28th February, 2006 as their daughter has been tortured mentally by her father in law and other members of her husband's family in the name of dowry. As Alam Ara Safika Haque had some minor health problems, she was sent to the house of her parents. But the parents of Alam Ara were shocked when they have received a Talaknama from their son in law, which was sent by a registered post. However, they did not accept it and it was returned back.

As Alam Ara's husband Md. Imdadul Ahmed is a school teacher of Domunchakey Middle School, the commission called for a report from the District Elementary Officer, Mangaldoi. In his report, the Deputy Inspector of schools came to the conclusion that there was a social Marriage between the parties and second Talaq was given to the girl through registered post.

The Commission was seen uninterested in the said case because a police case had also been registered. As Talaq, had been given, the commission was not inclined to interfere in the matter. The case was closed.

ii) This complaint petition was placed before the commission on 8th March, 2008 by Sri Dhanraj Sipani and Srimati Mulu

Devi Sipani, parents of Sintu Madhu Buccha. They alleged that their daughter was married to Sandeep Buccha of Morigaon on 23rd April, 2000. However, according to the parents their daughter's conjugal life was not satisfactory and her husband and in laws tortured her physically and mentally. When she died due to burning in the bathroom, the parents went to Morigaon and filed a FIR before the Morigaon Police Station that she might be murdered by her husband. The Commission received a detailed report from the S.P. Morigaon. From the comments of the complaints of the above report, the commission found that the complainants had already filed a writ petition before the Honourable High Court with a prayer to hand over the investigation of the case to some other investigation agency.

As the matter is pending before the Honourable High Court, the commission thinks that it should not give any direction. Domestic violence is the most shocking crime against women. The following steps may be helpful in eradicating the exploitation and violation of women rights in our society.

1. Strong public opinion should be built against the crimes of women.
2. Counseling can also prove to be a fruitful instrument in lessening the degree of degradation of women's status.
3. Women education should be emphasized to a greater degree specially amongst the down trodden community.
4. The most important one is the economic empowerment of women. Because without economic liberty, other liberties are meaningless.

Child Abuses: A child is a nation's asset and future resource of man power of a Nation. In a civilized society the importance of child welfare can not be over emphasized because the welfare of the entire community, its growth and development depend on the health and well being of its children. It goes without saying that today's children are tomorrow's nation builders. Observance of human rights begins

with the manner in which a society treats its children. A civilized and sensitive society will accord dignity to its young citizens by creating conducive conditions in which they can develop their full potential and look forward to a full and satisfying adult life.

Despite different statutory enactments there are several problems or issues of children till today. The different causes of such problems are poverty, lack of education, low wages of the parents, unemployment, absence of schemes for family allowances, large families etc.

Children are suffering from various kinds of abuse and exploitation. They are treated cruelly by their masters when they serve as labourers. This maltreatment of a child by other people is nothing but the violation of their human rights. The children of poor families can not go to school or they have to come out from it to earn money for their livelihood.

Child Labour: Child labour is not only a problem of India but also a global problem. There are 250 million working children all over the world. In India, there are 1.5 million, in the United States; there are 5.5 million working children. A large number of children are still suffering under the category of child labourers. As long as children are not kept away from the labour force and are assured of a normal childhood, it can not be said that they get justice in society. Child labourers suffer from various kinds of exploitation and abuse such as excessive hours of work, low remuneration, physical abuse and cruelty etc. Unless the basic rights of children are guaranteed, human development is a far cry. Drop out of children from school is very high. However charity schools are running today for street children and children of slum areas.

Some data were collected from the Office of the Director of Nagaon District Child Development Project Society. It was found that there are about 30 thousand child labourers in Assam.

However in Nagaon district it is found that in some schools (financed by Government of India and organized by NGOs) there are 11706 students who are child labourers.

Table: 2 (Data are collected from Nagaon District Child Development Project Society)

Total No. of Schools for Child labourers in Nagaon District	Sub-Division	No. of Schools
	Nagaon	166
	Kaliabor	17
	Hojai	62
	Total No. of Schools	245

Abuse of Children in Conflict-trodden Areas: Now days, the whole world has become a place of conflict. In developing countries like South Africa, India, Pakistan, Bangladesh and Burma, the conflicts are great. Violation of human rights in Sri Lanka is in a worst form as a result of conflict situation.

In various areas of Assam like Karbi Anglong and Bodo in habited areas specially in Kokrajhar have to see maximum amount of violence like burning of people's houses, killing of children's parents through their eyes and they also witness the killing of their family members. Their agony is undepictable. After various disturbances when the children are kept in refugee camps, their education is disrupted. Schools become the refugee camps in their conflict-trodden areas. There are no hygienic conditions or facilities of sanitation. Their mental conditions become totally shattered.

Child Prostitution: Child prostitution has also be come a major problem of children, specially the girls. In some countries, they are forced to work as sex workers. Child prostitution has been increasing in an alarming way in various Asian countries. Many voluntary organizations have been protesting against these inhuman practices. **Children and drugs:** Children of various countries of the world are now engaged with drugs trade. Children from poor families take it as a way to earn money. Many children have also become drug addicted

from a very little age. Drug abuse has become a serious problem in various North Eastern states like Manipur and Nagaland.

Detention of Children: Detention of small children in jails and police custody has become a serious problem of many Asian countries, specially the states where insurgency has been going on. It is alleged by the Manav Adhikar Sangram Samity (MASS) of Assam that many children of ULFA are kept in prison where they have to face various problems. They can not go to school and also have to live with criminals.

Juvenile delinquency: Juvenile delinquency is also a major problem of children. Many children from poor families are now engaged in criminal or antisocial acts. They are given money and forced to work for antisocial groups. Many voluntary organizations have now been protesting against this juvenile delinquency. How even in India, the State Governments have established juvenile homes to rehabilitate the delinquent juvenile or neglected juvenile.

Role of International Organizations in protecting human rights of women and children: Human rights imply the rights relating to life, liberty, equality and dignity of the individual. The United Nations strives to combat human rights violation through consideration of complaints from individual as well as organizations. It holds discussions on the violations of human rights in various parts of the world and appoints fact finding groups or experts to examine the situation. On the basis of the information received from the experts, the commission calls upon the concerned government to bring about necessary changes and restore full enjoyment of human rights.

The UN has also felt concerned about growing use of torture and inhuman methods. In 1975, the General Assembly adopted declaration on the "Protection of persons from being subjected to Torture and other cruel Inhuman or Degrading Treatment or Punishment". The International Declaration considers all these acts as an offense to human dignity and a violation of human rights and fundamental freedoms. The convention makes torture a crime and enjoins upon the governments to prosecute and punish those guilty of it.

UN convention for the Elimination of All Forms of Discrimination against women: In 1979, the UN adopted the "Convention for the Elimination of All Forms of Discrimination against women. This document which is in force since 1981 may be regarded as an International Bill of Rights for women. A UN committee on the elimination of Discrimination (CEDAW) was set up to monitor compliance with the convention known as the women convention. The women's convention contains detailed provisions regarding obligations of states to undertake all appropriate measures to abolish existing laws, regulations, customs and practices found discriminatory against women.

World conference on Women, 1980: The mid decade 1980 world conference on women held in Copenhagen discussed within the frame work of equality, development and peace, problems relating to violence against women. Its conclusion held that domestic violence had serious social consequences and perpetuated itself from generation to generation and that women must be protected from domestic violence.

Decade for Women's Conference, The Third World conference on women, held at Nairobi, 1985: In the Third World conference on women, held at Nairobi in 1985 adopted "Forward Looking Strategies for the Advancement of Women, the international blue print for action until the year 2000 The Nairobi Conference (15-26 July, 1985) went a long way in heightening international concern over violence against women.

Beijing Conference, 1995: The Fourth World conference on women held in 1995 (4-5 September, 1995) in Beijing, commonly called Beijing conference stated that "Women's rights are human rights. It considered issues of violence against women in public and private life as human right issue.

Special Session of UN on women, 2000: The United Nations General Assembly convened a special session on women in 2000. The special session also known as Beijing + 5 renewed the Beijing Declaration and Platform for action adopted at the Beijing Conference on women in 1995.

Human Rights of Women in India: Since the dawn of independence

the Indian Government has been trying to develop women's condition in India. The Preamble to the constitution of India promises to secure for its citizens Justice, Social and Economic and Political liberty of thought and expression, belief, faith and worship; and equality of status and opportunity. Further assuring the dignity of the individuals and the unity of the country, the constitution guarantees certain fundamental rights and freedom such as freedom of speech, protection of life and personal liberty. Thus Indian women are beneficiaries of the Fundamental Rights.

However despite the constitutional provisions the Report of the Parliamentary Committee on the Status of Women titled "towards Equality" highlighted the fact that Indian women continued to suffer from negligence and deprivation. The Report appeared as a major landmark in creating awareness about the deep rooted disabilities faced by women in all walks of life.

Acts: In 1961 the Government of India passed the Dowry Prohibition Act. It also passed Sati Prevention Act in 1987.

Human Rights Commission: The Human Rights Commission Bill was introduced in the Loksabha. The President of India promulgated an ordinance on 27th September 1993 for the creation of a National Commission on Human Rights (NCHR) and Commissions on State level. After having made certain amendments, the Protection of Human Rights Bill was passed by both the Houses of Parliament to replace the ordinance. The Bill became an Act after it received the assent of the President on 8 January, 1994.

The Act set up a National Human Rights Commission and State Human Rights Commissions in the states and the Human Rights Courts in the district. In 1990 the National Commission for women Act was passed in the Parliament and as a result a National Commission for women was constituted.

The question arises: Have the National Human Rights Commission and State Human Rights Commission been able to protect the human rights of women? No doubt, the commissions have made enquiry into

thousands of complaints of the violations of human rights of women. In fact, the Commissions are only investigative and recommendatory bodies. After making the investigations, the commissions recommended to the appropriate authorities to take action against the person, who has violated the human rights. So thousands of cases of violences against women have still been remained pending in the commissions' office. In India the full realization of human rights is a distant dream. It can be easily or quickly achieved. Although recent years have seen remarkable efforts of the government to promote human rights like many other developing countries, much has to be done for the better protection of human rights, specially for women.

Protection of Human Rights of Children: To stop the inhuman practices, some international organizations specially the UN now have prescribed various norms.

UN convention on the Rights of Child, 1989: It is the convention on the Rights of the child, 1989, which is regarded as landmark in the international efforts to strengthen justice, peace and freedom in the world through the protection of human rights of children. The convention is the most complete statement of children's right and it provides an international frame work to determine the rights of the child. The convention provides for the first time a clear frame work and statement of rights which are worked out in greater detail than in any other human rights documents. The Protection of Rights of the Children include assurance of protection not only from violation of rights but also from all kinds of exploitation and cruelty, protection is vital for especially vulnerable group among children like abandoned children, street children and displaced children.

The Government of India also accepted this convention in December, 1992.

India and Human Rights of Children: Directive Principles of State Policy: The Indian constitution also takes care of child by providing provisions in the Directive Principles of State Policies. The State shall in particular direct its policies towards securing (1) that the health and

strength of workers and tender age of children are not abused, and that citizens are not forced by economic necessity to enter a vocation unsuited to their age or strength; and (2) that the children are given opportunities and facilities to develop in a healthy manner and in condition of freedom and dignity and that children and youths are protected against exploitation and against moral and material abandonment.

Statutory Provisions: The statutory provisions on Human Rights are those provisions which have been derived from various enactments of Central and State Governments. Some such important provisions are—

- i) Children Act, 1960.
- ii) Child Labour (Prohibition and Regulation) Act, 1986.
- iii) Mental Health Act, 1987.
- iv) Bonded Labour (system) Abolition Act, 1976.

Respect for human rights has been central to India's cultural heritage. The quest for equilibrium, harmony, knowledge and truth inspired the thinkers and philosophers of India since times immemorial. The issue of human rights, specially, women and children has become a great concern of the Indian Government as well as state governments.

Conclusion: Four global conferences on women, a women's decade and the celebrations of Women Day every year, in addition to many conventions, conferences and treaties have not been able to ensure complete gender equality or justice. The efforts have only reached the tip of the iceberg. Existing legislations are found to be inadequate to cure the violence against women. Sincere efforts still need to be taken after looking a holistic view of the situation. Efforts should be geared to empower women so that they can become financially independent and able to carve a place for themselves and enhance their bargaining power instead of depending on their male counterparts. The media should take a sympathetic attitude towards female victims. But the ultimate solution to eliminate domestic violence lies in bringing about change in the mindset of both men and women because patriarchy is rooted in social norms. The men must realize that women are equal human beings and not their slaves. Women should also find their lost

voices and empower themselves. People all over the world should collectively work for the complete elimination of the domestic violence against women since women rights are also human rights. Violence against women is an obstacle to the realization of the goals of peace, development and democracy.

In a civilized society the importance of child welfare can not be over emphasized because the welfare of the entire community depends on the well being of its children. Every society must therefore devote full attention to ensure that children are properly cared for and brought up in a proper atmosphere where they could receive proper training, education and guidance in order that they may be able to have their rightful place in the society when they grow up. As human being they must enjoy all rights relating to life, liberty and equality and dignity of the individual as guaranteed by the constitution or embodied in the international conventions.

Now the Human Rights issue has become everybody's concern and it is high time to mobilize public opinion for giving due regard to Human Rights so that all people can realize that only international protection and promotion of Human Rights can achieve international peace and progress.

References

Books

1. Agarwal, Dr. H.O. Human Rights. Central Law Publications, Allahabad.
2. Kachroo, J. L and Kachroo Vijoy, Sociology. Cosmos Book. Hive(P) L.T.D, Haryana
3. Yasin Adil-Ul, Human Rights. Akansha Publication House, New Delhi.

Journals

1. Sreenath Lalitha, Victimization of Girl Child in the home, Journal of the Indian Law Institute, Vol.38, 1996.
2. Siva Ramaya, B., Status of Women and Social Change, Journal of the Indian Law Institute, Vol.25, 1983.

Human Rights : New Dimensions and Challenges

Role of media and N.G.Os. in focusing Human Rights

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Abstract :

This paper seeks to understand the prospects of modern human conceptualization of life and its different aspects. Within the purview of such understanding, human rights and its nature has been a matter of debate. Debates on such rights and its violation are seen at many levels. Therefore, our intention here is to explore how different bodies are formed and how they adhere to safeguard human rights. Now with democratic liberal ethos, several Human Rights bodies and Non-Governmental Organisations have come up with their liberal attitude to protect the rights of individuals. Therefore, in this respect, role of media and such organizations are well-mentioned. The effect of media with rapid influence of globalization has also been seen at a greater

level. Media has visualized violation of human rights, and thus it has created consciousness as to grab the interest of every human being. Creation of such awareness has been done in many levels. In every field, i.e. professional, social etc. for numerous reasons, human rights are being threatened and it is thereby our concern to look at how media and NGO come out in order to protect human rights. What has been happening in places like Singor and Nandigram or North-East is well-mentioned here, and through this paper we intend to look into such matters and how it has been dealt by various organization as well as media. Similarly, in many recent cases we may notice that when human beings face challenges with regard to their rights, the media and NGO indifferently try to go depth of such cases and try to drag out persons behind such cases and try to impart all possible help by finding out their solutions.

Key Words : Human Rights, Media, NGOs, Democracy.

Introduction :

The discourse of Human Rights has been the focus of extended discussions and debates among world community. The central question arises is that of what is the place of human rights in today's global order. Though concern rose by various communities at a global level, one has to take into account as to how 'human rights' has been dealt at a theoretical level. Therefore, though Human Rights emerged from the societal rights, it has to be distinguished from them and they are to be viewed as social claims upon power arrangements.

At a theoretical level, human rights are not abstract normative idea as an emergent political practice. Therefore, theorists are not at liberty to interpret this idea in whatever way best suits their philosophical orientation.

Therefore, to understand the concept of Human Rights, one has to look into the changing patterns of the world order where the understanding of Human rights is also under transformation. One of

the significant parts of such transformation is that of the State. The concept of State is undergoing changes and debates are growing about the nature of State and its functioning considering the process of globalization. Within such paradigm, one has to notice how these transformations also led to conceptualize Human Rights from broader perspectives.

Human Rights have to be analysed within the changing context of democratization, globalization, and rationalization and also militarization. The growth of democratically elected governments and governance has been accompanied by the expansion of legality as more domains of public life are governed by the rule of law established by democratic procedures. However, within the purview of democratization (the transition from autocracy to democracy) understanding of human rights is more complex and critical. It may also be cited that within such transition period, repression of human rights can increase because of its covering of past tendencies of repression.

Human rights within the context of civil society are significant part of this discussion. The interface between civil society and human rights raises many complex issues about the nature of societies, the role of non-governmental organizations (NGOs) as the most developed forms of civil society engagement in human rights discourses and practice, and the question of popular participation as mediated by the social inscriptions and hierarchies of gender, class, religion and language. Thus, within this modern rationalized democratic framework, media is one of the most significant and growing organization. Media also changes its very pattern of informing networking. Therefore, while discussing the rapid proliferation of Human Rights concern, it is important to notice that why media and certain organizations are given more emphasis.

Historical Location of concept of Human Rights :

The period of Cold war was the crucial time when Human Rights (individual and group rights, their culture, language and identity) were violated and it became the major concern of legal and political scholars.

Then is also became one of the vital concerns of media and later on of NGOs at a larger level. Later on other social scientist like sociologists along with social psychologists also tried their hand in giving an analytical overview of human rights. Therefore, at an initial stage, it was a political and cultural agenda mainly after the Nazi holocaust. In this context, human rights are a public discourse and if we are engaging with the idea of a human right, we must also engage with the nature and purpose of the public venture. Moreover, one also should know what kinds of objects human rights are supposed to be, why we should believe that people have them, or what follows this belief for political practice.

Another major product of the post-World II era was the creation of the United Nations, and with this the formulation of the Universal Declaration of Human Rights (1948). The Universal Declaration is one of the most significant creation in this regard which brings into focus number of treaties which are both globally and regionally oriented. The functionaries of these treaties have given rise to a court or tribunal or treaty body that monitors conformity of the rights and freedoms in each treaty. Therefore, viewed sociologically, this international normative and legal order may appear to bear little relation to what occurs in everyday life within nation-states, but these treatises often provide the social context for political and social action (Gideon Sjoberg et. al., 2001 :13)

In this context, Charles R. Beitz writes, there were array of rights and interests which were recommended in Universal Declaration of Human Rights and if we classify them into different categories, we can find the following classifications -

1. Rights to liberty and personal security - Such as life, liberty, and security of the person; prohibition of slavery, torture, cruel or degrading punishment; right to recognition as a legal person; equality before the law; no arbitrary arrest; presumption of innocence;
2. Rights in civil society - protection of privacy in family, home, correspondence; freedom of movement and residence within the state; right of emigration; equal rights of men and women

- to marry, within marriage, and to divorce; right to consent to marriage;
3. Rights in the polity - freedom of thought, conscience, and religion; freedom of assembly and association; rights "to take part in the government of the country" and to "periodic and genuine elections... by universal and equal suffrage"; and
 4. Economic, social and cultural rights - adequate standard of living including adequate standard of living including adequate food, clothing, housing, and medical care; free, compulsory elementary education; free choice of employment; just and favourable remuneration, equal pay for equal work; right to join trade unions; reasonable limitation of working hours, social security. In addition to these rights found in the declaration, both covenants, in common articles incorporate what is effectively a fifth category of rights;
 5. Rights of 'peoples' (conceived as collective entities) - more importantly, self determination and communal control over 'natural wealth and resources.'

Role of NGOs and Media in focusing Human Rights :

Within the modern democratic paradigm, individuals rights are given importance and for that matter, within such framework various organizations have come up to raise their voices. At a certain level, State's failure to protect these rights and violation of such rights has made many voices to come up. Therefore, formation of Non-Governmental Organisations is one example of such movements against violation of Human Rights. These organizations monitor violations of human rights, lobby for reform and feed the press with information on the subject.

However, the relationship between state and NGO is also important part. Tensions arise between these two institutions when often NGOs pledge a development theory which often different from the government. These NGOs stress on people's participation, their

mobilizations, empowerment and democracy. There are three conditions which NGOs has to adopt in terms of its relationship with the State - oppose the state, compliment it or reform it. But they cannot ignore it. John Clark in this regard, provides a specific approach where the relation between State and NGOs is analysed. For instance, opposing the State would imply protest those of government's policies which are unfavourable to the poor. Similarly, complementing the State means development of such programs by NGOs which fill the gap of government services and which then becomes more relevant to the underprivileged. Last, reforming the State implies collaboration with the government with a view to improve the service of the government.

NGO projects are important, but they do not by themselves provide solutions to problems on a national scale. Their projects remain irrelevant to the majority of the poor, unless the State pursue them as guiding light to reform its structure. Therefore, mass participation in encouraging human rights protection will come through reform within the official structures.

Of course NGOs of all kinds accomplish a great deal without any recourse to the media at all. Human rights activists pursue much of their mission outside the public eye; private meetings with diplomats; closed-door policy discussions with government officials; strategy sessions with other NGOs; and of course, interviews with victims and eyewitnesses whose identity and safety must be protected from the glare of publicity. NGOs that do research in the field may share a close bond with journalists, but research is only part of their overall mission of effecting social change.

Amnesty International is the most prominent Human rights NGO which have been playing significant role. Human rights Watch is world's one of the leading independent organizations which have working to protect human rights. Started in 1978, this organization has been working in world's most of the countries. In case of India, prominent NGOs are - Human Rights Protection Group, Manab Adhikar Sangram Samiti (MASS), Confederation of Human Rights Organizations, Forum

for Fact-finding Documentation and Advocacy Human Rights Documentation Centre, International Human Rights Association (IHRA), National Campaign on Dalit Human Rights, Vigil India Movement, Kashmir Human Rights Commission.

These organizations have extended their activities to different fields and to different places. For instance, Founded in 1977, Bangalore, Vigil India Movement (Vigil India) is a non-governmental organization. This leading Human Rights organization has been working to protect the rights of Dalits, tribals, children and women. Similarly, Forum for Fact-finding Documentation and Advocacy Human Rights Documentation Centre addresses the issues of displacement and forced eviction, violence against women and children, exploitation, torture, abuse and discrimination against Dalits (untouchable and low caste poor), and attacks on minorities and indigenous communities. MASS has challenged human rights violation by the armed forces, paramilitary forces and State police.

After analyzing how NOGs work and how it has a specific relation with the State, we also intend to look at the role of media in this respect. Media as a modern technological medium of information has been a part of broadcasting as well as proliferating news. Media as a mass culture has always been a part of society. The sensitization of human rights violation within the world community has largely been contributed by media (both audio and visual). For example, film as the mass culture form, per excellence, portrays many of our experience and anxieties about individualism and collective political action. It also brings above the consciousness of people to engage in debates and participate in protest against human rights violation.

Media is the communicator of public. Today its role extends not only in giving facts as news, but also analyses and comments on the facts and thus shape the views of the people. It also makes people aware of the need to promote values in the cause of Human rights which are of extreme value of mankind. Media can create awareness

about the rights, focus on particular areas where Human rights are continuously violated, expose those violations and come with effective results and suggestions. It can also give publicity to individuals and organizations which are engaged in securing Human rights. Since media plays the role communicator between the state and public, it can also aware the authorities of their duties.

Conclusion :

Thus, Human Rights were articulated and accepted at a global level through treaties and bodies. Set up of human rights commissions, human rights through bills of rights, new or reformed judiciary or improved security system. These particular systems are arranged with an aim to improve failed State system or a coherent political structure. It is notice that since 1990 over 300 peace arrangements have been signed between adversaries in over forty jurisdictions.

However, the question arises how effective these set up commissions or bills are ? The politico legal system definitely gave a structure to contextualize Human Rights. But this does not signify the present situation in different parts of the world where still human rights are equally violated. For instance, if we talk about Indian situation, human rights violation in Singur (West Bengal) is very intense. Thousand acres of land acquisition in the name of development in West Bengal provides us with example of violation of human rights. The Government initially proposed to give 1,253 acres of land to Tata-Motors which would have displaced 5000 families or around 20,000 people. It not only curtails their food sovereignty, but also violates the right to live. The proposed eviction by the government is an utter violation of International Covenants on human rights especially International Covenant on Economic, Social and Cultural Rights; 1976 Indian Constitution (Article 21, Article 39) as per the Directive Principles of the State Policies with special emphasis on Article 39, 41 and 42, relating to the Right to Food¹.

As a result, then came the mass movement of Singur against

government policy of ruining life and to save the peasants and agriculture. To protest against such human violation, many organizations like People's Coalition on Food Sovereignty (PCFS), Pesticide Action Network Asia and the Pacific (PAN AP), Asian Peasants Coalition (APC) and Institute for Motivating Self-Employment (IMSE) organized International Fact Finding Mission to look into the matter and to save the lived of people of Singur. Some another very common example of eviction of the roadside shops are being noticed in the name of development. On the other hand, release of activist Binayak Sen Campain and Bhopal Gas Tragedy are some of the major activities taken up by both media and NGOs where activities like Abdul Jabbar, Vandana Shiva, Harsh Mandar etc. have been continuously active.

A similar example is operation of Armed Force Special Power Act in North-East. This has brought significant violation of human rights in North-East, especially in Manipur. On July 11th 2004, 17 Assam Rifle brutally assaulted and killed a woman named Monarama Devi. This inhuman incident by paramilitary force brought the women of Manipur to the streets. On July 15th 2004, the women came to the streets naked to protest against such brutal killings and violation of Human rights with the slogan 'Indian Army Rape Us'. Such example of violation of human rights and protest against such acts were supported by Manipur NGO and media also played a significant role in bringing the voices of people.

Therefore, in this context, we find that a morality founded on some set of human rights principles may well be the only effective way to confront the divisions by class, race and ethnicity, and gender within the contemporary global setting.

¹ Source : Our land their development: A report of the International Fact Mission on the Forced Eviction of the Farming Communities in the State of West Bengal in India.

References :

- Beitz, Charles R. 2009, *The Idea of Human Rights*, Oxford University Press.
- Bell Christine and Johanna Keenan, 2004, 'Human Rights Nongovernmental Organizations and the Problems of Transition' *Human Rights Quarterly*, 26 (2) : 330-374.
- Clark, John, 1992, 'Democratising Development : NGOs and the State' *Development in Practice*, 2 (3) : 151-162.
- Human Rights Watch, *World Report 2011, events of 2010*. Unites States of America.
- Meek, Allen 2010, *Truma and Media : Theories, Histories and Images*, Routledge.
- Renteln, Alison Dundes 1988, 'The Concept of Human Rights' *Anthrops*, Bd. 83, H.4/6 : 343-364.
- Sjoberg, Gideon; Elizabeth A. Gill and Norma Williams, 2011 'A Sociology of Human Rights', *Social Problems*, 48(1) : 11-47.
- www.wikipedia.com.
- Zezeza, Paul Tiyambe, 2007, 'The Struggle for Human Rights in Africa', *Canadian Journal of African Studies/Revue Canadienne des Etudes Africains*, 41 (3) : 474-506.

Right to Education and Gender Equality

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Abstract :

Right to education in India has been a part of the directive principles at the state policy under Article 45 of the constitution. But this right is not enforceable. Now this entitles children to have a right to education enforced as a fundamental right of the constitution as Article 21 A by 86th Amendment. The right of education commonly known as RTE 2009 finally enacted on 26th August, 2009 and implemented from 1st April, 2010. It becomes a matter of concern as how far this act will actually reap benefits for the Indian society especially in case of women. Education is still a distant dream for girls in the interior and remote villages in India. This paper tries to focus about vital information about the crucial problems and challenges in the field of women education and the right of education.

Key Words : Human Right, gender equality, problems of women education, measures.

Introduction :

"Right to Education is every child Right"
Your support can make it happen!

Meaning of right :

According to 'Oxford advanced learner's Dictionary' right means a moral or legal claim to have get something. It is well known that knowledge is power and the main gateway to knowledge is education. The education therefore, is fundamental requirement for the individual. The framers of the constitution realize the importance of education and have, thus, imposed a duty on the state under article 45 as one of the Directive Principles of state policy to provide free and compulsory education to all children from 6 to 14 yrs. age. The right to education was finally made fundamental right of Indian children from 86th Amendment 2002, introduced new Article 21A and finally enacted on 26th August, 2009 and come into force from 1st April 2010. No doubt many efforts have been made by the government to achieve the goal - Right to education for every child but there are a lot of hurdles in the way of girl child of the noble target.

Table : 1 & 2

Assam Literacy Rate 1951 - 2011			
Year	Persons	Male	Female
1	2	3	4
1951	18.53	28.01	7.58
1961	32.95	44.28	18.62
1971	33.94	43.72	22.76
1981	-	-	-
1991	52.89	61.87	43.03
2001	63.25	71.28	54.61
2011	73.18	78.81	67.27

*Note : The 1981 Census could not be held owing to disturbed Literates and literacy rates by sex : 2011

Sl. No.	State/Union Territory*	Literates				Literacy Rate (%)			
		Persons		Female		Persons		Female	
		Male	Female	Male	Female	Male	Female	Male	Female
1	2	3	4	5	6	7	8		
	INDIA	778,454,120	444,203,762	334,250,358	74.04	82.14	65.46		
01	Jammu & Kashmir	7,245,053	4,379,604	2,874,449	68.74	78.26	58.01		
02	Himachal Pradesh	5,104,506	2,791,542	2,312,964	83.78	90.83	76.60		
03	Punjab	18,988,611	10,626,788	8,361,823	76.68	81.48	71.34		
04	Chandigarh*	809,653	468,166	341,487	86.43	90.54	81.38		
05	Uttarakhand	6,997,433	3,930,174	3,067,259	79.63	88.33	70.70		
06	Haryana	16,904,324	9,991,838	6,912,486	76.64	85.38	66.77		
07	NCT of Delhi*	12,763,352	7,210,050	5,553,302	86.34	91.03	80.93		
08	Rajasthan	38,970,500	24,184,782	14,785,718	67.06	80.51	52.66		
09	Uttar Pradesh	118,423,805	70,479,196	47,944,609	89.72	79.24	59.26		
10	Bihar	54,390,254	32,711,975	21,678,279	63.82	73.39	53.33		
11	Sikkim	449,294	253,364	195,930	82.20	87.29	76.43		
12	Arunachal Pradesh	789,943	454,532	335,411	66.95	73.69	59.57		
13	Nagaland	1,357,579	731,796	625,783	80.11	83.29	76.69		
14	Manipur	1,891,196	1,026,733	864,463	79.85	86.49	73.17		
15	Mizoram	847,592	438,949	408,643	91.58	93.72	89.40		
16	Tripura	2,831,742	1,515,973	1,315,769	87.75	92.18	83.15		
17	Meghalaya	1,817,761	934,091	883,670	75.48	77.17	73.78		
18	Assam	19,507,017	10,756,937	8,750,080	73.18	78.81	67.27		

Sl. No.	State/Union Territory*	Literates				Literacy Rate (%)			
		Persons		Female		Persons		Female	
		Male	Female	Male	Female	Male	Female	Male	Female
1	2	3	4	5	6	7	8		
19	West Bengal	62,614,556	34,508,159	28,106,397	77.08	82.67	71.16		
20	Jharkhand	18,753,660	11,168,649	7,585,011	67.63	78.45	56.21		
21	Orissa	27,112,376	15,326,036	11,786,340	73.45	82.40	64.36		
22	Chhattisgarh	15,598,314	8,962,121	6,636,193	71.04	81.45	60.59		
23	Madhya Pradesh	43,827,193	25,848,137	17,979,056	70.63	60.53	60.02		
24	Gujarat	41,948,677	23,995,500	17,953,177	79.31	87.23	70.73		
25	Daman & Diu*	188,974	124,911	64,063	87.07	91.48	79.59		
26	Dadra Nagar Haveli*	228,028	144,916	83,112	77.65	86.46	65.93		
27	Maharashtra	82,512,225	46,294,041	36,218,184	62.91	89.82	75.48		
28	Andhra Pradesh	51,438,510	28,759,782	22,678,728	67.66	75.56	59.74		
29	Karnataka	41,029,323	22,808,468	18,220,855	75.60	82.85	68.13		
30	Goa	1,152,117	620,026	532,091	87.40	92.81	81.84		
31	Lakshadweep*	52,914	28,249	24,665	92.28	96.11	88.25		
32	Kerala	28,234,227	13,755,888	14,478,339	93.91	96.02	91.98		
33	Tamil Nadu	52,413,116	28,314,595	24,098,621	80.33	86.81	73.86		
34	Pondicherry*	966,600	502,575	464,025	86.55	92.12	81.22		
35	Andaman & Nicobar	293,695	164,219	129,476	86.27	90.11	81.84		

Meaning of Gender :

Gender is not synonymous with women, nor is it a zero sum game implying loss for men; rather, it refers to both women and men, and to their status, relative to each other. Gender equality refers to that stage of human social development at which "the rights, responsibilities and opportunities of individuals will not be determined by the fact of being born male or female," in other words, a stage when both men and women realize their full potential.

Gender bias in education :

Education is widely recognized as the gateway to economic security and opportunity particularly for girls and women.

World figures in literacy relate a sorry tale. Of the 130 million 6-11 year ---- old children not in school ---- a majority ---- 60 percent are girls. The figures only go to show how in most regions of the world, specially the developing societies, gender bias impinges on girls' education.

Although the Indian constitution promised liberty, equality, fraternity and justice to all the citizens of India, regardless of religion, caste, class or gender, the upper half of the India's human beings remain denied, excluded and erased.

India is one of the countries of the world, which are at risk of not achieving gender equality in education even by 2015. On global education parameters, India has slipped to 105th rank (out of 149 countries data on gender ration) (V. Mehta).

Putting Gender Issues on the Educational Landscape :

A Glimpse into the Policy :

The Constitution of India had underscored the need to create a gender-sensitive society, which is not possible without a gender-sensitive educational system. Throughout Indian history, gender has been an important principle of stratification, but the manner in which this layering of society manifests itself culturally varies - both over time

and among social classes. It is in the non-recognition of society as 'gendered' that democracy fails most evidently.

Table No. - 3

Women Literacy Rates since 1950-51 - 2011 (%)

Category	1951	1961	1971	1981	1991	2001	2011
Total	16.67	24.02	29.45	43.67	52.21	65.38	74.04
Females	7.93	12.95	18.69	29.85	39.29	54.16	65.46
Males	24.95	34.44	39.45	56.50	64.13	75.85	82.14

Census India

Klasen (1999) pointed out that gender inequalities in education have direct impact on growth, and through distorting incentives and indirect impact in investment and population growth. (S Bharadwaj and S Rani)

Thus women's education should be taken as a serious issue and steps should be taken to bring awareness about importance of education among every woman both in urban and rural area.

This paper tries to highlights the vital information about crucial problems and challenges in the field of women education, gender equality and the right to education.

Objectives :

- 1) A comparative study of the education of Male & Female.
- 2) To find out the crucial problems and challenges in the field of women education and this right in Indian education.
- 3) Presents some fruitful strategies for eradicate such problems of women education and gender inequalities.

Methodology :

We have adopt mainly secondary sources of information for collecting data regarding education of women and gender equality.

Secondary sources are from census of India, 2001, 2011 ministry of HRD, Govt. of India (2003-2004)

Hypothesis :

There has been phenomenal progress on women's education since Independence and also make it right, still there is a wide gap between female and male education i.e. gender in equalities in education.

Right to Education :

The right to education was finally made a fundamental right of Indian children in the 6-14 age groups to get free and compulsory education. It was enshrined in the Indian Constitution as a Directive Principle of State Policy in Article 45 before the 86th Amendment, 2002. It was the visualization of the Founding Fathers of the Indian Constitution that took us almost 59 years to translate into reality. The 86th Amendment introduced new Article 21A, making the right to education of children from 6 to 14 years of age a fundamental right. Article 51A (K) was added to Part IV-A of the Constitution as a fundamental duty of parents to provide opportunities for education to their children aged between 6 and 14. All this was in consequence of the Supreme Court judgment in Unnikrishnan vs. State of Andhra Pradesh, 1993. Declaring education as a fundamental right to all children up to 14 years of age. The Right of Children to Free and Compulsory Education Bill 2008, passed in the Lok Sabha on 5th August, 2009 as a revolutionary enabling measure, could lead India far in its commitment to an equitable and progressive society.

The salient features of the Right to Education Act are as follows:

- Free and compulsory education to all children of India in the 6-14 age group.
- No child shall be held back, expelled, or required to pass a board examination until completion of elementary education.
- A child who completes elementary education (upto class VIII shall be awarded a certificate).
- Calls for a fixed student-teacher ratio.
- Will apply to all over India except Jammu & Kashmir.
- Provides for 25% reservation for economically disadvantaged communities in addition to class 1 in all private schools.
- Mandates improvement in quality of education.
- School teacher will need adequate professional degree within 5 years or else will lose job.
- School infrastructure (where there is a problem) to be improved in 3 years else recognition cancelled.

- Financial burden will be shared between state and central government.

This act came in force with effect from 1st April, 2010. No doubt many efforts have been continuously made by the government to achieve the goal-Right to Education for every child but there are a lot of hurdles in the way of this noble target mainly in the women education in India.

From the following table we can confirm that there is a great disparity in the education of men and women in India.

Table No. - 4

Enrolment at the Elementary Stage (1950-51 to 2002-03)
(In Millions)

Year	Primary			Upper Primary		
	Boys	Girls	Total	Boys	Girls	Total
1950-51	13.8	5.4	19.2	2.6	0.5	3.1
1960-61	23.6	11.4	35.0	5.1	1.6	6.7
1970-71	35.7	21.3	57.0	9.4	3.9	13.3
1980-81	45.3	28.3	73.8	13.9	6.8	20.7
1990-91	57.0	40.4	97.4	21.5	12.5	34.0
1999-00	64.1	49.5	113.6	25.1	17.0	42
2002-03	64.9	57.2	122.1	26.3	20.6	47.0

Selected Educational Statistics 2002-04, Ministry of Human Resource Development.

Gender equality :

Although the Indian constitution promised liberty, equality, fraternity and justice to all the citizens of India, regardless of religion, caste, class or gender, the upper half of the India's human beings remain denied, excluded and erased.

India is one of the countries of the world, which are at risk of not achieving gender equality in education even by 2015. On global education parameters, India has slipped to 105th rank (out of 149 countries data on gender ratio)... (V. Mehra)

Education is important for everyone but it is especially significant for girls and women. In the Vedas, women have been called 'Updeshtri' of knowledge and this indicates women working as teachers (Rig Veda 1.3.11).

O learned lady! All life is dependent upon you because you impart education to all. (R.V.2, 49.17).

According to Swami Vivekananda "If you do not raise the women, don't think that you have any other way to rise".

According to J. Nehru "Education of a boy is the education of one person but education of a girl is the education of entire family".

A growing awareness of this reality is perhaps why gender parity in education is one of the six goals of the education for All (EFA) programmes, endorsed by 164 countries at the world education Forum in Dakar Senegal, in 2000 : The attainment of this goal by the 2015 dead line remains a distant prospect as highlighted by the 2003 EFA Monitoring Report which states that 54 countries including 16 in sub-Saharan Africa as well as Pakistan and India will fail to meet the deadline. It is surprising that India is positioned at the bottom in measures of the Gender Parity Index (GPI)

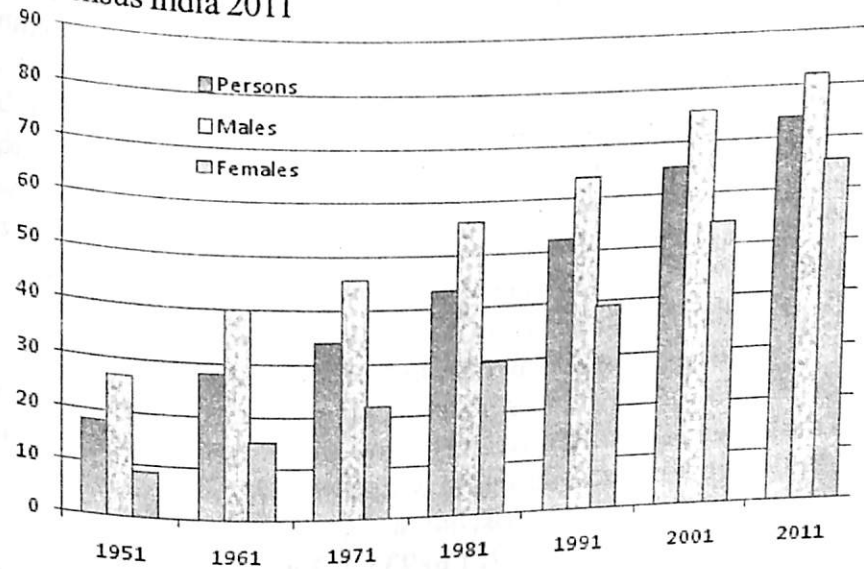
Education is an important aspect of developed nations. Women make almost half of the population of any country, without educated women a nation cannot see its distant dream. The National Policy on education and programme of Action (POA) (1986, Revised in 1992) marked significant departure in India's educational History. There including a chapter for education of women as "Education for women's equality". For removal of women's illiteracy and gender bias though govt. and some other organizations have adopted various policies for upliftment of women education but still there is a wide gap between male and female education.

Table No. - 5

Census Year	Persons	Males	Female	Gender gap in literacy rate
1951	18.33	27.16	8.86	18.30
1961	28.30	40.40	15.35	25.05
1971	34.45	45.96	21.97	23.98
1981	43.57	56.38	29.76	26.62
1991	52.21	64.13	39.29	24.84
2001	65.38	75.85	54.16	21.69
2011	74.04	82.14	65.46	16.68

Source : Census of India, 2011.

Census India 2011



Need for gender equality in education

- 1) Education for all (EFA) is a fundamental human right. Education is a prerequisite to gender equality.
- 2) Breaking the cycle of poverty.
- 3) For National development, it is not wise to waste human resources.
- 4) To develop their full potentiality and preserve their personal integrity.
- 5) For Empowerment of women.
- 6) For population control because educated women tend to have fewer and healthier children.
- 7) Setting right the alarmingly falling gender ratio.
- 8) Prevention of high drop-out rate and increasing literacy percentage.
- 9) Decreasing kidnapping, neonatal death, dowry death, and even terrorism etc. They provide better nutrition.

So girl's education is emerging as one of the top priorities of Indian societies "Educating girls is not an option it is a necessary", we all want to eliminate gender disparities in education.

Much progress has been made in recent decades. The number of girls attending school is increasing, but since parts of India a number of girls still receive little or no education. No single factor or cause can be held responsible for gender inequalities in education in India. Subsequently it is associated with combination of many factors including, social, cultural, economic, educational, demographic etc.

There is a serious and deliberate discrimination against the girl child due to age old deeply embedded cultural resistance and attitude of parents that girl should learn household skills.

'Gender inequality begins before birth' and the very right for the girl child to take birth, as preference for son is a mania for majority of the Indian population. Women one denied the right to be born, the result : men have outnumbered women in every census of the last century, which is indicative of continuing female feticide. The sex ratio has declined from 972 in 1901 to 933 in 2001.

Sex ratio in India 1901-2001

Table No. - 6

Census Year	Sex Ratio (Females per 1,000 males)
1901	972
1911	964
1921	955
1931	950
1941	945
1951	946
1961	941
1971	930
1981	934
1991	927
2001	933

Source : Census of India, 2001.

The lower enrolment – From table No.- 4 (above) it is found that the lower enrolment of girls in schools is one of the foundational factors which stand as stumbling block for women education, in India.

Higher dropout rate among girls from schools –

Table No.-7

(In Percent)

	1960-61	1970-71	1980-81	1990-91	1999-00	2003-04
Classes I – V						
Boys	61.7	64.5	56.2	40.1	38.67	33.7
Girls	70.9	70.9	62.5	46.0	42.28	28.6
Total	64.9	67.0	58.7	42.6	40.25	31.5
Classes I – VIII						
Boys	75.0	74.6	68.0	59.1	51.96	51.8
Girls	85.0	83.4	79.4	65.1	58.00	52.9
Total	78.3	77.9	72.7	60.9	54.53	52.3

Selected Educational Statistics 2002-2004, Ministry of Human Resource Development.

The incidence and prevalence of drop outs among girls especially in rural, tribal and slum areas seen to be quite high. Girls are the first to be pulled out of school when needed in the family of supplement the family income or to help care for the siblings.

Priority to boys education (Ladki paraya dhan)– A boys education is viewed as a possibility of increasing the earning and status of the family. The value of a daughter's education is gauged in terms of her marriage prospects and the benefits of her education in any care are seen as going to her husband's family.

Lack of proper social attitude for the education of girls– In many families girl children play the role of second mother by looking after the siblings, fetching water, celerity, cooking etc. So they discouraged the girls child to go to school as it became secondary.

Poor school environment for girls– In general the school environment for girls in India is not really interesting and encouraging. There are no basic amenities for girls such as latrine and toilet, drinking water separate girls common room etc.

Economic backwardness of the rural communities– In many poverty stricken families, children especially girls are considered as economic crisis due to the death or incapacity of parents.

Table No. - 8
School attendance rates (percent) by age group and household monthly per capita expenditure class
 Rural area

Household per capita Income	10 - 14 Age Group			15 - 19 Age Group		
	Male	Female	Total	Male	Female	Total
Less than 120	54.6	31.1	42.9	28.0	06.3	17.1
120 - 140	58.6	36.6	48.9	28.3	06.4	18.4
140 - 165	65.4	43.2	55.2	29.3	09.7	20.4
165 - 190	68.5	44.1	57.3	30.1	11.7	21.5
190 - 210	72.6	50.6	62.4	36.1	16.1	27.4
210 - 235	75.6	53.3	65.4	35.5	17.5	27.5
235 - 265	80.5	57.2	69.6	39.8	19.5	30.7
265 - 300	82.3	64.8	74.5	41.7	20.7	32.3
300 - 355	84.0	67.8	76.6	46.2	26.1	36.8
335 - 455	85.7	72.9	80.0	51.4	31.7	42.4
455 - 560	90.3	73.7	82.7	58.2	35.7	48.4
More than 560	90.6	78.5	85.1	61.3	37.4	50.7

National Sample Survey Organisation, Department of Statics, GOI, March, 1997.

Ineffective law enforcing machinery : Indian constitution and various legislations pertaining to education to children assures free and compulsory education, e.g. - Article No. 45, various commissions from independence, 86th constitutional amends, DPEP scheme, NPC 1986, programme of action POA (1992) etc. But unfortunately the enforcement machinery fails to improve the women literacy.

Lack of suitable Curriculum : The curriculum has not met the requirements of women.

Social ills : The puda system, in some states and certain other harmful social customs stand in the way of development of girls education.

Inadequate systematic publicity : Press and electric media has not used extensively for eradicate the gender inequality in education. Illiteracy of Parents, lack of awareness, lack of financial assistance

and lack of physical infrastructure issue also some other drawback of disparity between education of men and women.

Measures for promoting gender equality in education - (suggestion)

- Creating proper social attitude in the Rural and backward areas for the education of girls.
- Creating awareness among the general masses and the intensive attitudinal transformation.
- For equitable education proper infrastructure should be provide.
- Hostel for girls at the middle and high school stage and maintenance stipends to girls.
- Providing adequate number of women teacher and improve gender balance.
- Initiate gender sensitive research for finding solutions to problems of gender disparity.
- Early childhood care to boost the self esteem of the girl children.
- Regular monitoring of gender equality in education and globe exchange of experience and problems relating to gender equality in education.
- Remedial bridge courses for girls to prevent them from dropping out.
- Legal and political commitment to achieve gender equality in education.

Right to EFA is well articulated and accepted internationally.

Conclusion :

The women's equality is essential for the overall growth of the society. Further, the women's equality can be achieve through education. So that they are in a position to develop the critical understanding of all the things surrounding them.

The National policy for Empowering women 2001 outlines three policy approaches -

- 1) Judicial / legal empowerment by making the legal system more responsive and gender sensitive for women's need.

- 2) Economic Empowerment by main streaming gender perspectives in the development process, enhancing women's capacities and access to economic opportunities.
- 3) Social empowerment through focused efforts on education, health and nutrition.

The role of women outside the home has become an important feature of the social and economic life of the country and in the years to come this will become still more significant. The need of the hour is to ensure better lives for the coming generations by creating an equitable social order. The objectives of gender equality may be attained by generated access to equality education for all. The education of girls, therefore, should be emphasized not only on grounds of social justice, but also because it accelerates economic and social transformation.

References :

- 1) University news, May 18 - 24 (2009)
- 2) University news, Nov. 23 - 29 (2009)
- 3) University news, Feb. 15 - 21 (2010)
- 4) University news, May 25 - 31 (2009)
- 5) University news, August 1 - 7 (2011)
- 6) University news, May 4 - 10 (2009)
- 7) University news, Jan. 24 - 30 (2011)
- 8) University news, Oct. 25 - 31 (2010)
- 9) Right to Education Act - 2009
- 10) Gender in equality in education and employment - Geeta Sarmah
- 11) Challenges in the Implementation of Right to education act - 2009, Vandana Mallik & S.S. Farwaha.
- 12) Gender inequality in education in India by - V. Ramachandran (2003)
- 13) Modern Indian Education, History Development & Problems - J.C. Agarwala.
- 14) Women education and women rights in India by - B.N. Singh & S.P. Sarmah.
- 15) Perspectives on education and development in India, Edited by Ved Prakash and K. Biswal.

Human Rights Education in Educational Institution

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What is understood by Human Rights ?

Human Rights is a package of Rights that belongs to an individual as a consequence of being human. Broadly speaking human rights may be regarded as those fundamental and inalienable rights which are essential for the life of man and are possessed by every human being cutting across his or her nationality, race, religion, sex etc. simply because he/she is a human being. They are thus those rights which are inherent in man's nature and without which he cannot live. Human Rights help us to fully develop our potentialities, human qualities, intelligence, talent and conscience. Also they satisfy man's physical, spiritual and other needs. In other words, human rights are those rights which make a man human as such and based on mankind's increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.

What is the Human Rights Education ?

Article 26 of Universal Declaration of Human Rights state, "Everyone has the right to education. ... Education should be directed

to the full development of 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 group and shall further the activities of the United Nations for the maintenance of peace.

Included in the Universal Declaration of Human Rights (Article 26.2) and reiterated in other major International instruments human rights education is an integral part of the right to education. The knowledge of the rights, responsibilities and freedoms, of oneself as well as of others is considered a fundamental tool to guarantee the respect of all for each and every person. The concept under lining human rights education is that education should not only aim at forming trained, professional workers, but also at contributing to the development of individuals who possess the skills to interact and act in a just society. Human rights education or human rights in education aim at providing pupils and students with the abilities to accompany and produce societal changes. Education is seen as a way to empower people, improve their quality of life and increase their capacity to participate in the decision making processes leading to improved social cultural and economic policies. It examines the issue of human rights without any type of bias and from diversified perspective through a multiple series of educational practices. As far as implementation of human rights education is concerned, it is still a matter of paradox. The promotion of human rights education was initiated in almost all the major countries like Europe, North America etc. But as far as Asian countries are concerned nothing valuable has been done in regard of human rights education. But the substantial situation reveals that in India and Asian countries the problem of human rights education has multiple complexities. Particularly, in India where to acquire the basic education is a great challenge.

Complexities in Implementation :

Learning about the rights of all human being is not an inert process, so a typical authoritarian teaching paradigm prevalent in Indian

society can not be adopted. Reason being, if we overview everything in context of human rights we will come to know that respect, dignity and freedom of expressions are also recognized as rights of pupils in class-rooms. Thus to accommodate human rights education the most suitable technique is to place the pupils in the centre of the educational process and hegemonies them to think for themselves. Such active methods are therefore especially appropriate which are relatively different from the methods used in ordinary teaching process. Skill for interdependent thinking, ability of expression and incentive of participation are the foremost requirement for the upliftment of human rights education. So, human rights education is chiefly structured upon learning, conceptual clarity, knowledge and debates and discussions. Many other forms of interpersonal communication, non-verbal communication, self expression and dialogue which, to a great extent will help for the development of interdependent thinking. As in sociological terms people specifically shape a particular situation to convey symbolic meanings. These symbolic meanings perform a functional task for an individual. For all these things, behavior of the teacher might be outstanding. For example, if teachers body language and gestures are aggressive and on the contrary he or she talks about peace, calmness and human rights the impact upon pupils will be worse. A teacher imparting human rights education must be endowed with certain qualities.

To apprehend, the terms of Universal Declaration of Human Rights and international conventions actions should be ascendant. The basic texts should be presented to pupils in a form depending upon the requirement and analysis of comparative articles that is chiefly pertinent to the personal experience of pupils. Human rights is such a worldwide term, which can also be illustrated and experienced on behalf of pupils. In this field of learning, active methods are appropriate.

Debates and Discussions :

Debates about human rights education can be organized in

various institutions without incurring more expenditure. But organizations of debates must be abide by certain qualities. The organization of debates should ensure respect for each participants freedom of speech and which supremely bring about the indispensability and Universality of human rights. A discussion on the issue of 'human rights' is not possible without active cognition; so to impose human rights without previous discussion would reject the very notion that is, individual freedom.

Human Rights Education in Primary Schools :

In Primary Schools, it is not possible to introduce the methods of debates and discussions. Because age of primary school pupils is in between 8 and 9 years. Their minds are immature, so they are not proficient enough to articulate these views. The straightforward method is to develop attitude of respect for human dignity. The pupils of primary schools, must be accustomed about the requirement to have healthy atmosphere to lead a dignified life. So tutors must incorporate pupils about the ecosystem and they can also point out how human life for its survival depends upon environment. Pupils might become aware of their interdependence with environment and concept of sustainable development which must be taught in primary schools.

Human Rights Education in Secondary Schools :

In secondary schools, pupils face a transition from immaturity to maturity. In this age, they can be enlightened with human rights education by the process of debates and discussions. Compulsory subjects like history, civics and geography, impart a great opportunity for organizing discussions and debates. All students must get opportunity to participate in these debates and discussions.

Human Rights Education in Colleges :

In colleges, students are mature enough and they can further enforce these human rights in daily routine. In colleges subject of

human rights education must be amplified as a compulsory subject. Alongwith it, different seminars must be organized to make all the individuals aware of it.

Awareness through Media :

The media is the most energetic tool which can bring about more influential results in bringing awareness about human rights education. Media is a sort of reflection. It acts as a 'catalytic agent' which leaves influential impacts on all the societies. It has always been acknowledged in providing the new direction to society. It reforms society in some or other manner. It is advocating opinions and get success in substituting the mindset of human being. It has always been gifted in shaping up individuals personality, a society, and in an inner way on shaping up the whole world, regardless of any limit. But now it is imperative for media to adopt an intent approach to awaken the individuals regarding human rights education.

Media can help a lot by telecasting such programmes, news, information, advertisements which is directly linked to the latest information of the issues concerning human rights education. Print Media which is quite in expensive, can also help a lot on its behalf. It can help by advertising, publishing special articles and latest information of the human rights education, by making the educationalists, political leaders, famous film stars and NGOs to actively participate in promoting human rights education in society. Now it is the turn of media to assert its power and become active agent to reform the whole society regardless of any selfish motive and pressures. When media becomes participatory in such awareness, education in society will automatically be enhanced in an effective manner.

Lapses in the system of Human Rights Education :

If we examine all the qualities that distinguish human being from other living being, education is definitely one of them. As people fight for scarce resources, education becomes an important facility. Some people have succeeded in taking more benefits from the educational

facilities than others. It is important that who have been deprived of its, know the importance of the situation. The struggle for the right to education has to be seen from two angles - one of providing education and since it is attained, people must try to make the same available to those who are still deprived. It is sometimes noticed as a tendency of the deprived, as Paulo Friero, in "Pedagogy of the oppressed", pointed out, to adopt an attitude of 'adherents' to the 'oppressor'. That is actually a tendency of the education elite to join the league of the oppressors. Just as it is important to let no one snatch the right of education, it is equally important that those 'oppressors' do not indulge, consciously or unconsciously, in subverting this crucial right to education. All political parties irrespective of ideological difference show similar concern for education of the masses, but no party government has taken up this issue seriously. The reiteration of the obligation to provide basic education without making any effort is doubly harmful. Governments make the commitment again and again without doing anything in this direction.

A thumbnail sketch of the government expenditure shows that 25.1 per cent of the state funds go to defence, 26 per cent to debt repayment and 18 percent for administrative expenses. Only about 31 percent of the funds are available for the basic needs of living and roads, which include, among others, education, health, drinking water, shelter and roads.

Political parties and governments raise the issue of mass education but the essence of the problem is lost as their concerns ends by making budget available for education. So budget allocation for education must increase (Human Rights Society and Development, 2006)

Functional Literacy :

We very well realized that illiteracy can not be eliminated abruptly in the whole nation, so we should endorse some other alternatives. Textual knowledge is weaker than functional knowledge. So, government must plan some cultural get-togethers or occasions,

where particularly illiterate people are socialized about human rights education through means of dramas, music shows, theme oriented programmes, etc. This will be a more beneficial effort, since people learn better if discussion or participation is stressed instead of textual imposition.

Strategies for promoting Human Rights Education :

We are going to discuss about the strategies of human rights education, so it is indispensable to comprehend the acute distinction between the two relative terms providing information and promoting knowledge. Many a times, the remedies are suggested to provide only information but not knowledge. But human rights is such a term to which awareness, information as well as knowledge is equally important. Thus, the ultimate aim of human rights education is to provide knowledge along with awareness and not only merely the information.

- ▶ Commencement of human rights education is of national nature. So setting up of human education cells in schools and colleges in each state and in all educational institutions is utmost necessity. In order to make all individuals aware of human rights education, it can be initiated through well designed activities. To make the new generation aware of human rights it is essential to provide it to all students, all teachers and as well as to all parents.
- ▶ Various seminars and debates must be organized and incentives must be provided to the participants. Clarity of human rights can also be provided by organizing various questionnaire hours.
- ▶ Illiteracy at both general and particular level should be checked. General illiteracy implies total inability of a person to read and write and illiteracy in particular implies lack of knowledge of human rights.
- ▶ The most important functional act is to provide human rights education at the elementary level of education.

- ▶ NGOs, government agencies and institutions should organize seminars, festivals on human rights, to make the public aware about their own rights of survival, but it will be more beneficial if these seminars involve the general public at large, not just the public which got the opportunity to join the academic institutions only.
- ▶ Extra and co-curricular activities should include human rights concepts. This will help in providing knowledge and information to that public, which does not have technical knowledge of human rights and their implementation.
- ▶ There must be availability of various courses on human rights education. Human rights education must be introduced in the curriculum at all levels of the schools.
- ▶ University of Bombay is the first University of our country which introduced P.G. Diploma course in Human Rights; other universities can also start similar courses to create awareness among the citizens of the country.
- ▶ Public awareness of human rights education is one of the utmost necessity. For this, multiple banners should be displayed on roads. It can also be introduced in picture forms which will be more helpful in making the illiterate persons aware about human rights education.
- ▶ Human rights education as a subject not optional but as a compulsory subject of study should be included in the curriculum of schools, colleges and universities.
- ▶ Along with all these remedies, an efficient implementation of constitutional provisions are required without which India and its states can not expect to achieve an overall development.

Conclusion :

More specifically, human rights are what each human being is entitled to; to allow her/his the freedom to live a dignified, secure life of her/his choice. Major factors responsible for the violation of human

rights are child labour, domestic labour, illiteracy which are the direct out come of unemployment, poverty etc. So, to implement human rights in an effective manner, we should eradicate these socioeconomic constraints of development from our society by adopting various means as, by active participation of human beings, with the help of media and by promoting human rights education in the curriculum or in the courses of various academic institutions.

Reference :

- Human Rights in the 21st century
- Edited by Mohammad Shabbir
- Rawat Publication, Jaipur
- Kavita Singh, Human Rights and the constitution,
- Mohit Publication, New Delhi.

Social Security and Human Rights Situation among the Tea Garden Labourers' of Nagaon District, Assam

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Introduction :

Assam is popularly known for one horned Rhino and its Tea production. Whereas the former is blessing of nature; the latter is a gift of the British Colonial administration. However, the habit of drinking tea as a beverage was not new for the Singpho tribe of Assam. But they were unaware of its commercial potentiality till it was discovered by Bruce brother. Thus the credit for creating India's vast tea empire goes to the British, who cultivated it in enormous quantity in the early 19th century for commercial purpose.

At present, there are 16 India states produce tea but the major tea producing states are— Assam, West Bengal, Tripura, Tamil Nadu and Kerala. Assam constitutes the largest area under tea (55.54%)¹ which is more than half of the total area under tea in India. On the other hand, there are 115 registered² tea estates (850 big gardens and 783 small gardens)³ in Assam under Tea Board of India. Assam accounts for 51.07 percent of the all India tea production at present (2009).

Nagaon, the central district of Assam, spreads over a land area of 3831.00sq.km. The district accounts for 19 main and 17 division

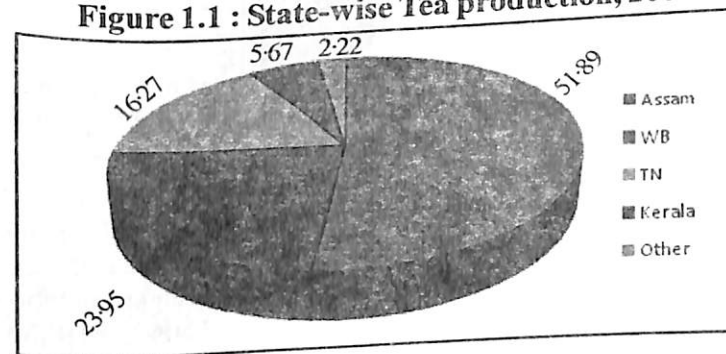
tea gardens⁴ covering a land area of 8758 hectares. The main tea gardens are— Jagadamba, Burapahar, Chikoni, Kaliabor, Sammotea, Kellyden, Amluckie, Salanah, Dejoovalley, Nonoi, Loongsoong, Matiapahar, Indian Chapanala (Borbagan), Khanajan, Jiajuri, Sukanijuri, Kondoli, Borpani and Amsoi and the division gardens are - Amguri, Sonari, Missa, Hatigaon, Rangagara, Anjukpani, Neopani, Lengteng, Borghat, Old Salnah, Rangamati, Oodmari, Chapanala, Balijuri, Dhantola, Barhampur, Tapitjuri, Sukimbari, Rambeng and Balikushi.

Table No. 1.1 : Tea Statistics

Head	Assam				India			
	1998	1999	2000	2001	1998	1999	2000	2001
*No. of Tea Estates	25708	30942	39151	40795	88115	98867	112010	115264
Area under Tea (In thousand hectare)	252	258	367	269	436	490	507	510
Production (In Million Kgs.)	467	437	449	454	874	826	847	854
Average yield per hectare (in kg)	1856	1692	1686	1688	1844	1685	1679	1675

* Including Small Tea Growers. (Source : Tea Digest, 2001,
Published by Tea Board of India)

Figure 1.1 : State-wise Tea production, 2007



(Data as per Tea Board of India, 2007)

Tea Garden Labour Population :

Tea plantation is an agro-based and labour oriented and labourers play a pivotal role. It requires a large number of labour-force readily available at all times. Indiscipline behaviour, laziness and frequent absent

from work by the locally employed labour at the initial stage compelled the British tea planters to bring labour-force from famine and poverty stricken provinces of present day Jharkhand, Andhra Pradesh, Bihar, Bengal, Orissa, Uttar Pradesh and Madras⁵ in between 1840 to 1961. They were known as *coolie*⁶ during British period. At present, the community is popularly known as Adivasi that comprises both the tea garden/plantation labourers and ex-tea garden labourers (left the tea garden at the expiry of the contract and settled outside tea gardens). In the course of time they adapt themselves with the 'mainstream' Assamese culture and became an integral part of the Assamese nationality. At present along-with the labourers the Adivasi community spreads over the districts Dibrugarh, Tinsukia, Sibsagar, Jorhat, Golaghat, Nagaon, Sonitpur, Lakhimpur, Darrang and Barak valley of Assam.

Table - 2.1 : Estimated Average Daily Number of Labour Employed in Tea Plantations (Tea Producing States, India)

States	2000	2001	2002	2003	2004	2005	2006
WB	253459	255569	259182	260336	262672	262702	262039
Kerala	77068	77198	79524	87184	90358	90148	90575
TN	255780	267665	275723	268351	266027	266383	266385
Karnataka	3789	3837	3953	4403	4508	4769	4540
Assam	602531	611063	619663	619322	617518	618139	619743
Other States	17410	16818	17055	16614	16527	16659	16218
Total	1210055	1232150	1255100	1256210	1257610	1258800	1259500

Source : Tea Board of India, 2010.

There have been different views on the size of Adivasi population in Assam. The Adivasi community constitutes 75.0 Lakh⁷ populations which is one third of state's population. One of the noted writer claims that it is 65 lakhs (Kurmi, 2011) while AASA claims that it is 52.27 Lakh (21%). Kurmi, S (2010) rejects such hypothetical assumption and demands introduction of community census.⁸ According to Tea Board of India (2010) the figure (estimated) of tea garden labourers 619322 respectively while the figure of resident labourers were 426807, 438239 and 457942 and their corresponding bonafide dependent family members were 653175, 653917 and 655319 for 2001, 2002 and 2003 respectively.

Similarly, the estimated figures for the tea garden labourers of Nagaon were 18958, 19228 and 19260 for 2001, 2002 and 2003.

The figures for resident labourers in these years were 11593, 11757 and 12509 and their corresponding bonafide dependent family members were 26908, 27072 and 27124⁹ respectively.

Table 2.2 : Estimated Total Numbers of Labours on Roll as on 31st December each year

Year	Resident		Permanent		Temporary		Total		Bonafide dependent of Resident Labours	
	Nagaon	Assam	Nagaon	Assam	Nagaon	Assam	Nagaon	Assam	Nagaon	Assam
2001	11593	426807	2380	54568	4985	129688	18958	611063	26908	653175
2002	11757	438239	2404	54831	5067	131993	19228	619663	27072	653917
2003	12509	457942	2413	54848	4338	106532	19260	619322	27124	655319

Source : Tea Board of India, 2010.

Table 2.3 : Category wise Average Daily Number of Labour Employed in Tea Plantation in Nagaon, 2003.

Category	Male		Female		Adolescent		Total	
	Nagaon	Assam	Nagaon	Assam	Nagaon	Assam	Nagaon	Assam
FIELD								
Resident	5283	178030	6017	214423	286	14414	11586	406867
Non-Resident	2117	51970	2419	59404	1113	24053	5649	135427
Total	7400	230000	8436	273827	1399	38467	17235	542294
FACTORY								
Resident	921	50205	02	599	NIL	271	923	51075
Non-Resident	891	20439	211	4830	NIL	676	1102	25953
Factory	1812	70644	213	5429	NIL	947	2025	77028
Total	18424	601288	17298	558512	2798	78828	38520	12,38644

Source : Tea Board of India, 2010.

The tea garden labourers constitute a homogenous class in terms of income and standard of living but the community is diverse in their caste and religion. They are living under the common umbrella of socio-economic set up but divided into 82 castes¹⁰. They mainly belong to five¹¹ major groups, viz., Hindi speaking group, Budawani group (hailed from WB), Oriya speaking group, Munda Orason Santhal Bhumij group and Dravidian group.

Research Problem :

The responsibility of social welfare and security of the tea garden labours are entrusted to the management by the government of India through the Plantation Labour Act (PLA) 1951 and Assam Plantation Labour Rules (PLR) 1956. But despite these, the community is resourceless and powerless. They lacked money, land, credit etc. Lack of livelihood strategies (food, nutrition, shelter, health, services, drinking water and sanitation) and feelings of insecurity and frustrations arisen out of these compel them to keep themselves aloof from rest of the communities. Apart from these community is lagging behind in education and literacy. These are the common features among the tea labour community across the tea gardens of Nagaon as well as Assam which needs proper address so far social security and human right is concerned. This is thrust reason why this subject matter is selected for study.

Concept of Social Security and Human Rights :

Social Security generally refers to basic facilities needed for mental, physical and intellectual development. The four realms of security that may be considered to constitute basic social security are : food security, housing security, and education security. Inherent in all these is a dimension of income/employment security¹². On the other hand, human rights are those which are inherent in our nature and without which we cannot live as human beings¹³. Human rights are moral claims which are inalienable and inseparable and all human individual deserves it by virtue of being human. The objective of the

two concepts is human security and welfare. Social security is societal in nature while human rights are natural. But both are complementary and based on the principles of equity, justice and fraternity.

The present study is restricted to income and education security offered by the tea garden management under the provision of PLA 1951.

Methodology

To understand the problems in the selected tea gardens both primary and secondary data were collected. For secondary data official records and publication, publications of journals, books and periodicals and newspapers were consulted. For primary data collection survey method (purposive random sampling) were used. It includes 170 respondents (Male - 82, Female - 88) of different age groups (18-30, 31-50 and above 50 years). Similarly, the study includes 84 illiterate respondents; primary, upper primary and non metric-60 and Matriculate and above-3. The respondents can be classified into three income categories, viz., below 30000 - 82%; 30000 to 50000 - 5.9% and above 50000 - 5.9%. Among them 25 were unmarried while rests were married.

Out of the 19 main tea gardens of Nagaon district 8 gardens were selected for field study. The selected gardens were Amluckie and Dijoovally (ATCL); Sahnah and Loongsoong (ATC); Kellyden and Sagomoota (APPL) and two Private Tea estates Matiyapahar and Kaliabor.

Result and Discussion

Education Security & Educational Scenario

The PLA 1951 reads "Where the children between the ages of six and twelve of workers employed in any plantation exceed twenty-five in number the State Government may make rules requiring every employer to provide educational facilities, for the children in such manner and of such standard as may be prescribed."

Education is the major component of human resource

development and lays positive impact on the way living, belief and faith and social change. Socio-economic development and awareness towards rights and duties are judged from educational advancement and literacy rate. Thus it becomes a vital indicator if socio-economic development and change.

Keeping this view in mind, let us analyse the literacy and educational status of the tea garden labourers community of the study area. As per the provision laid down in the PLA, every garden has set up at least one primary school. The management follows the principles laid down by State Board of Education on appointment of Teachers and qualifications, curriculum, academic calendar and prescribed teacher's student ratio.

Among the respondents 45.4 percent were illiterate, 35.1 were read up-to primary/upper primary level, 17.3 per non-matriculate and 2.2 percent were matriculates. Most of them were parents, elderly members of labour family.

Table : Respondents' educational qualification (Cross-tabulation)

Respondents' gender	Respondent's educational qualification				Total
	Illiterate	Primary/UP	Non-metric	Matriculate	
Male	24	43	27	3	97
Female	60	22	5	1	88
Total	84	65	32	4	185

After the SSA intervention school infrastructure has improved and facilities are increased. Among the respondents 92.4 percent express their satisfaction towards the infrastructure, nature of teaching, curriculum and education offered by garden schools and 98.8 percent parents express their willingness to child education. Forty Sanyogi Shiksha Kendra has been working in the garden areas alone since 2005 for mainstreaming the dropped children. Similarly mid-day meal scheme is also extended to garden schools. But, despite these the progress is not up-to the expectation. Educational scenario is still pathetic. The SSA (2003) reports that Nagaon District accounts 32.32 percent out of school children and children from tea garden community occupy 37.15 percent. A good number of children are engaged as

child labour. The study reflects the literacy rate among the adults as 53.7 and the corresponding figure for male and female is 40.6 and 38.2 respectively. The GER is 50.91 causing a huge dropout. Illiteracy is dominant among the aged person resulting significant difference in literacy between male and female as well as old and new generation.

Causes : The artificial social environment that had been created by the British tea planters and still patronized by the native and foreign owner is mainly responsible for slow academic and social development. Labourers are intentionally kept detached from other social groups. And, a socially detached community cannot keep pace with the socio-economic and cultural development. Secondly, the inadequate facility offered by the management for academic development. There has been no upper primary, high and higher secondary school within the tea garden areas to encourage and motivate the children for higher education. The PLA, 1951 is silent here. There is no such provision in it. Apart from these, parent's illiteracy, weak financial position, negative attitude of management/authority, uncongenial home and school environment, un-conducive curriculum content, medium of learning, sibling care, high students' teacher ratio, excessive workload on teachers etc. are also responsible for low educational development.

Income Security and Livelihood :

Tea labour community basically depends on the tea industry for their livelihood. At least one member of every family male or female; adult or non-adult is engaged in tea industry mainly as daily waged manual workers. They mainly engage in tea-plucking, earth cutting, planting new tea plants, maintenance of drains, watering of plants etc. The working hour for adult worker is 54 hours in a week and 44 hours for non-adults.

In view of the nature of employment, the tea garden labourers are classified into three categories - permanent resident, temporary and casual labourer. A permanent resident labourer is one who resides within garden and completed the probation period six months. Such labourers are entitle benefits of Provident Fund, bonus, fringe benefits and ration on subsidized rate. On the other hand, temporary labour is

employed for a limited period (terminated after 59 days) and except subsidized ration he/she not entitled the benefits which a permanent labourer is entitled. And, a casual labour is contractually employed during busy season on daily wage basis. However, our concentration is on the permanent resident labour only.

So far as income of a permanent resident labour is concerned the only source is daily wage and it is paid in 15 days interval. The wage structure of the labourer is worth mentionable here. A tea-garden worker gets much lower wage than their counterparts in public works or railways. At present they are paid Rs. 71.50. In the recent days, the wage structure has been revised and Rs. 18/- has been increased. Now a labour is paid Rs. 71.50 which was 58.50 till December 2010. According to the revision, Rs. 5/- would be added to daily wage rate w.e.f. 1st July, 2012 that will be contributed to 30th September, 2013. However, there is no discriminatory wage structure among temporary, casual and permanent labourer as well as male and female labourer.

Taking this wage rate is someone calculates the monthly/annual income of a labourer then he will be disappointed. This income is much lesser to fulfill basic needs to run a family and child education. The worker fails to acquire nutritious food items, secured shelter and other livelihood commodities. They failed to maintain and develop social relations. Sense of inability, insecurity and frustrations are common phenomena among the labourers. This is the reflection of dire poverty and resource-less-ness. Under such circumstances the parents feel no urge for child education. Instead of it parents engage his children for earning.

Distribution of ration

Both the permanent and temporary labourers are entitled to receive ration as per norms determinate by the management time to time. At present, an adult labourer receives 0.276 gram rice and 0.276 gram atta and his dependents(s) receives 0.225 gram rice and atta per day at the price 0.54. Made tea and fire woods are also provided to labourer families as per norms determined by the tea garden authority.

Shelter

In a bid to provide shelter every employer shall provide and maintain necessary housing accommodation for every workers and his family residing in the plantation area and worker outside the tea estate who has been put in six months of service (PLA, 1951). The management shall provide pucca house to eight families every year. But there has been no such major instance of construction and renovation of labour houses and toilets during the last few years. Primary data show 78.6 percent permanent resident labourers have been provided pucca houses and 21.4 percent are living in kachcha houses (made up of wood, mud and thatch). The pucca houses are constructed with two rooms along with one kitchen¹⁴. The houses are too small and adjacent to one another. As a result there is nothing private among the families and family members.

According to primary data only 47.9 percent families have access to power supply. Among the temporary labours families it is 4 percent only. On the contrary, access to electricity and sanitation drinking water, toilet and bathroom facilities are significantly higher for pucca dwellers. It means the families who are living in pucca houses represent a better standard of living than the families in kachcha houses.

Table : 6 Average Number of Household with access to Electricity, Toilet and Bathroom¹⁵ (PRL & TL)

Access to Power		Access to Toilet						Bathroom	
		Sanitary		Non-sanitary		No Access		PR	T
*PR	T	PR	T	PR	T	PR	T	PR	T
84.2	4.0	53.8	4.0	8.96	8.0	37.24	88.0	13.8	8.0

*PR for Permanent Resident labour; T for temporary labour

Suggestions :

1. There should be a more effective implementing mechanism and monitoring agency of the provisions laid down in the PLA 1951.
2. Education is the most vital factor of socio-economic

development and changes. The management should try to provide effective and efficient teaching cum learning aid. Management should also provide salary at par with teacher appointed by government and should stop engaging the teachers in non-academic activities.

3. Needs of human society keep changing with time. There is nothing static. Similarly PLA cannot be a static one. It needs amendment to retain its relevance. But, in its long history no major amendment has been made, while the constitution of India has undergone several major amendments.

Conclusion :

Assessment of the present status is imperative for future planning and development. The tea garden community needs self assessment keeping the development of other community in minds. No agencies either from government of management except the community in minds. No agencies either from government or management except the community itself can really understand the causes behind underdevelopment. Let us encourage the community to start such a process. Lastly, since we know that the tea garden labour community is a socially excluded and their purchasing power parity is very low; the government and the management should give special thrust for upliftment of the community.

¹ Tea Board of India, 2010

² Tea Board of India

³ Small garden - area up to 10.12 hectares

⁴ ACMS, 2011

⁵ Singh, Narain, Kumar, 2006

⁶ Singh, Narain, Kumar, 2006

⁷ Gowala, Dhiraj, 2011, Abhinandan, Guwahati

⁸ Sadin, 2nd April, 2010

⁹ Tea Board of India, 2010

¹⁰ Bezbaruah, J.S., 2001

¹¹ Singh, Narain, Kumar, 2006

¹² Kannan, 2007, Indian Journal of Human Rights

¹³ United Nations Centre for Human Rights

¹⁴ According to Advisory Council, 1968 labour quarters are to be constructed with two rooms (15×11 and 11×10 feet) with kitchen

¹⁵ Primary data

Reference :

Singh, S.N. Narain, A. & Kumar, P. "Socio-economic and Political Problems of Tea Garden Workers", Mittal Publications, New Delhi, 2006

Bezbaruah, J.S. Asom Chah Mazdoor Samaj Sanskriti, Kolkata, 2001

Sen, Benoy B. Origin and Development of Tea, edtd, Guwahati, 2008

Kurmi, S. Chah Gachar Maje, Jorhat, Assam, 2008

Medhi, G.K. Hazarika, N.C. Shah, B. & Mahanta, J. "Study of health problems and nutritional status of tea garden population of Assam", Regional Medical Research Centre, N.E. Region (ICMR), Dibrugarh, Assam, 2006

Karotemprel, S. & Dutta Roy, B. (edited), "Tea Garden Labourers of North-East India", Vendrame Institute, Shillong, 1990

Reports :

Statistical Hand Book of Assam : Government of Assam 2004

Tea Statistics 2000-2001, Tea Board of India

Labour Inspection Report, Kaliabor, Nagaon, Assam

Axom Sarba Shiksha Mission, Progress Report SSA, Nagaon 2004

Human Rights – A Critical study in respect of domestic violence against women and child abuses with special reference to India

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Introduction :

A right is said to be a moral principle that defines and sanctions an individual's freedom of action in a social setup. A right is an expression of liberty and freedom from all kinds of physical, mental compulsions, coercions and interference by other individuals. A human right is held by individual people, without being infringed upon by others for their selfish needs.

Rights, according to Laski, "are those conditions of social life without which no man can seek to be himself at his best". Part III of our constitution dealing with Fundamental rights constitutes the Magna Charta of the essential freedoms of the Indian people. Regarding fundamental rights, Jawaharlal Nehru in his glorious words said in the Constituent Assembly as "the conscience of the constitution".

The issue of human rights is of prime importance. There are sound reasons to discuss human rights along with other critical world issues. The status of human rights throughout the world is a yardstick for how

well other critical issues are managed. The extent to which people enjoy human rights and fundamental freedoms is related directly to the policies and actions of national governments which, in the eyes of most of the world, exist to serve the needs of their constituents.

The doctrine of human rights in international practice, within international law, global and regional institutions, in the policies of states and the activities of nongovernmental organizations has been a cornerstone of public policy around the world. It has been said that: "If the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights". Despite this, the strong claims made by the doctrine of human rights continue to provoke considerable skepticism debates about the content, nature and justifications of human rights continue to this day.

Objectives :

As a human being though we are supplemented by different forms of rights by the Constitution, yet they are violated. The reason behind it may be the lack of consciousness, ignorance or many others. Today domestic violence against women and child labour is sadly the reality of Indian society. These are the most pervasive of human rights violations, denying equality, security, dignity, self-respect and the right to enjoy fundamental freedoms to both women and children. Among the various forms of human rights violation, domestic violation against women and child labour is attempt to discuss in this short paper. The main objective of this paper is to study the critical conditions faced by the women in the form of domestic violence and child abuse especially in the form of child labour of our country and also analyze the reasons behind it.

This short paper also attempts to suggest some remedial measures regarding the concerned topic.

Methodology :

This paper is of descriptive nature and based on various secondary data sources like-books, survey data and websites. The analysis of the status of women and children is made on the basis of these data.

Classification of Human Rights :

Human rights can be classified and organized in a number of different ways, at an international level the most common categorization of human rights has been to split them into –

- (i) Civil and political rights
- (ii) Economic, social and cultural rights.

Civil and political rights are enshrined in articles 3 to 21 of the Universal Declaration of Human Rights (UDHR) and in the International Covenant on Civil and Political Rights (ICCPR).

While economic, social and cultural rights are enshrined in articles 22 to 28 of the Universal Declaration of Human Rights (UDHR) and in the International Covenant on Civil and Political Rights (ICCPR).

Another categorization, offered by Karel Vasak, is that there are three generations of human rights–

First-generation civil and political rights (right to life and political participation), Second-generation economic, social and cultural rights (right to subsistence) and Third-generation solidarity rights (right to peace, right to clean environment).

Out of these generations, the third generation is the most debated and lacks both legal and political recognition. However, prioritization of rights for pragmatic reasons is a widely accepted necessity. In this context human rights expert Philip Alston argues:

"If every possible human rights element is deemed to be essential or necessary, then nothing will be treated as though it is truly important".

Some human rights are said to be "inalienable rights". The term inalienable (or unalienable rights) refers to "a set of human rights that are fundamental, are not awarded by human power, and cannot be surrendered."

Human Rights Violations :

Before we celebrate human rights day, we should first give a thought to the innumerable violations carried out against the same. Human rights protection is a testimonial that ensures each and every individual receives some degree of humane treatment, as well as the dignity of being human. But unfortunately, there are millions around the

world, whose fundamental rights are denied, and are treated as something less than human. They are robbed off their dignity and respect of being a part of the human race. This interference with an individual's right is called human rights violation. There are many kinds, types and degrees of human rights violations.

Wars of aggression, war crimes and crimes against humanity, including genocide, are breaches of International humanitarian law and represent the most serious of human rights violations.

On a more recognizable ground, human rights violations also include employment discrimination, banning the rights of an individual to wear what they please, tapping of phone calls, discrimination based on disability, etc.

One of the greatest human rights violations is the crime against women. In some countries, even women are not allowed to be born! Yes, female infanticide is still rampant in countries like India, and its neighboring Asian regions. There are many countries where women are not allowed a right to education, freedom to choose the man they want to marry, and are kept as slaves rather than wives, mother or sisters.

Again, there is no bigger human rights violation other than rape. Women, girls, are raped and sexually tortured all around the world. Women are forced into prostitution and sexual slavery, during war and even during peace. There are many forced pregnancies and forced abortions carried out on women. And this is not just seen in barbaric, under developed, war ridden or male dominated societies around the world, rather this sexual exploitation of women is also common in the so called developed and civilized countries we live in.

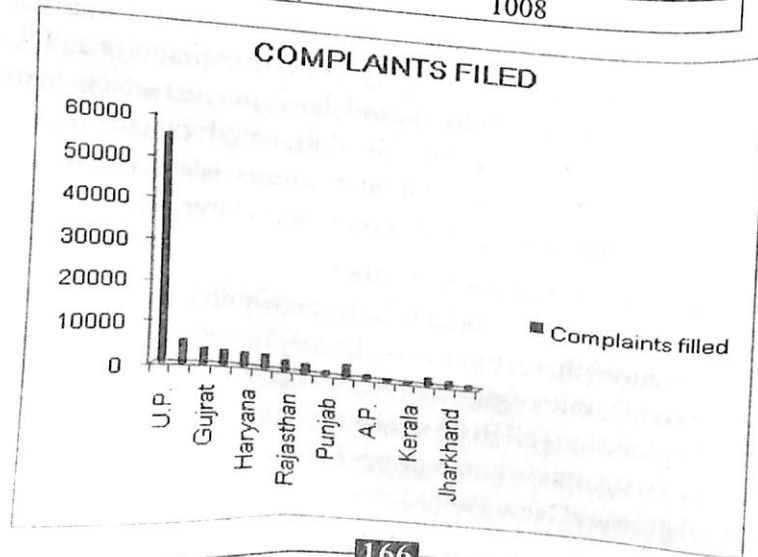
Human Rights Violations in India :

It is sad but true that India which contributed a lot to some of the finest civilizations that are known to history has now become a byword for violations of human rights. In India, according to the National Human Rights Commission (NHRC) statistics, Uttar Pradesh has topped the list of states with maximum number of complaints relating to human rights violation and New Delhi follows a close second.

The statistics reveal that the total 94,559 cases of human rights violation were filed in the last year. This accounts for about 58.39 percent of the total complaints received by the Commission from across the country, till December last year.

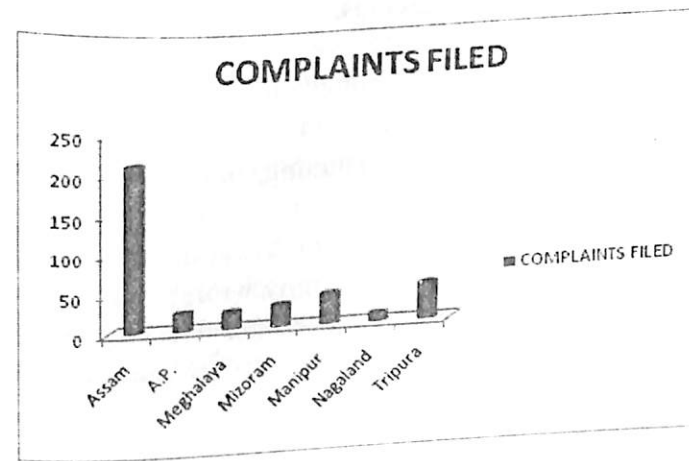
Table: Showing the complaints filed in some states of India (according to NHRC)

STATES	NO OF COMPLAINTS FILED
U.P.	55216
Delhi	5616
Gujarat	3813
Bihar	3672
Haryana	3493
Maharashtra	3483
Rajasthan	2640
M.P.	2246
Punjab	1082
Tamilnadu	3165
A.P.	1222
Karnataka	822
Kerala	355
Uttarakhand	1916
Jharkhand	1589
Orissa	1008



Again, from the table given below, the rate of complaints filed in the North-Eastern states can be shown through diagram:

STATES	NO. OF COMPLAINTS FILED
Assam	210
A.P	24
Meghalaya	23
Mizoram	29
Manipur	40
Nagaland	11
Tripura	47



Domestic Violence against Women in India :

Domestic violence against women means any act or conduct which has potential to injure or hurt women physically, mentally, emotionally, socially and also spiritually within the four walls of house; however such an act or conduct is usually done by the close ones of the victim. The United Nations Declaration on the Elimination of violence against women (1993) defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such

acts, coercion or arbitrary deprivation of liberty; whether occurring in public or in private life".

One of the reasons behind the domestic violence against women is the orthodox and idiotic mindset of the society that women are physically and emotionally weaker than the males. Though women today have proved themselves in almost every field of life affirming that they are no less than men, the reports of violence against them are much larger in number than against men. According to United Nation Population Fund Report, around 2/3 of married Indian women are victims of domestic violence and as many as 70% of married women in India between the age of 15 and 49 are victims of beating, rape or forced sex. In India, more than 55% of the women suffer from domestic violence especially in the states of Bihar, U.P, M.P, and other northern states.

Kinds of Domestic Violence :

Passing of abusing remarks, taunting, curtailment of basic needs such as food, clothing, and medical assistance in case of sickness etc, are the parts of domestic. Right from dowry death to abetment of suicide, cruelty, hurt, grievous hurt bigamy, wrongful confinement and sexual intercourse during separation, wrongful restraint and adultery all are kinds of domestic violence. There are some judicially recognized kinds of domestic violence:

- (i) Cruelty
- (ii) Dowry death
- (iii) Hurt and grievous hurt
- (iv) Sexual intercourse during judicial separation
- (v) Adultery
- (vi) Bigamy
- (vii) Abetment to commit suicide.

Causes of Domestic Violence :

The most common causes for women stalking and battering include dissatisfaction with the dowry and exploiting women for more

of it, arguing with the partner, refusing to have sex with him, neglecting children, going out of home without telling the partner, not cooking properly or on time, indulging in extra marital affairs, not looking after in-laws etc. In some cases infertility in females also leads to their assault by the family members. They are brutally beaten and tortured for not conceiving a male child. Incidents like, ripping off a women's womb for killing the female fetus when she disagrees for abortion have also come into light especially in rural areas. Female feticide and female infanticide continue to be a rising concern here. The greed for dowry, desire for a male child and alcoholism of the spouse are major factors of domestic violence against women in rural areas. There have been gruesome reports of young bride being burnt alive or subjected to continuous harassment for not bringing home the amount of demanded dowry. Women in India also admit to hitting or beating because of their suspicion about the husband's sexual involvement with other women. The Tandoor Murder Case of Naina Sahni in New Delhi in the year 1995 is a dreadful incident of a women being killed and then burnt in a Tandoor by her husband. This incidence was an outcome of suspicion of extra marital affairs of Naina Sahni which led to marital discord and domestic violence against her.

In urban areas there are many more factors which lead to domestic violence. These include -more income of working women than her partner, her absence in the house till night, abusing and neglecting in-laws, being more forward socially etc.

Violence against young widows has also been on a rise in India. There have been cases of molestation and rape attempts of women by other family members in nuclear families or someone in the neighbourhood.

Rate of Domestic Violence in India :

Violence against women is a serious problem in India. Overall, 1/3 of women age 15-49 have experienced physical violence and in total, 35% have experienced physical or sexual violence. The rates of some forms of the violence faced by the married Indian women are given below:

- 34% of married women say their husband has slapped them;
- 15% say their husband has pulled their hair or twisted their arms;
- 14% have been pushed, shaken, or had something thrown at them;
- One in 10 married women have experienced sexual violence at the hands of their husband;
- Almost two in five women who have experienced physical or sexual violence report having injuries, including 36% who had cuts, bruises or aches; 9% who had eye injuries, sprains, dislocations, or burns; and 7% who had deep wounds, broken bones, broken teeth, or other serious injuries.
- 16% married women have experienced emotional violence by their husband.

The never married women also experience Physical and Sexual violence.

- 16% of never married women have experienced physical violence since they were 15 years of age, generally by a parent, a sibling, or a teacher;
- 1% of never married women report having ever been sexually abused by anyone. Among never married women who have experienced sexual violence, 27% say that the perpetrator of the violence was a relative.

The rate of the violence varies greatly by state. The prevalence of Physical or Sexual violence ranges from 6% in Himachal Pradesh and 13% in Jammu and Kashmir and Meghalaya to 46% in Madhya Pradesh and Rajasthan and 59% in Bihar. Other states with 40% or higher prevalence of physical and sexual violence include Tripura, Manipur, Uttar Pradesh, Tamil Nadu, West Bengal, and Assam.

Suggestions to control Domestic Violence :

Having looked at a sensitive topic of "Domestic violence in India", a very important question in wake of domestic violence remedies is that what exactly we are looking for in the process of minimizing their occurrences.

A recent study has concluded that violence against women is the fastest-growing crime in India. According to latest report prepared by India's National Crime Records Bureau (NCRB), a crime has been recorded against women in every three minutes in India. Every 60 minutes, two women are raped in this country. Every six hours, a young married woman is found beaten to death, burnt or driven to suicide.

The response to the phenomenon of domestic violation is a typical combination of effort between law enforcement agencies, social service agencies, the courts and correction/probation agencies. Domestic violence is now viewed as public health problem and there are several organizations all over the world-government and non-government, actively working to fight against this social evil. With these activities we should concentrate on:

- Need for stringent laws to face this problem: In 1983, domestic violence was recognized as a specific criminal offence by the introduction of section 498-A into the IPC. To protect the rights of women and control the domestic violence the Government of India has passed the Domestic Violence Bill, 2001, Domestic Violence Act, 2005 .etc. But unfortunately, at present there is no single law in the Indian Constitution which can strictly deal with all the different forms of domestic violence as discussed above. So there is an urgent need for such a law in the country. In fact, there has also been misuse of section 498-A and DVA, 2005 because of restricted definition of cruelty subjected to married women.
- Need to open few more NGOs: The role of non-governmental organizations in controlling the domestic violence and curbing its worse consequence is mentionable. "Sakshi"-in Delhi, "Majlis" and "Swaadhar"- in Mumbai, "Sneha"- in Chennai has doing meaningful works in this field.

These NGOs continue to spread awareness amongst people regarding the legal rights they have in hand for fighting against the

atrocities they are subjected to. They encourage more and more people to report any case of domestic violence so that proper action may be taken against the culprits. So few more such organizations need to be opened.

- *Proper education* should be provided to the women of the society. Because literate women can protest against the violations of their rights, as they know well what their rights are as a human being.
- *Legal aid camp* should be organized in the rural areas within short period intervals. It brings awareness to the common people regarding their rights.

Child Labour in India :

Child labour is a significant problem in India. Millions of children undergo the worst forms of child labour which includes child slavery, child prostitution, child trafficking etc.

Among the 10 to 14 year-old children, the working rate is 14.4% in India. India has the dubious distinction of being the nation with the largest number of child labours in the world. Enduring miserable and difficult lives, child labours earn little and struggle to make enough to feed themselves and their families. The unrelenting poverty forces the parents to push their young children in all forms of hazardous occupations. In some cases, the study found that a child's income accounted for between 34 and 37 percent of the total household income. In India, the emergence of Bonded labour is also because of unsustainable systems of landholding in agricultural areas and caste system in rural areas.

The environmental degradation and lack of employment avenues in the rural areas also cause people to migrate to big cities. On arrival in overcrowded cities the disintegration of family units takes place through alcoholism, unemployment or disillusionment of better life etc. This in turn leads to emergence of street children and child workers who are forced by their circumstances to work from the early age. A large number of girls end up working as domestic workers on low wages and unhealthy living conditions.

Sometimes children are abandoned by their parents or sold to factory owners. The last two decades have seen tremendous growth of export based industries and mass production factories utilizing low technologies. They try to maintain competitive positions through low wages and low labour standards. The child labour exactly suits their requirements. In India majority of children work in industries, such as cracker making, diamond polishing, glass, brass-ware, carpet weaving, bangle making and mica cutting etc. 15% of the 100,000 children work in the carpet industry of Uttar Pradesh, 70-80% of the 8,000 to 50,000 children work in the glass industry in Firozabad.

The percentage distribution of child workers in India by industrial divisions can be stated with the following table:

Type of worker	Industrial Divisions (Census of India 1981 cited in Nangia 1987, 72).								
	i	ii	iii	iv	v	vi	vii	viii	ix
Urban	5.32	14.73	3.07	0.20	39.16	3.27	15.03	2.45	16.77
Rural	38.87	45.42	6.61	0.25	5.72	0.47	0.96	0.10	1.60
Total	35.93	42.74	6.30	0.24	8.65	0.72	2.19	0.30	2.93

Indian Government policy on Child Labour :

From the time of independence, India has committed itself to be against child labour. Article 24 of the Indian Constitution clearly states that "No child below the age of 14 years shall be employed to work in any factory or mine or employed in any hazardous employment"(Constitution of India cited in Jain 1985, 218). Article 39 (e) directs State policy such "that the health and strength of workers. . . and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength"(Constitution of India cited in Human Rights Watch 1996, 29). These two articles show that India has always had the goal of taking care of its children and ensuring the safety of workers. The Bonded Labour System Act of 1976 fulfills the Indian Constitution's directive of ending forced labour. The Act "free all bonded labours, cancels any outstanding debts against them, prohibits the creation of new bondage agreements, and orders the

economic rehabilitation of free bonded labours by state" (Human Rights Watch 1996, 30). In regard to control the child labour, the Indian government implemented the Child Labour Act in 1986. The purpose of this Act is to "prohibit the employment of children who have not completed their 14th year in specified hazardous occupations and processes" (Narayan 1988, 146).

In case of *MC Mehta v. State of Tamil Nadu and others* [AIR 1997 SC 699:1997 (6) SCC 756], the Supreme Court observed that strictly speaking a strong case existed to invoke the aid of Art.41 of Constitution regarding the right to work and giving the meaning to what has been provided in Art.47 relating to raising of standard of living of population and Art.39(e) and (f) as to non abuse of tender age children and giving opportunities and facilities to them to develop in healthy manner and for asking the State to see that an adult member of the family should be given employment wherein his child is engaged in factory or mine or in other hazardous work, in lieu of the child.

A recent advance in government policy occurred in August of 1994, when then-Prime Minister Narasimha Rao announced his proposal of Elimination of Child Labour Programme. This program pledges to end child labour for two million children in hazardous industries as defined in the Child Labour Act of 1986, by the year 2000.

All the policies that the Indian government has in place are in accordance with the Constitution of India, and all support the eradication of child labour. The problem of child labour still remains even though all of these policies are existent. Enforcement is the key aspect that is lacking in the government's efforts. No enforcement data for child labour laws are available: "Alarming sign of neglect of their duties by officials charged with enforcing child labour laws is the failure to collect, maintain, and disseminate accurate statistics regarding enforcement efforts" (Human Rights Watch 1996, 131). Although the lack of data does not mean enforcement is nonexistent, the number of child labourers and their work participation rates show that enforcement, if existent, is ineffective.

Suggestions to control Child Labour :

- Child labour cannot be eliminated by focusing on one determinant, for example education, or by brute enforcement of child labour laws. The government of India must ensure that the needs of the poor are filled before attacking child labour. If poverty is addressed, the need for child labour will automatically diminish.
- Proper awareness should be created among the common people about the future effects (both physical/mental) of child labour on the child.
- Guardians should be encouraged to send their children to school instead of sending them to provide labour in different sectors.
- Different forms of media can play a vital role here. Media can provide the facilities of different beneficial schemes and rules made by the government especially for the future generation of the country i.e the children.
- Government should verify the enforcement and implementation of the laws regarding child labour prohibition within short period of intervals.

Conclusion :

"Justice delayed is justice denied" - it implies the legal morality. The poor and victim of domestic violence of a country should be protected by the law of the country in quick and supportive manner without spoiling their money and time. Otherwise they will fed-up of the legal system and they will lose their faith and tendency to protect any illegal act effects on them. They will live with their miserable conditions. To protect the "right to life", the legal system of a country should always act in a fair a supportive manner.

Similarly, a child is the blooming flower of the society. so a child must be protected in all aspects of life in both peace and law. Article 45 of the Constitution of India provides free and compulsory education for all children until they complete the age of 14 years. Different other

measures also adopted to check this problem. But the multipronged strategy being followed by the Government to achieve this objective also found its echo during the recent discussions held in the Parliament on the Private Member's Bill tabled by Sri Iqbal Ahmed Saradgi. It was unanimously recognized therein that the problem of child labour, being inextricably linked with poverty and illiteracy, cannot be solved by legislation alone, and that a holistic, multipronged and concerted effort to tackle this problem will bring in the desired results.

References:

1. Borgohain Bani (1999): Human Rights (social justice and political challenges);
2. Marc Coicaud Jean, W.Doyle and Marie Gardner Anne(2004):The Globalization of Human Rights;
3. Verma R.B.S, Verma H.S., Hasnain Nadeem(2007):The Indian State And The Women's Problematic: Running With The Hare And Hunting With The Hounds.
4. Internet Sources.

A Study on level of Awareness of Human Rights among Muslim Women, with special reference to Moirabari & Its adjacent villages in Morigaon District

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Abstract

Keywords : Muslim women, Human Rights, Civil rights

Article 1 of United Nations Universal Declaration of Human Rights (UDHR) says that "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". Human Rights are the basic rights and freedoms to which all human beings are entitled. Despite this truism, millions of women throughout the world are living in utter deprivation. They are attacked against their fundamental human rights for no other reason than they are women.

This paper highlights the infringement on human rights of Muslim women because the situation of the women of this community is very grim, as they are subjected to ill treatment and violence. Human Rights of Muslim women are violated at every step but ironically they do not perceive them has violations of their rights. There is pervasive lack of

awareness and knowledge among women about how statutory laws apply to them. They suffer quietly and consider the sufferings as their fate. Lack of education and empowerment, lack of awareness and inadequate system of enforcement (e.g. Legal representation and courts) hampers the implementation of many human and civil rights of women of this community.

An effort has been made through this paper to highlight the lack of general awareness and knowledge regarding human rights among Muslim women which adds up to their grim situation of deprivation and marginalization.

Objective of the paper :

- To find out the general awareness and opinion of Muslim women towards Human Rights.
- To find out the importance of awareness of awareness of Human Rights in view of socio-economic status of Muslim women.
- To find out the effectiveness of various programmes imparted through media and other social agencies such as NGO's women's organization in creating awareness about women's human rights.

For the purpose of the study a sample of 75 women belonging to different strata were taken. A structured interview schedule with open end and closed ended questions was constructed and administered to the sample. Moreover, primary data was collected through conducting two focus group interviews. The area of study is the greater Moirabari area and its four adjacent villages namely Hatimura, Shogunbahi, Tatikota, Borchapari and Lalipathar.

Introduction :

All human beings have the rights to live as human beings. Human rights are not conferred or given. They already exist in society. The concept of human rights aims at protection of rights like rights to life, liberty and property. These rights have to be available to all the human beings irrespective of class, caste, gender, colour and religion. The Universal Declaration of Human Rights (UDHR) was unanimously

adopted by the UN General Assembly on December 10th 1948. Despite this truism millions of women throughout the world are living in utter deprivation. They are attacked against their fundamental human rights for no other reason than they are women. Abuses against women are persistent but silently tolerated.

The year 2001 has been declared as the year of women empowerment in order to secure a rightful place for the women in the society in all spheres of life. The decade starting from the year 1995 to 2004 has been declared by the United Nations as the decade for human right education. It was Mrs. Hillary Clinton at the plenary session of the fourth world conference on women held in Beijing in Sept. 1995, who declared that "human rights are women rights. and women rights are human rights". She further said that the violation of women's rights should be viewed as infringements on human rights. In spite of all these happenings the plight of women in general and that of Muslim women in particular is pathetic. In view of all this, women require to unite in solidarity to end traditions, practices and laws that harm them. The entire community must also fight against the process of marginalization of women which aims at taking action to stop discrimination and violence against women. It is very important to note that every woman must have knowledge about violation of human rights and should have awareness of the protective laws to combat the social evils. Human rights of Muslim women are violated at every step but ironically they do not perceive them as violation of their rights. There is pervasive lack of awareness and knowledge among these women about how statutory laws apply to them. They suffer quietly and consider the sufferings as their fate. Lack of education and empowerment, lack of awareness and inadequate system of enforcement (e.g. Legal representation and courts) hampers the implementation of many human and civil rights of women of this community.

Scope of the Study :

The present study was taken up during the period May 2001 to July 2001 in greater Moirabari area and its adjacent villages namely Hatimura, Shogunbahi, Tatikota, Borchapari and Lalipathar in

Morigaon district. These villages are predominantly Muslim villages. The study is taken up to find out the levels of awareness regarding human rights among the Muslim women. The reason for selecting the women folk belonging to Muslim community is to test and find out whether they are armed with relevant information to handle the problem of violence against women.

Objective of the Study :

- To find out the general awareness and opinion of Muslim women towards human rights.
- To find out the importance of awareness of human rights in view of socio economic status of Muslim women.
- To find out the effectiveness of various programmes imparted through media and other social agencies such as NGO's, women's organizations in creating awareness about women's human rights.

Method and design of the study :

For the purpose of the study a sample of 76 women belonging to different strata and having different educational status has been taken. For collecting the sample, convenience sampling and snowball sampling methods has been used. A semi - structured interview schedule with open - ended and closed ended questions was constructed and administered to the sample to collect both primary and secondary data. For the purpose of the study primary data was collected through conducting two focus group interviews. Direct and indirect observations were also followed. As in case of several research studies, this study also has certain limitations. Time constraint, identification of the respondents, non-cooperation from the respondent's side etc. are some of them. The study is purely based on empirical data.

Findings of the Study : A sample of 76 women from these villages has been taken for the purpose of the study. The data collected through focus group interview and an interview schedule for the study shows that the majority (54.6%) of the respondents, who participated in the discussions are from the age group 35 to 45 years while 25.6% belong

to the age group 25 to 35 years. Rest of the respondents belonged to the age group 15 to 25 years (9.3%) and 45 to 55 years (10.5%).

Table No. - 1

Profile of the respondent (n=76). Source : Primary data

Age (in years)	Frequency	Percentage (%)
15 - 25	7	9.3
25 - 35	20	25.6
35 - 45	41	54.6
45 - 55	8	10.5
Educational Status	Frequency	Percentage (%)
Literates	20	26.3
Primary Education	29	38.2
High School/Intermediate	18	23.6
Graduate	7	9.2
Post Graduate	2	2.6
Marital Status	Frequency	Percentage (%)
Un Married	24	32
Married	37	48.6
Widow	9	11.6
Divorced	6	7.8

It is evident from the above table that women mostly belonging to middle age (35 - 45 years) have participated in the discussion and only they have little knowledge regarding human rights and its violation. The respondents belonging to the younger age group (15-25 years) and older age group (45-55 years) were found to be quite reluctant and non cooperative in their attitude. The respondents belonging to this age group were ignorant about human rights and were less aware and had very low level of knowledge regarding human rights and its violations. The table depicts the educational status of the respondents where in only of the respondents are just literates 38.2% have received primary education, 26.3% are high school or intermediate passed. Only 7% of the respondents are graduates and just 2.6% are post graduate. Awareness regarding human rights violation is very less among the less literates where in these are the women who face such violation at the most. Their ignorance is responsible for such happenings.

The table also reveals the fact that 48.6% women who face human

rights violations are, married women, 11.6% are widows and 7.8% are divorced women. This reveals a startling fact that most of the Muslim women face human rights violation in their homes and are very light lipped in such cases.

Table : 2
Knowledge levels of the respondent on Human rights (n=76)
Source : Primary

Indicators of knowledge levels	Responses	Frequency	Percentage
Do you have any idea about your rights, especially human rights ?	Yes	15	19.73
	No	49	64.47
	Can't say	12	15.78
Do you know that human rights are violated ?	Yes	22	28.94
	No	41	53.9
	Can't say	13	17.10
Who, according to you is responsible for the violation of human rights ?	Family members Or relatives	35	46.5
	Society	19	25
	Can't say	22	28.94
Have you ever experienced any HR violation against you ?	Yes	21	27.63
	No	32	42.10
	Can't say	23	30.26
If yes, have you made any HR violation against you ?	Yes	10	13.15
	No	66	86.84
If yes, have you taken help from any organization / individuals ?	Yes	60	84.21
	No	6(out of 66)	7.89
Have you ever helped any one to protect his/her human rights ?	Yes	35	46.05
	No	31	40.78
	Can't say	10	13.15
How did you help ?	Individually	30(out of 35)	85.71
	Through an org.	5	14.28
When is the world human rights day celebrated ?	10 th Dec.	2	2.63
	Can't say	74	97.37
Which article of the Indian constitution provides women, the right to equality ?	Article - 14	1	1.31
	Can't say	75	98.68
Which section of the IPC guarantees the women's right to protection against violence ?	Article - 49 - A	1	1
	Can't say	75	75
Do you have any idea about the Universal declaration of human rights ? (UDHR)	Yes	1	1.31
	No	70	92.10
	Can't say	5	6.57

Do you agree that women herself is the protector of her own human rights ?	Yes	35	46.05
	No	28	36.84
	Can't say	13	17.10
Do you feel that women sometimes are responsible for the violation of human rights of their own community? (by community here, it is meant the women)	Yes	15	19.73
	No	50	65.78
	Can't say	11	14.47
If yes, have you come across such incidents ?	Yes	45	59.21
	No	20	23.61
	Can't say	11	14.47
How is the role of the Government on implementing human rights ?	Good	15	19.7
	Neutral	20	26.31
	Bad	32	42.10
	Can't say	9	11.88
Are women organizations helpful in redressing such issues?	Yes	46	60.52
	No	19	25.00
	Can't say	11	14.47
What methods do you suggest to improve awareness on human rights among	Community leaders	35	46.05
	Workshop/seminars	10	13.15
	Media	25	32.89
	Can't say	6	7.89

It is evident from the table above that only 19.73% of the respondents have knowledge about their human rights whereas a majority (64.47%) do not have any idea about their human rights. They are much ignorant about their basic rights. When explained about the concept 28.94% answered in affirmative that human rights are violated but 53.9% of the respondents, very surprisingly answered that it is not violation of human rights and it seemed to them very normal.

The table reveals that majority (46.5%) of the respondents believed that family members or relatives inflict human right violation and only 25% said that society is responsible for human rights violations. Only 27.63% of the respondents answered in affirmative, that they faced human rights violation. They seemed to be very tight lipped about such happenings. Out of them only a miniscule number (13.15%) attempted to safeguard themselves and majority (86.84%) of them answered in negative which reflects the facts that women themselves are not interested in safeguarding their own rights. The table reveals

that only 7 (out of 10) have taken either organizational or individual help for their safeguard whereas 3 (out of 10) of them have attempted to safeguard themselves on their own. The study shows that around 46.05% respondent had helped the victims against human rights violations whereas 13.15% answered "can't say", when asked "if they ever helped somebody to protect his/her human rights. It can be observed from the study that majority (85.71%) of them helped the victims individually whereas only 14.28% have taken organizational help.

The data above shows that only 2.63% of the respondents have the knowledge about when is the world human rights day celebrated whereas majority (97.37%) of them answered "can't say" when asked about it. Only 1.31% of the respondents had knowledge about the right to equality guaranteed by the Indian constitution. Same percentage of the respondents had idea about IPC and universal declaration of human rights. It is from the study that majority (46.05%) of the women agree that women herself is the protector of her own human rights whereas 36.84% disagree with it and 17.10% are neutral in their response. Again it can be observed from the table above that majority of the respondents (42.10%) had the view that Govt.'s role on implementing Human Rights is bad and only 19.7% of the respondents answered that it is good whereas 26.3% said that the Govt. plays a neutral role in this case and rest 11.8% of the respondents were ignorant about it and they answered as can't say when asked. The study revealed that maximum (60.52%) no. of respondents were of the view that women's organizations were helpful in redressing such issues. The study reflected that majority (46.05%) of the respondents were of the view that community leaders can help in bringing awareness among the women regarding Human Rights and 32.89% believed that media can play a role in spreading awareness among women in this regard whereas only 13.15% were of the opinion that workshops and seminars can be of some help. The reasons behind this is that women belonging to this community do not venture out much and they follow the community leaders a lot.

Reasons for violation of human rights among Muslim women :

It is evident from the above study that the main reason for human rights violation among Muslim women is their lack of knowledge, low level of awareness regarding this and lack of empowerment to fight against the injustice inflicted upon them. There are few other reasons which can be highlighted thus :

- Muslim women's lack of access to legal information, aid or protection.
- Inadequate efforts on the part of public authorities to promote awareness of existing laws and their enforcement as and when required.
- Absence of educational and other means to address the causes and consequences of violence.

Measures to prevent violation of human rights against women :

- Provide women who are subjected to violence with :
 - a. Access to the mechanisms of justice and as provided for by national legislation
 - b. Just and effective remedies for the harm they have suffered.
 - c. Inform women of their rights in seeking redressal through such mechanism.

Appropriate measures should be adopted especially in the field of education, to modify the social and cultural patterns of conduct of men and women.

- Institutional mechanisms should be strengthened so that women and girls can report acts of violence against them in a safe and confidential environment.
- Linguistically and culturally accessible services be established for migrant women and girls, including women migrant workers, who are victims of gender - based violence.
- Initiatives of women's organizations and non govt. organizations should be supported to raise awareness on issue of violence and contributions should be made to eliminate them.

- Community based education and training campaigns to raise awareness about Human rights violation should be organized and supported.
- Local communities should be mobilized to use appropriate gender sensitive traditional and innovative of conflict resolution.
- Information should be disseminated on the assistance available to women who face violation of Human rights.
- There is need to develop Muslim women's organizations and Muslim women's activities.

Conclusion :

There are many cases of violation of Human rights on Muslim women, but ironically these women do not perceive them as violations of their rights, even if these cause them sufferings as is evident from the above study. To conclude it can be said that young people should be educated on the importance of girls and women in society. More importantly women should believe in themselves. A backlash against women's rights is most powerful when it goes private, when it lodges inside a women's mind and turns her vision inward, until she imagines the presence is all in her head, until she begins to enforce the backlash too on herself. But when will this happen? It should have happened yesterday. It ought to happen today, because tomorrow may just be too late.

References :

- Azim Shaukat (1997), Muslim women, Emerging identity, Rawat publications, Jaipur.
- Agasin Marjorie (ed) (2003), Women, gender and Human rights - A global perspectives, Rawat publications, New Delhi.
- Bharihoke, Neera (ed) (2008), Rights of Hindu and Muslim women, Serial publications, Daryaganj, New Delhi.
- Bhimali Anil (ed) (2008), Minorities in India, Serials publications, Daryaganj, New Delhi.

Bhattacharjya Sanjay (2003), Social work : An Integrated Approach, Deep and Deep Publications, New Delhi.

Bhowmik Pradip Kumar, Empowerment of rural women.

Dasgupta Samir (ed), The changing face of globalization, Sage publications India Pvt. Ltd., New Delhi.

Engineer Asghar Ali (2001), Islam, women and gender justice, Gyan Publishing House, New Delhi.

Hasan Zoya and Menon Ritu (2004), Unequal citizens : Muslim women in India, Oxford University Press, New Delhi.

Iyer Padma (2006), Human Rights of Women, Pointer Publisher, Jaipur.

John Mary (ed) (2008), Women's studies in India, Penguin Publishers, New Delhi.

Kapur Pramilla (2001), Empowering the Indian women, Publications division, Ministry of Information and Broadcasting, Govt. of India.

Kaushik Vijay (1997), Women's movements and Human Rights, Pointer Publishers, Jaipur.

Mishra, R.C. (2006) Women in India-Towards gender equality, Authorspress global network, Delhi.

Rahman, Afzalur (1986), Role of Muslim women in society, Seerah Foundation, London.

Sadiq Ahmed Jilani Syed (2004), Women in India : Legal and Human Rights centre for Professional Development in Higher Education and women studies and development centre, University of Delhi, Delhi.

Saxena Kiran (ed), women and politic, Gyan Publishing House, New Delhi.



Human Rights on Environment with special reference to North-East India

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Introduction:

"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 1 Universal Declaration of Human Right 1948)

Today most of the basic human rights are affected by environmental degradation. Over the environment concern it was first started by an American lady 'Rachel Carson' through her book "Silent Spring" in early sixties. This book had brought the ecological revolution throughout the world and able to raise public consciousness about environmental impact of synthetic pesticides and insecticide.

The right to health is affected by environment's contamination of natural resources, such as water, air, and sound or noise pollution etc. On the other hand the right to property is often directly violated by commercial intrusion into indigenous lands. Property values collapse with industrialization and pollution of residents neighbourhoods. Therefore, international environmental law and human rights law have

intertwined objectives and ultimately strive to produce better coordination's of life on earth. They both seek to tackle universal challenges that must often be solved at the same time at the individual and global level. The inclusion of an environmental dimension in the human right debate has become necessary in view of the recognition of the pervasive influence of local and global environmental conditions upon the realization of human rights. This paper is an attempt to examine the relationship between environment and human health right which help the policy makers to formulate comprehensive plan to achieve the goal of sustainable development.

Introduction:

Human beings are entitled to certain basic and natural rights that define a meaningful existence. Equal dignity of all persons is the central tenet of human rights. These rights have been designated to be universal in application, inalienable in exercise and inherent to all persons. In general the term human right means the rights which pertain to the mankind and which a human being can claim only by virtue of his being a human being. The recognition of various needs of human beings as their Human Rights is based on concessional attitude and considerate conduct of the state so that their citizens can lead a peaceful, safe and respectful life. Today states and international organizations have evolved so many essentials for a life as Human Rights and if all such rights are ensured to be realized by every human being, the living of men on earth would certainly be peaceful, dignified, fruitful and beneficial for coming generation. In such a case one can think of existence of human society free from inequality and discrimination.

Types of Human Rights:

The peace loving nations of the world, while establishing the United Nations, had realized the need for peoples, by providing them fundamental human rights as a prerequisite for international peace and friendly relations among nations. This is why, since its inception in 1945, the United Nations has been concerned with the universal respect for and observance of human rights and on 10th December,

1948, the UN Central Assembly adopted the universal Declaration of Human Right (UDHR). It has championed almost all the basic rights of the individual. The Declaration represents an international consensus on the common rights to be recognized and observed by all peoples and nations. It has recognized both the civil and political rights and the economic, social and cultural rights. Article 3 to 21 of this declaration deals with civil and political rights. These civil and political rights are generally referred as 'First Generation Rights' which provides for certain basic guarantees for an individual in relation to the state. These rights are - right to life, liberty and security of person, right to freedom from slavery and servitude; right to freedom from torture and cruelty, inhuman or degrading treatment or punishment, right to recognition as a person before law, right to equal protection of the law, right to an effective judicial remedy for violations of human rights, freedom from arbitrary arrest, detention or exile, right to fair trial and a public hearing by an independent and impartial tribunal, right to be presumed innocent until proved guilty, right to freedom from arbitrary interference with privacy, family, home or correspondents, right to freedom of movement and residence, right to seek asylum, right to nationality, right to marry and to found a family, right to own property, freedom of thought conscience and religion, right to freedom of opinion and expression, right to peaceful assembly and association right to take part in government and right to equal access to public service. These civil and political rights are generally referred as first generation rights. It provides for certain basic guarantees for an individual in relation to the state.

Article 22 to 28 Universal Declaration deals with economic, social and cultural rights such as right to social security, right to work and to form and join trade unions, right to equal pay for equal work, right to rest and leisure, right to education and right to participate in the cultural life of the community. Each of these rights contained in the Declaration, is to protect without distinction on as to race, colour, sex, language, religion or other status. These rights are entitled as 'Second Generation Rights'.

Consequently 'Third Generation Rights' has been developed to provide relationship between individuals and the collectivity of the state. Third generation rights include- the right to self determination, right to development, right to participate and benefit from the common heritage of mankind, and the right to a healthy environment amongst many other collective rights. Thus, we find -first generation rights are related to liberty; second generation rights to equality and third generation rights are related to fraternity.

Meaning of Environment:

The dictionary meaning of 'environment' is 'surroundings natural world - the external conditions' influencing development or growth of the people, animal or plants. General speaking of environment is equaled with nature where is physical component of the planet earth, air, water, etc which support and affect the life in the biosphere. Environment includes all the external conditions and influences affecting life and development of an organism.

Man versus Nature:

Man and natural environment has cordial relationship from time immemorial. Primitive man looked at the nature like sun, star, lightning thunders, etc with wonder and awe. But in the long evolution of the human race on this planet, a stage has been reached when through the rapid acceleration of science and technology, man have acquired the power to transform the natural environment in countless ways and on an unprecedented scale. But gradually man's desired for luxury life and standard of living, with the help of science and technology and innovating power, man has started destroying and exploiting nature in the name of progress and prosperity. Thus man's endeavour to establish supremacy over nature, the environment become more and more polluted and degraded. Now man made activities of self have threatened the existence of human being on earth. The following human caused harms are seen in many regions of the earth:

- The dangerous levels of pollutions in air, water and earth.
- Destruction and depletion of irreplaceable life forms and natural resources.

- Major and undesirable disturbances in the earth's climate and protective layers.
- Gross deficiencies, harmful to physical, mental and social health of human being.

Our country India has a very rich past of Vedic culture which was born and developed in the forests. The attitude of the Vedic 'Rishis' towards the environment springs were formed from the mankind's primordial experiences. Ancient saints had realized the importance of various plants that are useful for the survival of man. Even today the tradition of tree worship is prevalent among different communities in our country. It had been realized during ancient time that like plant and trees, animal and wildlife are also very useful for the survival of man. Thus people of ancient India protected the environment from pollution by all means. But now the environmental condition of our country is not able to keep purity like ancient time. It has deteriorated in various activities done by man in different ways. The government of India has taken following polices to protect environment from environmental degradation and pollution.

Environment and Related Laws and Policies in India:

- The Indian Forest Act, 1927:** An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce. Created various categories of forests for different management and regulatory regimes.
- The Prevention of Cruelty to Animals Act, 1960:** An Act to prevent the infliction of unnecessary pain or suffering on animals.
- The Water (Prevention and Control of Pollution) Act, 1974, amended 1988:** An Act to provide for the prevention and control of water pollution and the maintaining or restoring of wholesomeness of water.
- Forest (Conservation) Act, 1980, amended 1988:** An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

- The Air (Prevention and Control of Pollution) Act 1981 amended 1987:** An Act to provide for the prevention, control and abatement of air pollution.
- The Environment (Protection) Act, 1986, amended 1991:** An Act to provide for the protection and improvement of environment and for matters connected therewith with the following key rules/notifications:
 - Declaration of Coastal Regulation Zone (CRZ), 1991, amended 2001.
 - The Scheme of Labeling of Environment Friendly Products (ECOMARK), 1991.
 - Eco-sensitive Zone (a series of notifications declaring specific sites).
 - Environment Impact Assessment Notification, 1994, amended 2002.
 - The Rules for the Manufacture, Use, Import, Export and Storage of Hazardous micro-organisms genetically engineered organisms or cells, 1989.
 - Hazardous Substances Management (a series of Rules dealing with municipal solid wastes, batteries, recycle plastics, chemical accidents, hazardous micro-organisms and genetically engineered organisms/cells, hazardous chemicals, biomedical waste, and other hazardous wastes).
 - Noise pollution (Regulation and control) Rules, 2000.
- The Forest Policy, 1988:** A policy that emphasis the twin objectives of ecological stability and social justice. Highlighting the need for stronger conservation measures, it points to symbiotic relationship between tribal's and other poor people and forests. It recommends treating local needs as 'the first charge' on forest produce, creates space for the participation of forest dependent communities in the management of forest.

- (viii) **The Public Liability Insurance Act, 1991:** An Act to provide public liability-insurance for the purpose of providing immediate relief to the persons affected by accident occurring while handling any hazardous substance and for matters connected therewith or incidental thereto.
- (ix) **Constitution (73rd Amendment) Act 1992:** An Act to empower Panchayat bodies to manage local affairs, including environmental resources such as water, land, agriculture, animal husbandry, social/farm forestry, minor forest produce, and fisheries.
- (x) National conservation strategy and policy statement on **environment and development, 1992**, with guidelines for integrating environmental degradations into development.
- (xi) **The National Environment Tribunal Act, 1995:** An Act to provide for strict liability for damages arising out of any accident occurring while handling any hazardous substance and for the establishment of a national environment tribunal for effective and expeditious disposal of cases arising from such accident, with a view to giving relief and compensation for damages to persons, property and the environment and for matters connected therewith or incidental thereto.
- (xii) **The National Environment Appellate Authority Act, 1997:** An Act to provide for the establishment of a national environment appellate authority to hear appeals with respect to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the environment (Protection) act, 1986 and for matters connected therewith or incidental thereto.
- (xiii) **The Wild Life (Protection) Amendment Act, 2002:** An Act to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country.

- (xiv) **The Right to Information Act 2005:** An Act to provide the right to information to all citizens (useful in accessing information regarding environmental matters, including projects/processes that affect the environment).
- (xv) **Scheduled Tribes (Recognition of Forest Rights) Bill 2005:** A bill to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes who have been residing in such forests for generations but whose right could not be recorded; to provide for a framework for recoding the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

Environment as a Basic Human Right:

Universal Declaration of Human Right has declared 'Environment' as a basic human right. Environment protection and human rights are gaining an increased level of integration as overlapping interests continue to be identified. However, the role of a healthy environment for the protection and stability of the people both present and future, and the need for sustainability to secure the availability of essential resources is gaining recognition.

Human activities today on the earth led to rapid deterioration of the environment and science and technology will not be able to prevent degradation of the environment. Man used natural resources to meet their needs and to achieve progress. Consequently deforestation, over irrigation, excessive cultivation, use of synthetic fertilizer and pesticides in agricultural field, excessive use of ground water, construction of dams and canals etc are some causes of environmental degradation. Moreover natural calamities like flood, volcano, storm, tsunami, earthquake, etc also damage the environment and such environmental degradation have a direct impact on human being.

Considering the human consequences of environmental degradation, the World Bank had stated that more than 850 million

persons are living in regions affected by deforestation. The rain forest is depleted at a rate equivalent to a football field per second. More than two million deaths and billion of cases of diseases can be attributed to pollution. Nearly half a billion persons, mainly women and children in poor rural areas, live in severely polluted environment: 500 million annual premature deaths can be attributed to the high levels of pollution in cities. It is estimated that the deterioration of the ozone layer will lead to more than 300,000 additional cases of skin cancer in the world and 1.7 million cases of cataracts.

Most of our basic human rights are affected by environmental degradation. The right to health is affected by environmental contamination of natural resources such as water, air and sound etc. The right to property is often directly violated by commercial intrusion into indigenous lands. Property values collapse with industrialization and pollution of residential neighbourhoods. The right to equality is of a great concern to certain sectors of society (i.e. minority, certain ethnic groups) who suffers a disproportionate burden of environmental contamination. Thus we see that most of the human rights have a relation with environment. But, in reality human rights institutions or human right civil societies or groups put more emphasis on civil and political rights on their agendas and environmental issues are generally not considered as the human right issue. Environmentalists and human rights advocates simply don't communicate with one another believing that they have different agendas. One is about people and other is about nature. Academician also generally addresses the environment from a strictly natural resources approach.

As a society, we must understand that everything and anything that influences our natural environment directly influences on human condition, and a violation of our environment is a violation of our human rights. Worldwide more than fifty one million people die annually, one third of these deaths are due to parasitic and infectious diseases, which constitute the main cause of world mortality rates. World Bank recognized that the resurgence of infectious diseases is directly associated with climate changes caused by agricultural and

economic development, or due to changes in the pattern of land use. These indisputable statistics make the need to address the link between human rights and environment urgently. Considering this relationship there is need to develop necessary mechanisms, laws and protection to guarantee socially and environmentally sustainable development. The following human rights are often affected by environmental harms.

- Right to life has extensive environmental links. It could be linked to any environmental destruction that directly contributed to the loss of lives.
- Right to health closely link to the right to life, is often violated in cases of pollution of air, land or water.
- Right to water is link to life and health is more frequently invoked and accepted as a human right.
- Right to food due to environmental disruption, the right to physical and economic access to adequate food, is progressively under pressure.
- Right to development recognizes that environmentally destructive economic progress does not produce long term societal progress.
- Right to property with sea levels rising, more and more people living on islands and in coastal areas, have and will be deprived of (parts of) their property.
- Right to Shelter and Housing when environmental degradation displaces individuals and communities or compels them to live in unhealthy, hazardous conditions.
- Right to information and Right to participate- these rights have elements of obtaining government-held information and government's duty to apprise the people.
- Right to work along with environmental disruption often come deprivations of the right to work.
- Right to culture, family life and indigenous people, UN Declaration for the first time recognizes the conservation and protection of the environment and resources as a human right.
- Right and equity, non-discrimination-where they have least contributed to the problems, impacts of climate change and other environmental harms are expected to be bigger on the poorer parts than in the more wealthier parts of the world.

- Women and Children's Rights-they are more impacted by environmental disruption than men.

The environmental issues which get recognition at international level for the first time at United Nation Conference on the Human Environment, held in Stockholm in 1972, stated common conviction that "Human have the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well being, and a solemn responsibility to protect and improve the environment for present and future generation."

The Human Rights affected by Environmental Pollution in North East India:

In recent decades deforestation and watershed deterioration have progressed rapidly due to land clearing by migrants and local people and heavy timber demand from Bangladesh and urban centers as well as industrial activities in N-E India. While the indigenous communities are recognized as the rightful stewards of much of the forestland in the Northeast, they have little external support to carry out protection to this critical task.

The major environmental problems in North-East India can be summarized as follows:

1. Deforestation
2. Industrial activities
 - (a) Coal mining operation
 - (b) Crude oil exploration
 - (c) Petroleum refinery
 - (d) Fertilizer industries
 - (e) Paper industries
 - (f) Cement industries
3. Water pollution by these industries.
4. Automobile Exhaust Emission
5. Natural and manmade flood.

"In Northeast India, there is an urgent need for actions that promote the conservation and sustainable use of the region's endangered forests and watersheds. There is need of concrete actions

that can enable communities to better protect and manage threatened ecosystems. The forests of the region are known around the world for their rich biodiversity and dramatic scenery. The region is inhabited by a diverse array of cultural communities, covering a staggering range of terrain. In all, over 240 distinct ethno linguistic groups are distributed through the mountains, plateaus, upland valleys, and river plains, making the Northeast one of the cultural hotspots on the planet and an ideal context for community-based forest management. The watersheds of the region are critical catchments that regulate hydrological flows to some of the world's most densely populated agricultural lands and cities". (Community Forestry International, 2007)

Suggestions for Environmental Protection:

1. To assess environmental impact of development projects and industries.
2. To implement Pollution Control Acts and Rules strictly.
3. To protect ecological fragile sites, natural living resources and endangered eco-systems including land, water land, grassland and man groves.
4. To restore, develop, protect and maintain ecologically sensitive sites and selected nature reserves/locations.
5. To promote environmental awareness involving NGO, s and by forming eco-club.
6. Environmental education should be introduced in interdisciplinary basis throughout all the stages of education.
7. To promote research, education and training on environmental conservation and protection.
8. District Environmental Society (DES) in all Districts of North-East states should be constituted under the chairmanship of District Commissioner (DC). The DES under the leadership of DC is generating massive environment awareness in the public. Government should initiated awards for excellent contribution in order to encouraging voluntary organizations/institutions or individuals to work for protection of environment in north-east region.

Conclusion:

Environmental degradation is now a global problem and it is certainly a matter of grave concern. Because it is affecting adversely on the quality of human life and eroding away the foundations of our national economy; moreover also bringing threat to the national security. The situation is compounded by slack and inadequate enforcement of laws and legislation as well as the lack of consignees of the common people. In this scenario the importance of strengthening the constitutional safeguards for environment protection and nature conservation is necessary as well as to sensitize common people is also important. There can be no doubt that it is only by ensuring ecological security that the goal of sustainable development and national well being will become feasible.

References:

1. Kothari, A. & Patel, A. "Environment and Human Rights." National Human Rights Commission, New Delhi, 2006.
2. "Industrial Human Rights", South Asian Human Rights Documentation Centre, New Delhi, 2006.
3. Singh, S.C., "Social Justice and Human Rights in India". New Delhi, 2006, Serials Publications-2006
4. Rahim, A., "The Universal Declaration of Human Rights, a Cornerstone of Modern Human Rights Regime". Vijapur.
5. Piccolotti, R, & Taillant, J. D, "Linking Human Rights and the Environment."
6. Gupta, S, "Global Environment-Current Status", 2000.
7. Singh, S.K., "Environmental Education- a Remedy for Environmental Crisis". 2004 University News.
8. "Community Forestry Alliance for the Northeast", Windermere, RNGI, Jynriew, Shillong, 2007.
9. "Natural Resources of Orissa-Initiatives for its environmental protection", Devi, T. University News, Vol. 45, No. 44, Oct, 29, 2007.

Role of Judiciary and State Machineries to Protect Human Rights

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ABSTRACT :

The history of mankind has been firmly associated with the struggle of individuals against injustice, exploitation and disdain. The recognition, first at national and later at international level of human rights is one of the most remarkable manifestations of this struggle. Recognition, protection and implementation of human rights is an important and complicated issue because there is no agreed definition and understanding of the term 'human rights.' Human rights is a legal, political and social problem which is required to be tackled by the state, legislative and judiciary and the society as a whole.

In India, all out effort has always been made to honour, protecting and safeguarding human rights. Constitution of India provides provision for safeguarding human rights while the Indian Judiciary with its strict vigil put the state machinery under pressure to amend constitution, enact laws for proper protection of the rights of the citizens of India. Violation of human rights sometimes by state or individuals are noticed though interference by judiciary contributed restricting such undesired number of incidents.

This piece of work is an attempt to peep into the affairs of Human Rights in India and the role of Indian Judiciary and state machineries in regards to the same.

INTRODUCTION :

The concept of human rights has a long history but the rules and machinery designed for the international protection of these rights are in a large measure a post-World War-II development. The several global and regional instruments for the protection of human rights have given rise to a substantial body of literature which is known as International law of Human Rights. The human rights are so important that with their emergency human society has taken a qualitative leap forward. International community is of the considered opinion that human rights represent a new element in the development of mankind and in the life of human society; they signify the end of a period and the beginning of a new era in the international relations. The central idea of human rights is the universal equality of all. In other words it signifies the absolute prohibition of every kind of discrimination. This, 'principle of equality' was borrowed from 'Natural Law' and was incorporated in the U.N. Charter by the international community. Now this norm finds its way into all general or particular documents relating to human rights.

OBJECTIVES :

The objective of this paper is to have a glimpse on the Human Rights and its position in India with a special reference of the role of Indian Judiciary and the state mechanism. The paper also intends to find out the lacunae in regard to proper protection of Human Rights in India and put forward a number of suggestions in this regard.

METHODOLOGY :

The paper is being prepared with the help of secondary data such as books, journals, magazines, newspaper etc. Internet is also searched.

HUMAN RIGHTS IN THE INTERNATIONAL ARENA :

The Second World War generated a wave of revulsion due to the shocking crimes committed against humanity. Under this shadow of hatred and fear, it was natural for U.N. Charter which was adopted in 1945 to give priority to the recognition and protection of human rights.

The Economic and Social Council, the principle organ of UN concerned for promotion and protection of human rights formed in 1946 the Commission on Human Rights, with power to deal with any matter concerning human rights. The Commission drafted the Universal Declaration of Human Rights, which was adopted by the General Assembly on 10th December 1948.

Another achievement of the commission on Human Rights was the drafting of the International Covenant on Civil and Political Rights; the Economic, Social and cultural rights and Optional Protocol to the covenant on Civil and Political Rights which were adopted by the General Assembly in 1966 and came into force in 1976. Both the covenants principally deal with rights which were to be enjoyed by individuals. The International Covenant on Civil and Political Rights deal with the rights of equality, personal liberty, freedom from arbitrary arrest and detention, freedom from rendering compulsory personal service, freedom of expression and conscience, right to participate in the administration of the country etc. The Covenant on Economic, Social and Cultural Rights deals with the right to work, the right to fair wages, the right to collective bargaining, the right to carry on trade or profession, the right to establish institutions to conserve culture etc. As Human Rights and fundamental freedoms are invisible and inter-dependent, equal attention and urgent consideration should be given to the promotion, protection and implementation of both civil and political and economic social and cultural rights.

However, the two Covenants differ in respect of the machinery set up under them for implementation of rights enshrined therein. In the case of Covenant on Economic, Social and Cultural Rights, the implemenational machinery is the Economic, Social and Cultural Council assisted by Human Rights and the Specialized agencies.

HUMAN RIGHTS IN INDIA :

When the Constitution of India was being drafted, the Constituent Assembly had before it the Bill of Rights, the Universal Declaration of Human Rights and other ILO Conventions and the work on Covenants on Human Rights was in progress before the Commission on Human Rights. India being a party to the Universal Declaration of Human Rights, the Constituent Assembly tried to shape Indian Constitution in the light of international Human Rights documents. The Indian Constitution came into force on January 26, 1950.

The Preamble of the Indian Constitution declares India to be a 'sovereign, socialist, secular democratic republic.' It means the Government gets its authority from the will of people and it is elected by the people representing them. The power to exercise legal as well as political sovereignty vests in the people thereby making the India largest democracy of the world. In other words, in India all are equal irrespective of their caste, religion, language, sex and culture. Fundamental Rights guarantees to the individual certain rights whereas, the Directive Principles give direction to the state to provide some other rights to its people in specified matter. These together constitute the conscience of the Indian Constitution. But the rights guaranteed and provided in the constitution are required to be in conformity with the Universal Declaration of Human Rights and the International Covenants which have been acceded by India in 1979.

No doubt, the two different and in separate aspects of human rights namely, civil and political and economic social and cultural rights are reflected in the Indian Constitution.

A comparative study of the human rights provisions of the Indian Constitution and that of the Universal Declaration of Human Rights and the Covenants on Human Rights is indicative of the fact that most of the international provisions find place in the Constitution. Still there are certain rights which exist in the International Covenants but are missing in our Constitution mainly right to leave the country, right to work etc. but in spite of acknowledgement of human rights in the Constitution, it cannot be said that these are totally guaranteed and that there is no violation of these rights.

ROLE OF JUDICIARY :

The Indian judiciary has made a seminal contribution in the interpreting Art. 21 guaranteeing the right to life and personal liberty. It took a century or more for the English and American judiciary to paint 'life and liberty' in multi-colour at the Indian courts took just four decades to reach that height. This Article (i.e. Art 21) at one time treated as impotent, poor, and skeleton without life and blood, was nourished year by year to grow into a reservoir of legal principles to be drawn upon by the judiciary to sustain a wide range of claims and interests. Now this residuary clause of freedom will give to the petitioner a master key to treasures in the locker of right to life and personal liberty. Therefore, by reading Art. 21 with Art. 19 and 14, the Supreme Court of India has all practical purposes created a new omnibus right of endowing the judiciary with a creeping jurisdiction comparable with the due process of jurisdiction of the American Supreme Court.

To begin with, the Supreme Court of India relied upon the English Law under which the judicial power was confined to the scrutiny of executive action in order to ensure its conformity to the authority of law and prescribed procedure in a case of deprivation of life and personal liberty. But after a period of three decades, the Supreme Court widened the meaning of expression 'life and personal liberty' under Art. 21 to include right to live with dignity. The crucial right to life stands enlarged in magnitude and in dimension. The courts have held that right to life under Art 21 of Indian Constitution includes right to livelihood; right against inhuman, cruel and degrading treatment; right to life and capital punishment; right to free medical care; right to speedy trial; right to provide legal assistance and right against environmental pollution.

Life and personal liberty are basically two sides of the same coin, interdependent and inseparable. In the area of 'personal liberty', the Supreme Court has been doing a commendable job. A host of life have been identified as constituting personal liberty, viz., right to privacy; liberty to travel abroad; right to not to be imprisoned for

inability to fulfill contractual obligation; right of prisoners to be treated with humanity; and right to compensation in case of violation of right to life and personal liberty.

The post-Maneka Gandhi expedition of the Supreme Court pressed Arts. 14 and 19 into the service of Art. 21 in order to evolve the principle that the procedure for deprivation of personal liberty had to be 'fair, just and reasonable'. This has proved to be the Indian counterpart of American doctrine of due process of law. The Supreme Court has brought about two further changes in the sphere of personal liberty. Firstly, it has interpreted Art. 21 with other articles of the Constitution, such as Art. 14 and 19 etc. and therefore propounded the theory of interdependence of the Articles of the Constitution. Secondly, the doctrine of 'intended and real effects' and test of direct and indirect effect have been used to widen the scope of Art. 21. In fact, American legal thought considerably influenced the Indian Courts.

There is no doubt that the concept of personal liberty is the fountain head of many rights that unfold themselves gradually in keeping with the movement of the society. 'Personal liberty' is no more personal. It has become private liberty which is of course a wider concept-healthy transformation indeed. The concept of life has been broadened in its scope and ambit to the extent that it tends to include many variables of personal liberty, so much so that the distinction between life and 'personal liberty' becomes moribund issue. Therefore, the Supreme Court deserves Kudos for demonstrating judicial activism to come to the rescue of an ordinary man.

The judicial activism also made another endeavor to extent the jurisdiction of courts in cases of public interest litigation. The court has even treated a telegram sent to one of the judges as a writ petition even though the sender of telegram complained of violations of the rights of a co-prisoner. Similarly petitions filed on the basis of newspaper reports have been considered by the Supreme Court.

The Supreme Court of India also assumed the role of a reformer while criticizing practices which according to its standards were violating of the right to life and personal liberty. The Judiciary has used

strong language to condemn the handcuffing of prisoners as 'sadistic', 'despotic' and 'demoralizing'. The practice of using bar fetter is termed as 'outrageous', 'scandalizing' and 'cruel'. However, court does not absolutely rule out the application of these practices but permits their employment in specified conditions.

A close analysis of the judicial process in action in this area reveals that the Indian Supreme Court had a deep abiding problem into the phrase 'procedure established by law' which operates as a qualification to the right to life and personal liberty under Art. 21 of the Constitution. The learned judges of the Supreme Court has reached a consensus that this phrase connotes - Just, fair and reasonable procedure established by a valid law.

HUMAN RIGHTS AND STATE MECHANISM :

In India, Art. 21 of our constitution protects the right to life and personal liberty. It allows the deprivation of these rights only by adopting a 'procedure established by law'. Art. 22 provides for the safeguards both in the cases of arrests under ordinary laws and under law relating to preventive detention. Clause (1) and (2) of Art. 22 deals with detention under ordinary law and ensure the right to be informed, as soon as may be, of the grounds of arrest, right to consult and to be defended by a legal practitioner of his choice, right to be produced before a Magistrate within 24 hours and freedom from detention beyond the said period except by order of the Magistrate. Under Clause (3) these four constitutional safeguards have been expressly denied to enemy aliens and persons who are arrested and detained under any law providing for preventive detention. The safeguards provided in our Constitution in the case of preventive detention are very meager. A thorough interpretation of Clause (4), (5), (6), and (7) of Art. 22 reveals that executive authority has been empowered so much that it can curtail right to life enshrined in Art. 21 with a great ease. In this Art. 22 if one Clause provides a safeguard for the detenu, the next clause by making an exception abrogates that very safeguard. For example Art. 22 (4) provides that

opinion of Advisory Board is required if a person is detained for more than three months whereas Clause (7) provides exception to this safeguard by empowering Parliament to enact a law by which a person may be detained for more than three months without the opinion of Advisory Board. Similarly, Clause (5) gives right to the detenu to know the grounds of detention whereas Clause (6) provides an exception whereby facts may not be disclosed to the detenu if the detaining authority consider to be against public interest. Therefore, the cumulative effect of all Clauses of Art. 22 does not provide any safeguard to the detenu if the executive wants to do so. Moreover, own nationals are equated with enemy aliens in this regard.

In a bid to check gross violation of human rights and also for its protection government of India have set up National Human Rights Commission at National level and State Human Rights Commission at state level. Setting up the Commissions have considerably contributed in safeguarding Human rights in India.

The role of non-governmental organizations in the protection of human rights, particularly right to life is laudable. Working at the international, national and state level, these organizations function as unofficial ombudsmen safeguarding the right to life against governmental infringement. These non-governmental agencies for protection of human rights used all the available techniques such as diplomatic initiatives, reports, public statements, efforts to influence the deliberations of human right bodies established by inter-governmental organizations, campaign to mobilize public opinion and attempt to affect the foreign policy of some countries with respect to their relation to states which are regularly responsible for violation of right to life. The reports of Amnesty International, People's Union for Civil Liberties, People's Union for Democratic Rights, The Citizens for Democracy, Andhra Pradesh Civil Liberties Committee and Punjab Human Rights Organization have caused executions to be stayed, death sentences to be commuted, torture to be stopped, prison conditions to be ameliorated, prisoners to be released, and more attention to be paid to the fundamental rights as of many citizens.

VIOLATION OF HUMAN RIGHTS :

Judicial decisions; reports of various international, national and the non-governmental organizations; newspaper reports and public opinion are indicative of the fact that violations of human rights in India on the increase. Political parties, basically pay more attention to attain power and remain in power than to check violations of right to life and to eliminate such instances of repetition of such human right violation. In fact Government resorts to more and more wide ranging and fierce techniques to curb, repress and crush the stirring of the people.

A thorough study reveals that undertrials are a dejected lot in Indian jails. The commencement of trial is delayed unreasonably or it does not commence at all and they remain in jails even for a longer period than the maximum term of sentence provided for that offence. Undertrials in jails outnumbered the convicts. Over-crowding and clubbing the political prisoners and undertrials with hardened criminals have led to the tensions in jails and clashes among the prisoners. The undertrials who are presumably innocent persons until proved guilty by a court of law are compelled to cook, wash, clean and carry out every kind of work like slaves. They are being killed, blinded, subjected to all kinds of tortures and even sexually exploited. So much so that due to unbearable and despotic treatment they even commit suicide. The detenus, the undertrials, and convicts are three categories under which a person is kept in jail. Overcrowding, understaffing, corruption in the supply and distribution of food, sleeping space, drinking and bathing water, poorly trained wardens, defective administration, ineffective supervision, lack of power facilities to work, and lack of education facilities are some of the factors which have resulted in unhappy incidents in jail.

India witnessed extreme example of violation of human rights during the era of internal emergency (1975-76) that was imposed by Mrs. Indira Gandhi to stick to power undemocratically. Emergency itself makes a serious invasion of one's right to life and liberty. But the way various excesses were committed during emergency

extinguishing the life of many people found no comparison with any democratic model of the world. As many as 6851 detentions of leaders of opposition parties were made under preventive detention laws. Peoples were forcibly sterilized, tortured and even killed. At no time the countrymen of free India had suffered such a colossal deprivation of right to life and personal liberty. At no time people were made to suffer such indignities as they had to face during this period of Internal Emergency.

Police brutality and torture during the last two decades shows that the custodians of law have become the law breakers. The lathi-wielding attitude, the brutal abuse, its brutality of power and the use of third-degree methods by the police has become the order of the day. After the horrid experience of police brutality during emergency police repression at present in many states like Punjab, Andhra Pradesh, U.P., Tamil Nadu, Assam and Jammu & Kashmir is very common. In the seventies police atrocities became the order of the day in the states of Andhra Pradesh, Kerala, Tamil Nadu, Bihar and West Bengal. In several Indian States especially in Andhra Pradesh and Tamil Nadu tortures and atrocities on political suspects is reported to have preceded their killing in staged 'encounters'. The political suspects were mainly members of the Communist Party of India (Marxist Leninist), commonly referred to as 'Naxalites'. But in the emergency period, police were stamping on the bare soles of feet, beating on the spine, beating with rifle butt, inserting electric wires into the crevices of the body, burning with lighted cigarettes and candle flames, rubbing of chilli powder in nose and rectum. The news of blinding of the undertrials by the Bihar Police sent shock waves through the length and breath of the country.

In Punjab torture after eighties has become the order of the day. Cross verification of reports of Amnesty International, People's Union for Civil Liberties, People's Union for Democratic Rights, Commission for information and initiative on Punjab. Citizens for Democracy, Punjab Human Rights Organizations, Desh Punjab Students Union and other available material reveal the violation of Human Rights

committed by the institutions of the state in Punjab. These reports vehemently criticized Governments for its over action, when the Indian Army in the first week of June 1984 launched an attack on the inmates of the golden temple in Amritsar, under the name of Blue Star operation. Virtually the whole Punjab was placed under army and undeclared emergency was in force, thereby Punjab was cut off from the rest of the country and a rigid press censorship was imposed. These reports indicated the government for brutalities committed by armed forces during this operation. These reports also concluded that the attack on the Sikh Community in November 1984 riots after the assassination of Mrs. Gandhi was the outcome of a well-organized plan marked by acts of both deliberate commissions and omissions by important politicians. The reports have indicated some politicians and police personal as guilty in instigating arson, rape and killing.

FINDINGS :

It is a fact that all our efforts are being made by India for protection of human rights the constitution of India provides enough provision for equal treatment to its citizen irrespective of caste and creed - considered as basic foundation of human rights necessary amendments are also being made in the constitution for safeguarding human rights in more effective way the Indian judicial system also playing an important role to check violation of human rights by both the state machineries and individual in any form. The strict vigil of the Indian judiciary, in fact is a great relief for the citizens in regards to their rights and dignity. The NGOs and the media also contributing a lot in protecting the rights of the human beings in India.

Still several incidents of gross violation of human rights took place in India. Even the role of the states are being questioned in many instances of violation of human rights in the name of protecting or maintaining law and order.

SUGGESTIONS AND CONCLUSION :

1. Constitutional provisions relating to preventive detention laws is a concern for its misuse. Nationwide debate probably be helpful

in this regard. Moreover the constitution should be amended in such a way as to guarantee those rights which has been leftover to make it strictly in accordance with the universal declaration and international covenants.

2. Human rights commission both at national and state level should be made more effective with own independent investigating machinery and punitive powers. The commission may be empowered to grant compensation or even immediate interim relief to the victims or the members of their family.
 3. The image of the police throughout the mission is not encouraging rather it carries an image of terror and torture. The police mechanism and its style of operation is considered ruthless and outdated. In fact the violence by police seems to be institutionalized. Hence there is a need for policing the police. Without policing the police in a proper way it is impossible to expect proper protection and promotion of human rights.
 4. The condition of Indian jails and hospitals should be improved as frequent violation of human rights is being reported to the inmates of jail and hospitals.
 5. Illiteracy and poverty are the two basic reasons for violation of human rights. People should be made aware of their rights in regards to their human rights at elementary level.
- Protection and promotion of human rights require a small political will and a firm hand to implement it. All political parties and pressure groups must unite for this common cause then and only then we can think of attaining this goal.

References :

- Bajwa, G.S. 1995, Human Rights in India, Implementation and Violations, Anmol Publications Pvt. Ltd., New Delhi.
Kapoor, Dr. S.K., 2000, International Law & Human Rights (Nutshell), Central Law Agency, Allahabad.
Internet Facility

Violence against Women and Child Abuses

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Introduction :

Violence against women is human rights violation. Human rights are generally defined as those rights which are inherent in our nature and without which we can not live as human beings. The recognition of these natural rights of human beings is as ancient as the human civilization. In many countries women won the rights to vote and take part in Government. Many women acquired an economic independence and social status but the countries women still continue to occupy a lonely, disadvantages and very humiliating position at the base of the Pyramid. Exploitation of women at home and outside continues in most parts of the country. Male superiority and adverse conditions for women are still prevalent.

Crimes and violence against women :

Violence against women implies any act of gender based violence that results in physical, sexual and psychological harm or suffering to

women as well as threats of such acts arbitrary deprivation of liberty, whether occurring in public and private life.

Violence also defined as "injurious and destructive behavior which damages the violation physically-- mentally and financially." The three consequences of violence behavior are :

1. Pain to victim
2. Social disapproval
3. Public and concern realizing the need for enacting.

Nature of violence against women :

Violence against women is a manifestation of historically unequal power relations between men and women. Women all over the world face violence in one or others from which varying forms. Women are constantly subjected to harassment they face many form of violence. They are like-

1. Domestic abuse (badly or wrongly, threat cruelly).
2. Wife battering (violent attack that injures or damages).
3. Sexual harassment at work
4. Rape
5. Kidnapping and abduction (total away illegally especially using force)
6. Dowry deaths
7. Female genital Mutilation (to damage the reproductive organs of body very severely especially by cutting or tearing a part of it)
8. Honour killing
9. Prostitution and trafficking (the use of one's abilities on little value)
10. Eve teasing (playful make fun immediately before an event)
11. Pornography (related to sexual intercourse)
12. Sexual abuse of female inmates in prison
13. Missing women
14. Women in the area of conflict
15. Refugees
16. Mail order bride

17. Child prostitution
18. Domestic maids (female servant)
19. Sex Tourism

Rape : Rape is one of the vilest forms. Rape is violation with violence of the private person of women an outrage by all canons. Women and girl children are frequently victims of gang rape committed by soldiers from all sides of a conflict.

In South Africa, a woman is raped in every ninety seconds, totaling approximately 3,20,000 women raped each year, In the U.S. 16 (sixteen) women are raped by the rapist in every six minutes.

Sexual harassment :

While rape is the most obvious form of sexual violence against women, have to suffer on the streets and in the workplace; teasing, jeering and unwanted touching and pinching of their bodies are common examples.

Dowry death :

Increasing number of dowry deaths has been cause of serious concern instances of bride killing are alarmingly in the increase. Dowry was originally a wedding gift to a daughter from her family of money, jewelry clothing or household items. It was also a kind of insurance, some personal wealth. That is why South Asian parents do not want to have a daughter.

Dowry related abuse is common in many countries the most extreme form is bride burning wherein women are burnt to death.

The Criminal Law (11 Amendment Act 1983) :

The Criminal Law (11 Amendment Act 1983) came into force from December 25th, 1983. This Act is now prescribes a maximum sentence of three years and also a fine for the husband or the relative of the husband of a women who subject her to cruelty. The word cruelty means "Any conduct which is likely to drive the women to commit suicide or to cause a grave injury or danger to the life of the women."

Female Genital Mutilation : Female Genital Mutilation Which affects million of women primarily in parts of Africa, is recognized as

a human rights issue an Act of violence against women, as well as health concern.

Female Genital Mutilation is the collective name given to different traditional practices that involve the cutting of female genitals.

Missing Women : Missing Women are the victims of foeticide, infanticide, selective malnourishment, denial of health care and various forms of gender violence. In countries where most people have adequate health care and food.

It is estimated that 80% of the world's 23 million refugees are women and children most exposed to poor nutrition or illness and many of the and girls to violence, including rape.

Domestic maids (female servant) :

Women who are recruited as domestic servants as well as overseas can often face a fate similar to that of mail order brides. Several work in Western Europe and the Middle-East, working long hours with no breaks, often facing physical, sexual abuse at the hands of their employers.

Child abuses may be identified as under :

- Child abuse is physical shaking, hitting, beating, burning or biting a child.
- Child abuse is emotional - constantly blaming or putting down a child; excessive yelling, shaming.
- Child abuse is sexual -- incest, any forced sexual activity, exposure to sexual stimulation not appropriate for the child's age.
- Child abuse is neglect - a pattern of failure to provide for the child's physical needs, such as food, clothing, shelter, and medical care; a pattern of failure to provide for the child's emotional needs, such as affection, attention, and supervision.

Violence against women and criminal Law in India :

The problem of violence against women is not new in Indian Society a state wise increase shows Madhy Pradesh on the top with 2,532 rape cases, U.P. with 1,400, Rajasthan with 803, Andhra Pradesh 688, Bihar 633, West Bengal 461 and Assam 427.

According to the report of National Crime Report Bureau analysis in our country on women becomes victim of rape in every 54 minutes, one dowry death is every 42 minutes, one kidnapping in every 43 minutes, and one torture to women in every 33 minutes. Thus the conclusion of the analysis is that in every 7 minutes, one woman is victimized by crime in India. The Government has also ratified various international instruments which prohibit violence against women.

Conclusion :

We can conclude from the overall discussion that concerted effort for protecting human rights of women is required on a large scale. Leadership by advocacy groups, supportive legislation from the Government, improved implementation, legal literacy courses will go a long towards actualizing women's rights, especially in India. Positive action could follow these suggestions.

1. Creating regional networks providing support for and taking action on behalf of victims of violations.
2. Campaigning at regional and international levels on issues relating to human rights violations against women.
3. Publishing and distributing regional newsletters for exchange of materials, resources and methodologies.
4. Co-ordinating media campaign against violations of women rights.
5. Organizing training and internship programmes on human right advocacy for women.
6. Setting up of regional emergency mobilization committees.
7. Review criminal Laws and revise them to ensure equality.
8. Literacy Programmes for women about human rights.
9. There should be a common civil court irrespective of the personal Law.
10. Ratification by all countries of this conventional elimination of all forms of discrimination against women.

References :

1. Ganesanmurhy, V.S. Empowerment of women in India, New Century Publication, 2008, New Delhi.
2. Chandra Navanita, Gender Conflict and migration, Sage Publication, 2006.
3. Sharma Anita, Modernization and status of working women in India, Mittal Publication, New Delhi.
4. Zarkow Dubravka, Gender violent conflict and development, Zubaan, 2008.
5. Puri Jyoti, Women, body, desire in post colonial India, Routledge publication, New York, 1999.
6. Harrison Andrea Cornwall Elizabeth and Whitehead, Feminism in Development, Zubaan, 2008.
7. Wadley Susan S, Wife, Mother, Widow, Chronicle Books, New Delhi, 2008.
8. Sarojani Naidu Centre for Women Studies, Young men against Domestic violence, Jamia Millia Islamia, 2006, New Delhi.
9. Pawar Urmila and Moon Munakshi, We also made History women in the Ambedkarite Movement, Zubaan, 2008.
10. Sharma Arvind, Women in India Religions, Oxford University Press, 2002.

Human Rights Violation in day-to-day life in Home, in Work places and in Society

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Introduction :

Human rights constitute a unique, internationally shared and accepted normative framework, reflecting global moral and political values. International human rights law has evolved to protect and safeguard the integrity and dignity of a person, by establishing legal obligation on states. Civic, political, economic, social and cultural rights refer to different but indivisible aspect of human dignity and security. Human rights themselves are universal : they are the same for everyone everywhere although the ways in which they are implemented vary between regions and countries.

The universal Declaration on human rights provides the basis for Today all UN members states have ratified at least one of the seven core human rights treaties and 80% have ratified four or more. At the national level human rights are guaranteed in national and holding them in their politics and decision making. National constitutions such

as parliament, national human rights commission, ombudspersons as well as civil society organizations play a vital role in monitoring the implementation of human rights and holding governments to account.

Human Rights Act :

There are sixteen basic rights act all have pointed out. They do not only affect matters of life and death freedom from torture and killing; which also affect our rights and every-day life, There are sixteen basic rights act for our help. They don't only affect matters of life and death freedom for torture and killing; which also affect our rights and every day life.

Article No. 1 : (introduction)

Article No. 2 : Right to life

We have the absolute right to have our life protected by law. There are only certain very limited circumstances where it is acceptable for the state to take away some one life, in example if a police officer acts justifiably in self defense.

Article No. 3 : PROHIBITION OF TORTURE

We have the absolute right not to be tortured or subjected to treatment or punishment which is inhuman or degrading.

Article No. 4 : Prohibition of slavery and forced labour.

We have the absolute right not to be treated as a slave or forced to perform certain kinds of labour.

Article No. 5 : We have the right not to be the deprive of our liberty- 'arrested or detained' accept in limited cases.

Article No. 6 : We have the right to a fair trial.

We have the right to fair and public hearing within a reasonable period of time.

Article No. 7 : No punishment without law.

Article No. 8 : Right to respect for private and family life.

Article No. 9. : Freedom of thought, conscience and religion.

Article No. 10. : Freedom of expression.

Article No. 11. : Freedom of assembly and association.

Article No. 12 : Right to marry.

Article No. 13 : Prohibition of discrimination.

WHAT DOES THE HUMAN RIGHTS ACT MEAN FOR DEMOCRACY ?

Democracy is the only form of government which fits with the Convention rights. Tolerance and broadmindedness are the bedroak of democracy - and the bedrock of the Convention rights. The Human Rights Act recognizes the central place of Parliament in our democracy.

It should encourage transparency and openness in Government because public authorities will use the language of the Convention rights to debate problems. Because that's a language we can all understand we will be better able to understand what's being said - and to join in.

Violation of Human rights in day to day life :

Though we have all the above cited human right acts but they have lost their existence and they have been violated in many cases. Such as :

Urban shelter and demolition :

There has been a routinising of the emergency visible in the matter of cleaning up the cities. In 2000-2001, Delhi has seen a spate of demolitions of slums. The slum dwellers have been divided up into eligible and ineligible, with the eligibles being given very small plots of land which they are required to construct houses within six months on a license basis. The size of the plot ensures that it is only a slum that develops. The ineligibles are not thereafter considered by state policy. Housing rights activists too don't appear to have been able to identify what happens to the ineligibles when demolition occurs.

Custodial violence :

Custody death, torture in custody and custodial rape has been subjects of much concern. Custodial violence has been on the agenda of civil right groups for over two decades and reports documenting Instance of violence and its systemic occurrence, instrumented in the campaigns against custodial violence.

Sexual Harassment at the Workplace :

This issue acquired visibility with the decision of the Supreme

Court in Vishaka. Earlier efforts at having the problem addressed, as for instance, in the Delhi University, has drawn strength from the guidelines set out in the judgment. It was widely reported, however, that it was still providing difficult to get institutions to adopt the guidelines and act upon it. The Madras High Court, for instance, was reportedly averring that the guidelines did not apply to the court; and allegations of sexual harassment by a senior member of the Registry were given short shrift. The process of setting up a credible grievance redressed mechanism was reportedly being watered down in the recommendation of a committee to the Delhi University. In Karalla, Commission of Inquiry was set up after Nailing Net to, a senior official of the Indian Administrative Service, pursued her complaint of sexual harassment against a serving minister of the state cabinet - which is seen as a diversion from representative investigative and redressed forum? PE Usha, Kerala, faced hostility in her university when she followed up on her complaint of sexual harassment. There have been allegations of sexual harassment of women employees by senior persons within institutions working on human rights, and in progressive publications, which too have shown up the inadequacy of the redressal mechanisms.

Rape :

In the '80s and into the early '90s,

The definition of rape

The meaning of consent in the context of rape

Marital rape

The definition of rape, consent and the status of marital rape in law has however not been altered. In Uttaranchal, an issue not uncommon in investigations into, and trial of, rape surfaced. It was reported that women who were raped at Muzaffarnagar are being pressurized not to testify in the criminal cases not only by the police but also by their own community and political leaders, particularly since monetary compensation has been paid. In the meantime, the women's movement in Rajasthan has got the administration to provide monetary relief to victims of rape, unconnected with trial and

conviction. Though this has, at least occasionally, resulted in the veracity of the accusation being challenged as having been made so as to obtain the sum in compensation, it is seen as a move to helping the woman recover. Rape as reprisal was symbolized in Bhanwari Devi's experience. Bhanwari Devi, a saathin working in Rajasthan in and around her village, was part of a wider network of women who were involved in a state-sponsored programme of empowerment particularly of women and girls. Her intervention to thwart the practice of child marriage in the community around her is commonly acknowledged as having resulted in the gang rape that was inflicted on her as punishment, by men of the dominant community who were outraged by her intervention.

Fake Encounters (Extra-judicial killings)

In India, extra-judicial killings by the police or the security forces are called 'encounter killings', meaning that the killing occurred during an armed encounter between the police or security forces and the victim. The killing by the state forces is most often declared to be defensive, cases of attempted murder and other related offences are registered against the victims, and the cases closed without further investigation since criminal cases come to an end upon the death of the accused. Despite being 'unnatural deaths', and the victim having been killed, no investigation ensues to determine whether the death was in fact in an actual encounter, nor whether the use, and the extent of use, of force was justified. This is an acknowledged strategy of the state for eliminating certain kinds of opposition to the state and the established order.

Missing Women :

There are various situations which throw up the issue of 'missing' women. The lopsided sex ratio in many states, and the juvenile sex ratio in even a state such as Karalla (which is held out by planners and economists as the model performer on the population front), is one area where women, and girls, go 'missing'. In Orissa, we heard of the phenomenon of 'Jhansi' marriages and 'Gwalior' marriages. Girls from very poor homes were escorted by a 'broker' to be married to

men in Jhansi or Gwalior, and he would bring back a bride price of Rs. 10,000 to Rs. 25,000 to be given to the girls' family. While some of these marriages had been found to be genuine, the possibility of some of these women being trafficked was not ruled out. Also what a girl/ woman did if deserted or ill-treated was not clear. There was therefore an attempt by activists to keep track of women who had not been heard from for over a period of three months, so that their whereabouts could be verified and their safety ascertained. In July 1999, activists had begun the process of documenting the 'missing' women.

Homicide in the Matrimonial Home :

Often identified as being dowry-related deaths, unnatural deaths of women in their marital home has acquired prominence. Like encounter killings, acknowledgement has not led to a 77% reduction in the incidence of such homicide. In Andhra Pradesh in 1990 a civil liberties organization raised the issue of violation of women's rights as a human rights issue by comparing the number of dowry deaths and the number of encounter killings during one time period - about 2000 dowry deaths, and 300 deaths in encounters. In Bangalore, a women's group keeps a watch in the Burns Ward of the leading government hospital, and also scrutinizes newspapers for reports of deaths of young women, which they then follow up. They also had a 'Truth Commission' where a tribunal heard the narratives of the families of girls/ women who had been the victims of dowry deaths. The inadequacies of investigation, and the many slips in the judicial process which results in a low rate of prosecution and a lower rate still of conviction, was observed everywhere. The definition of 'dowry death' in the Penal Code, based on preponderance of probability and a shifting of onus represents a significant shift in criminal law and jurisprudence. In the meantime, the Dowry Prohibition Act has been hardly at all implemented. Most states still have no Dowry Prohibition Officers, The maintenance of list of things given and received is still not mandatory, which was brought in to deal with cruelty in the matrimonial home, has suffered criticism as being abused, sending the

family of the man to prison till bail is procured. Some women's groups, however, contended that the abuse was only marginal, and that this was the only provision in law which could hold the perpetrator of domestic cruelty accountable. Some also spoke of bringing into law the notions of right to matrimonial home and matrimonial property as other approaches of protecting women on whom cruelty is practiced.

Domestic Violence :

In locating domestic violence in the terrain of human rights, one point of view was that it is not the identity of the perpetrator alone which can be allowed to determine whether a victim has been subjected to a human right violation or not : that is a man or his family who exercises their power to harass, assault and injure a woman, and not the state which is the perpetrator, should then make no difference to the place for this violence in human rights discourse. There has also been a concerted effort to bring in a law to deal with domestic violence. A Bill prepared, debated and presented to the government by a women's organization has been adopted by Parliament for discussion, which is a significant step in a non-governmental role in law making. S.498 A was introduced into the Penal Code in 1983. It makes cruelty to a woman within the matrimonial home punishable with imprisonment up to three years and fine. It is a cognizable, non-bailable, offence. Widespread 17 violence against women, and increasing evidence of women dying unnatural deaths in the matrimonial homes provoked the women's movement to demand a change in the criminal law. The offence is non-bailable, that is a complaint under s.498 A, once registered as an FIR, would result in the arrest of the members of the matrimonial family of the women.

Child Marriage :

Though a law prohibiting child marriage has been in the statute books since 1929, it is still performed in many parts of India. For instance, the practice of performing child marriages on *Akas Teej*, it reported, has not stopped in Rajasthan. It is widely believed that the gang rape of Bhanwari Devi was intended as a lesson, since she was active in preventing child marriages. Another aspect of child marriage

was revealed when Ameena, a girl of about 12 years, was married to an old man from Saudi Arabia who was to take her out of the country as his bride.

Child Labour :

Apart from the employment of children in work, including those classified as hazardous, it was reported that

Children continue to be sold into labour.

The parents of a young girl from Assam were paid a sum of money for the girl to be brought to Delhi as a domestic worker. Her plight came to light when she ran away from the ill-treatment she suffered, and she was given shelter by a social activist.

Child workers employed in homes and in commercial workplaces, were subjected to ill-treatment. The chaining of bonded child labour in the carpet industry near Varanasi so that they could not escape was reported. Injuries on the person of domestic child workers in Delhi sometimes resulting in death, have been reported intermittently in the press. The vulnerability of the child has also been seen in Delhi, for instance, where child domestic workers have been accused of killing their employers, or in being accomplices to outside. There were dissenting voices on the ILO Convention on the Elimination of the Worst Forms of Child Labour. Education for the child has got tangled with the issue of child labour, sending the child to school is projected as a necessary step to ending the practice of child labour. In Andhra Pradesh, an organization working in the area of education for children has done away with the uncertainties of definition by working on the premise that every child out of school is child labour. They have therefore arrived at a non-negotiable : that every child must belong in a school. In this view, NFE (Non-formal education) centres, for instance, would be a means of perpetuating child labour. So, too, with the adjusting of school timings to accommodate the working child.

The 'neglected' child :

Street children have their peculiar vulnerability. In Bangalore, a study reveals that almost every street child has been sexually violated

at some time or another. They are also specially susceptible to drugs. Street children, however, take care of themselves, and often of each other, It does not appear that institutionalizing them is an answer to their needs, nor do they seem willing to trade their liberty for a life off the streets. In Bangalore, Bombay and Delhi, we heard of drop-in centres : places where children could drop in for a wash, some lessons, to keep their savings and to discuss their problems with others, if they so chose. They were, however, reported to be vulnerable to being 'rounded up' and sent periodically into state institutions from where they would need help to emerge, or from where they would 'escape'.

Child Abuse :

There has been increasing evidence of child abuse, and more particularly child sexual abuse, being pervasive. The perpetrator is often a near relative or someone close to the family. This adds to the vulnerability of the abused child, and, apart from the confusion and sense of shame which the child experiences, it is also that there is a problem with a refuge which the child can access. The dependence on the family as a support structure in times of abuse breaks down when the offending event occurs in the home. Following what is widely considered as a useful intervention in the Supreme Court in the *Vishaka* guidelines regarding sexual harassment in the workplace, the matter of child abuse has also been taken to the court, and the Law Commission has been inducted into setting the parameters for care and action in cases of child sexual abuse.

The 'unwanted' girl child

The declining sex ratio, particularly the declining juvenile sex ratio, even in Kerala which is celebrated in economic writings and in state policy for having achieved a high rate of literacy and negative population growth, has begun to seriously engage, among others, researchers and women activists. The low status of women continues to be reflected in-

▶ the practice of infanticide including in some parts of Tamil Nadu

- ▶ foeticide,
- ▶ sex-selective abortion which the amniocentesis technology has made common, and
- ▶ mal-nourishment among girl children.

In Usilampatti Taluk, reportedly, the ratio of female : male is 879:1000. Since 1986, the issue of female infanticide has been in focus in this area. More recently, scanning centres have mushroomed in the area, and female foeticide is rampant among those who are able to afford it. We were told that, in Tamil Nadu, there are around 2000 scan centres, most of which are unregistered. A researcher reported his encounter with the sale of girl children by communities in Andhra Pradesh to persons who have been placed them for adoption. He drew attention to the astonishing fact that there is, as of now, no law to control, or punish, the sale of children. The involvement of adoption agencies in A.P. in what is allegedly the sale of children has since come to public attention, in April 2001.

Strategies used for stopping the human rights violation :

Working on the right to Information :

Led by the MKSS in Rajasthan, it has caught the imagination of activists across states, and fields of activity. It has also resulted in bureaucratic and political acknowledgement of the right/ freedom. One aspect of this right is explored by activists who gain access to 'top secret' documents and share them with grassroot level workers as also with the rest of the interested community. This happened with the Land Acquisition (Amendment) Bill, for instance, exploding thereby the unsustainable position that proposed legislation of this kind may need to be kept secret from the people it is likely to affect. The use of information technology to gather facts about offending enterprises, for instance, and disseminating them is another facet of the interpretation of this right.

Bringing in the Media :

While press briefings are frequent, taking the press along to witness an event is not unknown, e.g., the Disability Rights Group being accompanied by press persons while doing a disability audit of

public buildings in Delhi in April 2001. The presence of empathetic persons within the press establishment was also said to make a difference, as when dalits were professional journalists.

Visiting Zones of Conflict and Violence :

The cutting off of a free flow of people between areas of conflict and violence and the rest of the country also cuts off the possibility of understanding what the people experience, of information being shared, of extending solidarity and support. The report of the women's initiative in 1994, 'Women's Testimonies from Kashmir : The Green of the Valley is Khaki' testimony and photographic depiction of the women in Kashmir. Uma Chakravathi and Nandita Haksar's 'Delhi Riots' is testimony collected even while curfew made it difficult to reach the victims and witnesses of the anti-Sikh riots in Delhi.

People to People Dialogue :

This has been held, for instance, in the North East to break the barriers of distance and incomprehension. This also helps in exploring, in areas where the issue is of self determination or autonomy, after the conflict, what is to follow.

Truth Commission :

This was organized in the context of deaths of young women in their matrimonial home in Karnataka. A panel heard the parents and relatives of the murdered women, giving the victim's version a space that it is not able to find in the systems of the state.

Peace Committees :

This particularly spoken of where political violence is widespread and routine, especially in West Bengal and Kerala and was also found in Tamil Nadu in the context of caste violence. Human rights groups send out peace committees to bring warring groups to negotiate peace.

Census :

The use of 'census' on the practice of untouchability is seen as a way of squarely placing the issue on the table. Disability having been brought on board as a factor to record in the 2001 census, disability groups have been motivating persons with disability to enter their data

in the Census as a step towards recognition of their rights in state policy.

Campaigns :

The Campaign against Death Penalty is one instance. Campaigns often accompany other modes of intervention, legislation or recognition of rights (or wrongs), for instance. Campaigns may also take on issues such as opposition to the WTO, or to the manner of opening up of the Indian economy to multinational power companies, for instance.

Help lines :

This has been established for street children, lesbians and gays, and for women in distress. While the first and the last mentioned have endorsement in state policy and practice, help lines for lesbians and gays is denied legalized spaces for operation. Help lines have also existed for some years now for those with suicide on their minds.

Trial Observers :

This appears to be an underused method of demanding accountability in judicial and quasi-judicial processes. Yet we did hear of its use in two situations : at the Justice Mohan Commission of Inquiry into the Manjulai tea estate incident where 17 people drowned in the Tamaraparani river - 6-7 persons attended the hearings each day of its sitting. And, the Kerala State Commission for women had two lawyers attending as trial observers in the Vidhura case.

NGO :

The coopting of NGOs in monitoring and implementing laws, policies and schemes has been routinised in the last decade. It may take the form of

- ▶ membership of a commission, such as the Rehabilitation Council of India
- ▶ membership of committees set up by the government to make policies, e.g., in the making of a population policy.
- ▶ appointing NGOs as monitoring agencies, e.g. under the Equal Remuneration Act 1976.
- ▶ empowering NGOs to take action under the law, e.g.

- ▶ funding NGOs carrying out programmes devised by state agencies, e.g., providing child care facilities for children of women in prostitution.
- ▶ participating in training of judicial officers and policemen, for instance, in gender issues, matters of human rights, and child rights.

Conclusion :

After knowing the status of human rights in India, we should have the awareness to protect them. The national bodies as well as the citizens should be dedicated to promotion and protection of human rights and fundamental freedoms in the Asian region by:

1. Providing accurate and timely information and complaints to the National Human Rights Institutions, the United Nations bodies and mechanisms as appropriate;
2. Conducting investigation, research, campaigning and lobbying on country situations or individual cases;
3. Increasing the capacity of human rights defenders and civil society groups through relevant trainings on the use of national and international human rights procedures;
4. Providing input into international standard setting processes on human rights;
5. Providing legal, political and practical advice according to the needs of human rights defenders and civil society groups; and
6. By securing the economic, social and cultural rights through rights-based approaches to development.



Human Right Education : Campaigning for a better World

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What is Human Right Education

Human right education is the paradigm through which education gets the status of universality, encompassing every women, men, youth and child. Human right education is all learning that develops the knowledge, skills and values. It is the process through which people may get the education, training, information aiming at building a universal culture, attitude among the people.

- Education for human rights helps people to feel-
- The importance of human right,
- Internalize human right values and integrate them in to the way of life.
- To get free, compulsory education for all children as well as equitable access to higher education.
- It also promotes personal development, strengthen respect for human rights and freedoms, enables individuals to participate effectively in a free society and promote understanding, friendship and tolerance.

Objectives of Human Right Education

- To provide free, compulsory primary education for all children as well as equitable access to higher education.
- To be rooted out ignorance. Because ignorance is a constant threat to human right. It breeds discrimination, intolerance and prejudice.
- Produce changes in values and attitudes. It is basis upon which a genuine and lasting respect for human right is founded.
- To enhance people's participation in education.
- To promote equality and oppose all kinds of discrimination.
- Develops a sense of cultural solidarity and encourage people to defend human right.
- To ends generational cycles of poverty and disease and provide a foundation of sustainable development.

Universalizing Education :

- The UNESCO convention against discrimination in education stipulates that 'primary education should be free and compulsory'. The international covenant on economic social and cultural rights says that 'primary education shall be compulsory and available free for all'.

Key treaty provisions on free and Compulsory Education :

- Universal declaration of human rights (1948) : Education shall be free, atleast in the elementary and fundamental stages.
- European convention on human rights, protocol (1952) : No person shall be denied the right to education.
- Convention on the right of the child (1989) : States parties recognize the right of the child to education and to provide free and compulsory basic education.

Implication of Human Right Education in India :

- Art -45 of the Indian constitution states that it is the duty of states to provide free and compulsory education to children within the age group of (6-14) years of age.

- The right of children to free and compulsory education act 1999 (RTE act) unanimously passed by parliament in August 2009 and became effective on 1st April 2010. According to the act all the children in the age group of 6-14 years will be provided 8 years of elementary education in a appropriate classroom.
- Sarva Shiksha Abhijan (SSA) launched in 2001 is the most recent initiatives of the government of India which conducts its mission on various areas including research studies, school attendance, teachers absenteeism, mid-day meal programme and so on.
- The site-Education for all (EFA) in India presents up to date information regarding activities initiated in the field of elementary education in India. It presents National policy on Education (1986, NPE) and its programme of Action (POA, 1994) as well as goals and objectives of education for all in India. District Primary Education Programme is another important landmark in this regard.

Role of NGO's in promoting Human Right Education in India :

The National human Right commission in India (NHRC), The Indian Institute for Peace and Disarmament (IIPDEP) and many NGO'S have launched a countrywide public information campaign for human rights. Its aim to make everyone more conscious of human rights and fundamental freedom and better equipped to stand up for them.

- The IIPDEP is a non political, non profit NGO whose main activities are research and to provide education to the people. It believes that human rights are prerequisite for peace, security, development and democracy. If human rights are violated in India, the biggest democracy in the world will be in threat.

Why Human Right Education is a Moral Dream for India ?

- Lack of money is one of the main trouble faced by IIPDEP

and other NGO's. It is difficult to get funding from the government and the private sector for human right education. Moreover it is very much difficult to convince high-level government officials and policy makers of the need for human right education.

- It is noticed that headmasters and teachers are very much in favour of Human Right Education. However, textbooks are produced and printed by the government and it is very difficult to convince high level government officials and policy makers to include Human Right Education in school curriculum.
- The IIPDEP recently organized a regional seminar for teachers from primary to University level. The Seminar reported that most of the teachers are not aware of Human Right Education. If the teachers are not aware of HRC, then we can't expect a better world.
- Most universities in India don't offer human right education, although some have three month to one year post-graduate courses on human right. So it reflects that universalizing human right education is a moral dream for India.

Challenges :

- Budgetary Constraints
- Poverty
- Gender Discrimination
- De-Marginalizing The Rights of Teachers

Some specific challenges

- Overcrowding in classrooms.
- Poor quality of teaching.
- A lack of poor quality, textbooks and equipment.
- A lack of schools near the home and problems of transportation to school.
- High drop-out rates, particularly in secondary education.
- Girls' lower levels of attendance.

Human Right Education in India : Future Actions

Role of the Government

- Several international educational treaties states that right-based education comes into a reality, if government performs following tasks-
- (a) Availability
- (b) Accessibility
- (c) Acceptability
- (d) Adaptability

Public Campaign

Public campaign is another key machinery to make every people more conscious of human rights and fundamental freedom. The NHRC and many NGOs have launched a countrywide public campaign to make school authorities and the general public aware of civic education.

Campaign activities include the following-

- 1) Workshop, Seminars and training courses
- 2) Media and promotional activities

Value Education

- Value-oriented education will always have a moralizing influence. Value-oriented education helps people to know themselves as well as the world around them. When people will morally strong and ethically sound the real purpose of HRE will be succeed. Therefore teachers must be trained if they are to become value oriented educators.

Need for a Prior Evaluation

- Before launching any human right educational programme, its feasibility should be ascertained through prior analyzing country's existing human prior analyzing country's existing human right situation. The human rights problem confronted by civil society will become an important factor in determining the type of instruction that will imparted and the public schools that will participate.

Involvement of Intellectual in Educational Policy making :

- It is a common fact that textbooks are produced and printed by government and it is very difficult to convince the high level government officials and policy makers to include human right education in the school curriculum. Therefore, the involvement of intellectual in educational policy making is must. The intellectuals because of their explosive knowledge can provide direction in educational policy making.

Effective participation of people :

- Human right education is only for people. Human right education can't achieve its goal without effective participation of people. People must realize about the objectives and relevance of human right education. Government can't do alone without the cooperation of people.

Targeted Groups and Course-Objectives must be thoroughly selected :

- There should have targeted group upon whom human right education will be imparted. Mere targeted group is not enough, the course objectives must be thoroughly selected for particular groups.

Respect Local Culture and Religious Tradition :

- The teaching method used must respect local, cultural and religious traditions.

The Dream must come into reality :

- To achieve the reality we should work together. It should be our motto to find out a co-ordination among the organizations which are working to promote and propagate the Human rights.

Methodology

- Most of the informations are collected from secondary sources like magazines journals, newspapers, books.

References

- Alba Olvera, M. de los A. and Barba, B. (1980). Education para la Paz y los Derechos Humanos en la Primaria. Mexico : Association Mexicana para las Naciones Unidas. Mimeograph.
- Archbishopric of Santiago. (1993). Derechos Humanos y solidaridad : Por el Derecho de Vivir con Dignidad. Propuesta Educativa en Derechos Humanos. Transformando Series, No1. Santiago : Arzobispado de Santiago, Vicaria de Pastoral Social.
- Bolivar, L. (1986). "Situacion de la Educacion para los Derechos Humanos en el Area Andina", in Bolivar, L., H. Fruling, M. Macleod and M. Waiser, Situacion de la Educacion para los Derechos Humanos en America Latina y el Caribe. Santiago : CEAAL.
- CEAAL. (1984) First Latin American Seminar on Education for Human Rights and Peace. Caracas : CEAAL.
- Conde Flores, S. (1994). Los Derechos Humanos en el Aula. Colima : Comision Estatal de Derechos Humanos.
- Duenas, C. and Rodas, M.T (1994). "Perfeccionamiento Docente en Educacion en Derechos Humanos : Reflexiones a Partir de la Experiencia", in Magendzo, A. (ed). Educacion en Derechos Humanos : Apuntes para una Nueva Practica. Santiago : Corporacion Nacional de Reparacion y Reconciliacion, PIIE.
- Fruling, H. and Waiser M. (1986). "Situacion de la Educacion para los Derechos Humanos en el Cono Sur de America Latina", in Bolivar, L., H. Fruling, M. MacLeod and M. Waiser. Situacion de la Educacion para los Derechos Humanos en America Latina y el Caribe, Santiago : CEAAL.
- Gil Cantero, F. (1994). "Como Educar en Derechos

The Blooming Flowers

Child Abuse at Home and School and its Prevention

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"We are guilty of many errors and faults, but our worst crime is abandoning the children, neglecting the foundation of life. Many of the things we need can wait. The child cannot; right now is the time his bones are being formed, his blood is being made and the senses are being developed. To him we cannot answer 'tomorrow'. His name is 'today'.

– **Gabriel Mistral**

Children are the blooming flowers in the garden of society. The quality of life, they enjoy today would ultimately determine the quality of future population of the nation. The children have rights like other human beings to be respected with regard to their integrity, dignity, interests and opinions. Protecting the children and ensuring that they enjoy their rights are solemn responsibilities of the society and its stakeholders. However, for many children around the world, their early years are far from the safe, supportive environment because they frequently face abuses and exploitation and their basic human rights

get denied. The ill-treatment of children calls for special attention, mainly due to three reasons-

- i) The children cannot speak for themselves.
- ii) Their opinions are seldom taken into account.
- iii) They can only rarely form their organizations to work for change

As a Nation, we need to recognize the sanctity of the child, as citizens to stand up and be counted as a society to have the courage to look within and speak out. Keeping this view in mind the present paper would address the twin areas of child abuse at home and at school and offer some measures for its prevention. Home and school have been chosen as the most sacred sites where a child's personality gets considered as the most sacred sites where a child's personality gets molded. There is a growing awareness now-a-days about violence and exploitation in different arenas like child-labor, prostitution, trafficking, juvenile delinquency etc. but the areas to be discussed demand more critical examination because child abuses in them go unnoticed and least reported.

Any understanding of human rights of children cannot be confined to some children-'poor children', 'working children' and 'marginalized children'. Such categories only help us to remove ourselves from the problem. Without any delusion we need to recognize that violations of children's rights are not limited to the poor and the downtrodden. They happen in middle class and elite homes too; no doubt in different forms, and our silence and tolerance not only condone such violations of rights, but also makes us guilty of complicity.

Child abuse at home – Children need predictability, structure, clear boundaries, and the knowledge that their parents are looking out for their safety. Abused children cannot predict how their parents will act. Their world is unpredictable, frightening place with no rules and they feel unsafe, uncared for and alone. The Supreme Court of India made a very pertinent observation in Rosy Jacob case - "Children are not mere chattels, nor are they playthings for their parents. Absolute rights of parents over their destinies and lives of their children have in the modern day changed social conditions, yielded to considerations of

their welfare as human beings so that they may grow up in a normal balanced manner to be useful members of society."

- a. **Child Neglect** – Child neglect happens to be one of the most common types of child abuse. It is a pattern of failing to provide for a child basic needs, whether it be adequate food, clothing, hygiene or supervision. Child neglect is not always easy to spot. Sometimes, a parent might become physically or mentally unable to care for a child, such as with a serious injury, untreated depression, or anxiety. Other times, alcohol or drug abuse may seriously impair the judgement and ability to keep a child safe.
- b. **Physical Abuse** – Physical abuse involves physical harm or injury to the child. It may be the deliberate attempt to harm the child, but not always. Many physically abusive parents and caregivers insist that their actions are simply forms of discipline - ways to make children learn to behave. But there is a big difference between using physical punishment to discipline and physical abuse. The point of disciplining children is to teach them right from wrong, not to make them live in fear. Parents who are physically abusive may believe that their children need to fear them in order to behave, so they physically abuse to keep their 'children in line'. However, what children are really learning is to avoid being hit, not how to behave or grow as individuals. There are some parents who often push their children to absurd limits so that they may excel in studies, unaware of the mental trauma it causes in tender minds. Such parents are never satisfied with the marks obtained by their children. More than the stress itself it is the inability to cope with the stressors that has devastating effect on the children. In a study conducted by Ministry of Women and Child Development, Government of India, entitled Study on Child Abuse : India 2007, the overall incidence of physical abuse revealed that among the 13 states covered under the study the percentage of physical abuse was alarmingly high (above 80%), in four states. These states were Assam (84.65%), Mizoram (84.64%), Delhi (83.12%) and Uttar Pradesh (82.77%).

c. **Emotional Abuse** – All types of child abuse and neglect leave lasting scars. Some of the scars might be physical, but emotional scars have long lasting effects throughout life, damaging a child's sense of self, ability to have healthy relationships, and ability to function at home, at work and at school. The *Study on Child Abuse : India 2007* revealed that the states which reported high percentage of emotional abuse were Assam (71.3%), Delhi (62.01%) and Madhya Pradesh (60.22%). Examples of emotional child abuse include -

- i. Constant belittling, shaming and humiliating a child.
- ii. Calling names and making negative comparisons to others.
- iii. Telling a child he or she is 'no good', 'worthless', 'bad' or 'a mistake'.
- iv. Frequent yelling, threatening or bullying.
- v. Ignoring or rejecting a child as punishment, giving him or her silent treatment.
- vi. Limited physical contact with child - no hugs, kisses or other signs of affection.

d. **Sexual Abuse** – Child sexual abuse is an especially complicated form of abuse because of its layers of guilt and shame. It is important to recognize that sexual abuse does not always involve bodily contact. The scariest and frightening element about child sexual abuse is that it usually occurs at the hands of someone the child knows and should be able to trust - most often close relatives. Contrary to what many believe, it is not the girls who are at risk, boys to suffer from sexual abuse. In fact, sexual abuse of boys may be unreported due to shame and stigma. Apart from the physical damage that child sexual abuse can cause, the emotional component is powerful and far-reaching. Sexually abused children suffer from the trauma of shame and guilt. They may hold themselves responsible for the abuse perpetrated at them. This can lead to self-loathing and sexual problems as they grow older. It is disheartening to know that Assam again tops the list with 86.26% among the states in India where children face sexual abuse in one form or the other.

Measures to be adopted to prevent child abuse at home –

- i) Having realistic expectations of what children can handle at certain ages will help parents avoid frustration and anger at normal child behavior. For example, newborns are not going to sleep throughout the night without a peep, and toddlers are going to be able to sit quietly for long periods of time. Parents must realize that all children do not have the same level of capability. What can be stressed is the utmost realization of the individual potentiality of a child. Apart from studies a child may be gifted in a different field and it is the duty of the parents to discover that field and encourage the child to excel in that field.
- ii) While learning to control their emotions, parents should also need to evolve new plans and skills to develop parenting skills. They can learn appropriate discipline techniques and norms to set clear boundaries for their children. Parenting classes, books, seminars, therapy, tips and advice from other parents can be fruitful in this regard.
- iii) In order to take care of the child parents must take care of themselves. Not getting enough rest, support etc. may make parents succumb to anger and violence. Sleep deprivation, common in parents of young children adds to moodiness and irritability. Parents may divide their for their child time in night hours according to their convenience and need.
- iv) If an outsider suspects that a child is being abused, it is necessary to give the child help and support. Many people are reluctant to get involved in other families' lives. As have already been discussed, the deleterious effect of child abuse can leave a child physically and emotionally maimed and sadly putting even more children at risk of abuse. Help is of prime necessity to break the cycle of child abuse. A child abuse report does not mean a child is automatically removed from the home - unless the child is clearly in danger. Support such as parenting classes, anger management or other resources may be offered first to parents.

- v) NGOs can develop support group structures to reinforce parenting skills and clearly monitor child's well-being in their respective locality. Children school programs regarding "good touch.... Bad touch" can provide children with a forum in which to role play and learn to avoid potentially harmful scenarios. Parents should make sure the moral integrity and supervise the baby-sitters for their children. Public awareness programs regarding child abuse and neglect should be more informative and extended to a large scale. Developing free and anonymous support systems (for e.g. 'hotlines') encourage reporting of potential instances of child abuse.

Abuse of Child Domestic Workers – Many children are employed as domestic workers in the households. They are exploited and abused in a routine basis, yet their abuses go unnoticed. They work alone in individual households, hidden from public scrutiny, their lives controlled by their employers. Child domestic workers may be subjected to verbal and physical abuse, and the girls particularly are subjected to sexual harassment from men and boys living and associated with the household. Child domestic workers are often confined to their employer's household without access to any outside source or help. Many feel that they must remain silent about the violence they endure, due to financial pressures and debts that make them afraid to lose their employment.

Measures to be adopted to prevent abuse of child domestic workers –

- i). Chronic poverty has been the major cause for child labour. In order to supplement the family income, which in many a time gets dwindled by ill-health, death and drunkenness of elders, the children are compelled to work as domestic workers. Thus, strategies for poverty reduction and elimination should be effectively implemented. Reduction of poverty by economic growth, employment generation and by investment, by better distribution in income, by changes

in global economy, as well as by better allocation of government budgets and better targeting of aid flows will reduce the potential pull of child domestic workers.

- ii) The government should prevent the entrance of child into child domestic labor by strictly enforcing eighteen as the minimum age of employment and ensure the right of all children to free and compulsory basic education.
- iv) Government should extend equal protection of labour laws to domestic workers, including right to just wage, overtime pay, weekly rest days, benefits and workers' compensation.
- v) There is a need to create confidential, fully staffed and toll-free hotlines to receive reports of abuse against domestic child workers. Such hotline numbers must be widely disseminated through print media, radio and television. The hotline numbers need to be created in consultation with local NGOs, relevant government ministries charged with women' rights and children' rights and police.

Child Abuse at Schools – School which are the places meant to nurture the development of children is also the place where violence and abuse may be a regular part of a child's experience. Though laws have been enforced to stop corporal punishment at school but it still goes on as a part of school 'discipline'. Children are subjected to caning, slapping and whipping that result in bruises, cuts and humiliations and in some cases serious injury or death. Many girls around the world routinely experience school-related violence that puts their physical and psychological well being at risk undermines their opportunities to learn, and often causes those to drop out of school entirely. Schoolgirls may be raped, sexually assaulted and harassed by their classmates and even by their teachers. The Study on Child Abuse : India 2007 reported that all the sample 13 states represented instances of corporal punishment. Among these states Assam and Mizoram reported (99.56%) and (90.86%) respectively.

Measures to be adopted to prevent child abuse at schools –

- i) The government must establish accessible mechanisms for students to make confidential complaints regarding physical or

- sexual harassment or violence by other students, teachers, staff or principal.
- ii) It should ensure prompt and effective investigation of such complaints, speedy and appropriate disciplinary action against perpetrators, including counseling, suspension, termination and prosecution when necessary.
 - iii) Compulsory education and training for pupils, teachers and principals regarding issues related to sexual violence and harassment and gender discrimination, including methods for early identification and intervention to prevent abusive behavior need to be provided. NGOs can play an effective role towards this end.

Observance of human rights begins with a manner in which a society treats its young citizens by creating conducive conditions in which they can realize their potential and look forward to a full and satisfying adult life. No doubt the road towards that goal is difficult but it is not impossible. By learning and discussing common types of child abuse we can make a huge difference in a child's life. Corrective measures done as small actions accumulate as reformation of the whole society. There is a need for each one of us to consider every child as our own and give him/her, the care, opportunity and attention so that he/she can live in a spirit of peace, dignity, tolerance, freedom, equality and solidarity.

References :

- Ganga, R. and M. Suputthai (ed.), *Children's Rights as Basic Human Rights, Sensitization of Stakeholders*, New Delhi : Reference Press, 2007.
- Weisstub, David and Guillermo Diaz Pinto (ed.), *Autonomy and Human Rights in Health Care - An International Perspective*, Netherlands: Springer, 2008.
- Study on Child Abuse : India 2007* by Ministry of Women and Child Development, Government of India, New Delhi : Kirti Press, 2007.

Existing Pattern of Education of Rural farm women in Nagaon District of Assam

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Introduction :

Everybody has the right to education, which has been recognized since the Universal Declaration of Human Rights (UDHR) in 1948. The right to free and compulsory education, without discrimination and of good quality has been reaffirmed in all major international human rights Conventions.

These rights have been further elaborated to address issues like quality and equity, moving forward the issue of what the right to education means, and exploring how it can be achieved. As a minimum; states must ensure that basic education is available, acceptable and adaptable for all. The right of girls to education is one of the most critical of all rights because education plays an important role in enabling girls and women to secure other rights.

Basic education provides girls and women with an understanding of basic health, nutrition and family planning, giving those choices and the power to decide over their own lives and bodies. Women education

leads directly to better reproduction health, economic growth, for the family and for society, as well as lower rates of child mortality and malnutrition. It is also key in the fight against the spread of HIV & AIDS.

Education has been one of main hindrances coming on the way of desirable development and empowerment among the rural women in most part of the world. The picture is not different in the rural area of our country and in our region also.

It is reported that illiteracy in the Middle East region, especially in the rural areas, is exceptionally high (reaching in some areas 90%) in spite of major wide scale campaigns to address this serious issue. Further, more, although primary school education is compulsory for both boys and girls in most countries. The data indicated that rural girls are at a disadvantages compared to rural boys and to their urban counterparts. In addition to the scarcity of school at the village level, girls are discouraged to attend because of tradition, and are often pulled out of school to marry early or to contribute to the much-needed labour on the household farm. Although the number of women seeking higher agricultural education in the region is on the rise, women enrolment rates are lower than those of men are.

The above situation is common in our region also. Education is diversity related for enhancing the development and empowerment of the women in a region more particularly in the rural areas. Hence fruitful and better planning demands the existing status of education of the rural women for their development and empowerment. This study is therefore taken up to examine the present education status of rural farm women in the Nagaon district of Assam.

Methodology :

For selection of the sample, multistage random sampling technique was used for the study. Development blocks were in first, village the second and farm households the third and ultimate units of the sample.

From a list of the development, blocks of the district four blocks were selected at random. A list of the villages other than Muslim community was prepared under each selected blocks and three villages from each blocks resulting in twelve villages were selected randomly. From these villages ultimate sample household were randomly selected.

A total sample of 180 farm households were selected at random consisting of 67 marginal farm (below 1 hectare of operational area), 56 small farm (1 to below 2 hectare area), 37 medium farm (2 to 3 hectare area) and 20 large farm (above 3 hectare operational area) for this study.

Relevant primary data were collected from the responders (selected farms) with the help of a set of schedules through personal interview method. Simple statistical methods were used for analysis of data for this investigation.

Results and discussion :

The result is presented in table (Fig). The figures in the table showed that for the average farm of the study area as a whole, total literate women was 35.22% of total farm population whereas the male was 45.93% of total. The percentage female under matric standard was the highest (15.14% of total farm population) and the lower (1.85%) was in graduate and above level. Those for male were 17.42 and 4.02% respectively.

The farm size wise distribution of literates showed that total literacy for both male and female increased with the increased in farm size. Female literacy increased from 27.05% in marginal to 41.45% in large farm, for male these figures were 41.03 and 53.39% respectively. Both male and female population under matric standard was found to be the largest under each farm size. The female matric literates were the lowest (12.50% of total farm population) in the large and it was the largest 19.70% of total farm population in medium and 19.15% in marginal farm, respectively. The next educational standard was primary level for both male and female. The female in primary level was the largest (14.73% of total farm (population) in small farm and the smallest (10.61%) was in medium farm. These figures for males were 13.36% in small and 9.12% in marginal respectively. The lowest percent of literacy for both male and female was the highest being 3.95% of total farm population in large farm and the lowest (0.61%) was in marginal farm size. These for male were 7.89% in large and 2.74% in medium farm, respectively.

The above analysis brought out that a considerable gap in education of female and male existed in each of the farm groups and for average farm for the study area as a whole. However, in some cases the gap was very small. The overall literacy for both male and female was found to be considerably high.

Table: Distribution of population according educational standard.

Farm Size	Total Member	Illiterate			Primary Level			Matriculate			Under-Graduate			Graduate and above			Total Literate		
		M	F	T	M	F	T	M	F	T	M	F	T	M	F	T	M	F	T
Marginal	4.91 (100.00)	0.78 (15.81)	0.79 (16.11)	1.57 (31.91)	0.45 (9.12)	0.55 (11.25)	1.00 (20.37)	0.94 (19.15)	0.66 (13.37)	1.60 (35.52)	0.46 (9.73)	0.09 (1.82)	0.57 (11.58)	0.15 (3.04)	0.03 (0.61)	0.18 (3.65)	2.01 (41.03)	1.33 (27.05)	3.34 (68.08)
Small	5.21 (100.00)	0.34 (6.51)	0.57 (10.95)	0.91 (17.47)	0.70 (13.36)	0.77 (14.73)	1.47 (28.09)	0.93 (17.81)	0.80 (15.41)	1.73 (33.22)	0.59 (11.30)	0.30 (5.82)	0.89 (17.12)	0.14 (2.74)	0.07 (1.37)	0.21 (4.11)	2.36 (45.21)	1.95 (37.33)	4.31 (82.54)
Medium	5.35 (100.00)	0.19 (3.54)	0.32 (6.06)	0.51 (9.60)	0.54 (10.10)	0.57 (10.61)	1.11 (20.71)	0.89 (16.67)	1.05 (19.70)	1.95 (36.37)	0.97 (18.18)	0.41 (7.83)	1.35 (25.76)	0.26 (4.85)	0.16 (3.03)	0.41 (7.58)	2.65 (49.49)	2.19 (40.91)	4.84 (90.40)
Large	7.60 (100.00)	0.15 (1.97)	0.25 (3.29)	0.40 (5.26)	0.70 (9.21)	1.05 (13.82)	1.75 (23.03)	1.30 (17.11)	0.95 (12.50)	2.25 (29.61)	1.45 (19.08)	0.85 (11.18)	2.30 (30.26)	0.60 (7.89)	0.30 (3.95)	0.90 (11.84)	4.05 (53.29)	3.15 (41.45)	7.20 (94.86)
All Farms Samples	5.39 (100.00)	0.45 (8.34)	0.57 (10.50)	1.02 (18.85)	0.68 (12.56)	0.68 (12.56)	1.25 (23.17)	0.97 (17.42)	0.82 (15.14)	1.79 (33.06)	0.72 (13.39)	0.31 (5.66)	1.03 (19.05)	0.22 (4.02)	0.10 (1.85)	0.32 (5.87)	2.48 (45.93)	1.90 (35.22)	4.38 (81.15)

M = Male, F = Female and T = Total

Figures within parentheses indicate percentage to total population.

References :

1. Lowis, W. Arthur, 1955. The Theory of Economic Growth. George Allen and Unwin Ltd., London, First published, 1955.
2. Dantwala, M.L., 1953. 'Notes on Some Aspects of Rural Employment', Indian Journal of Agricultural Economics, Vol. VIII, No. 2. 1953.
3. Gadgil, D.R., 1965. Women in the Working Force, Asia Publishing House, 1965.
4. Goswami, P.C. Bora, C.K. 1970 "Demand for Labour in Rural Areas of Assam. A case study in Nagaon District", Indian Journal of Agriculture Economics, Vol. XXV, Conference Number.
5. Malhotra, R. 1973, Survey of Unemployment in Selected Rural and Urban Areas of Assam-Report of Findings, undertaken on behalf of the Expert Committee on Unemployment, Govt. of India.
6. Bardhan, Kalpana, 1977 "Rural Development, Wage and Labour Markets in India - A survey of Research', Economics and Political Weekly, Vol. XII. No. 26, June 25, 1977.
7. Saikia, Anuva, 1982. "Female participation in Agricultural operations in Assam - A study in Sibsagar District", Ph. D. Thesis, G.U.
8. Nagabhushanam, K., Sridhara Harle, P. and K.V., 1993, in "Participation of Rural women Agriculture in Kundapur Taluk of Coastal Karnataka." Adult Education Journal, Indian Adult Education Association, Vol. 54 No. 4, Oct/Nov. 1993.
9. Nataraju, M.S., Lovely, P.G., 1993, "Extent of Rural Women in Crop and Animal Production Activities - An Analysis". Indian Journal of Adult Education, Vol. 54. No. 3, July-Sept. 1993. Dutta, P.C. 1976, "Village Survey". Twenty-five years of Agro-Economic Research in N.E. India. 1960-85 by P.D. Saikia and U. Phukan published by Agro-Economic Research Centre for N.E. India, A.A.U., 24.

ISBN

978-93-81694-15-2



₹ 200/-

*Printed at : Ajanta Press, Haibargaon, Nagaon
cover - manoj rajkumar*