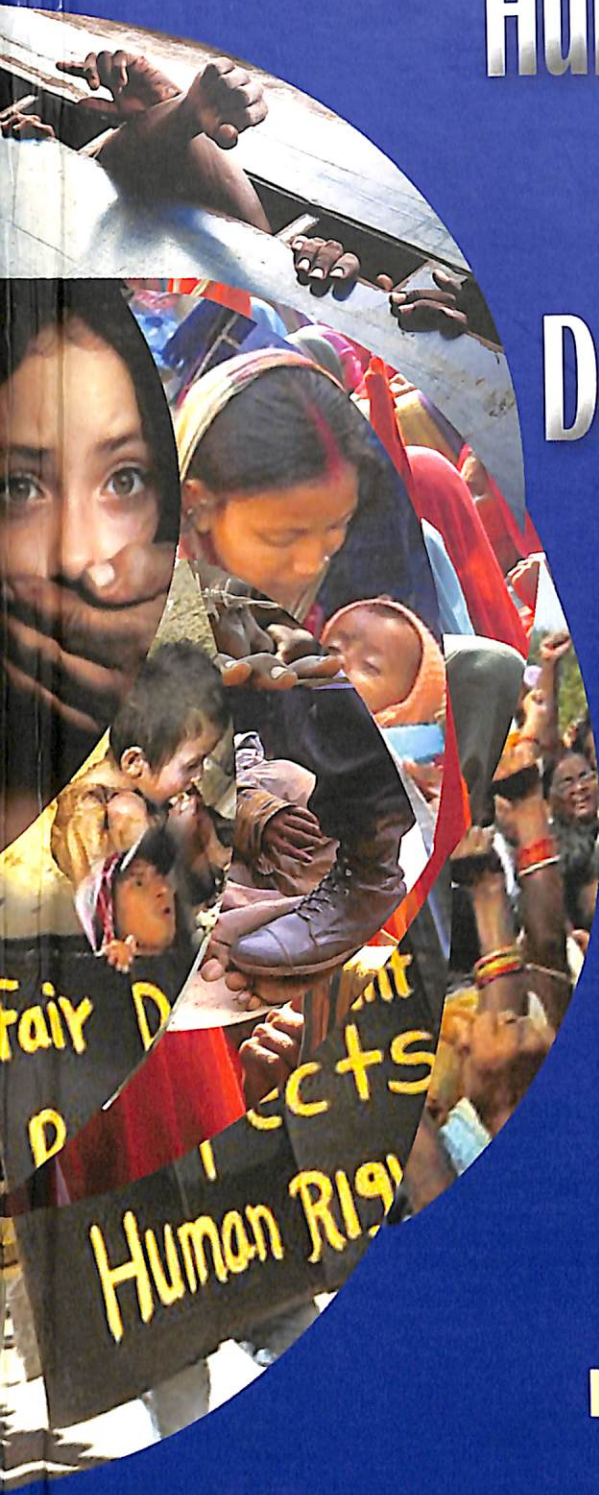


Human Rights and Social Development



Edited by
Lakhimee Kakoty
Abinash Bharali

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HUMAN RIGHTS AND SOCIAL DEVELOPMENT

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Edited by

Lakhimee Kakoty

Abinash Bharali

Dr. B.K.B. College, Puranigudam, Nagaon

The volume is the Proceeding of a UGC Sponsored Seminar organized by the Department of Economics, Dr. B.K.B. College, Puranigudam, on 17th February, 2012 on "Human Rights and Social Development", which contains some selected research papers presented in the seminar.

December, 2014

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Published by : Organizing Committee of the Seminar

Printed at : Ajanta Press, Nagaon, Assam

Price : ₹ 200.00

ISBN : 978-93-84679-11-8

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PROLOGUE

The Department of Economics, Dr. B.K.B. College, Puranigudam, Nagaon, Assam, organized a UGC Sponsored Seminar on 'Human Rights and Social Development' on 17th February, 2012, in collaboration with the Alumni Association of Dr. B.K.B. College, Puranigudam.

The prime objective of the seminar was to discuss various issues of social justice in regards to human rights. The concept of social justice is a holistic one encompassing certain fundamental issues of human wellbeing, ideology, probity and transparency in economic and administrative affairs of the state. Thus, it is naturally implicated in the area of human rights and factors jeopardizing the equal dispensation of the same. Execution of human rights in a society accessible to global forces and market fundamentalism has been the most challenging work. But no society can be casual enough in dealing with such contesting issues if it believes that protection of human rights helps in ensuring all round development of humanity and provides significance to the rule of law. It ensures peace, security, justice and stability of the human community. It inculcates humane value, dignity of labour and above all concern for truth, social obligation amongst individuals and justice within groups.

The seminar highlighted different issues concerning social justice of human life in relation to economic, social, cultural and physical aspects. The seminar could draw a number of participants including researchers, scholars and college teachers from different parts of the state.

The former Vice-Chancellor of Dibrugarh University, Late

Komeleswar Bora inaugurated the seminar and deliberated on the theme of the seminar in his inaugural speech. The welcome address by Dr. Bhupen Saikia, Principal, Dr. B.K.B. College, Purnigudam, was followed by lighting the inaugural lamp by Sreejut Sarat Chandra Khound, President, Governing Body of the college. Dr. S.B. Medhi, Former Commissioner and Secretary, Government of Assam, chaired the inaugural session and delivered an influential and thoughtful lecture on 'Human Rights and Social Justice'. Prof. Romesh Chandra Borpatragohain of Law College, Gauhati University, delivered the key note address probing deeper into the core area of the subject and raised the most contesting issues related to the construction of big dams, environmental implications and people's resistance to it. But this insightful speech of Prof. Borpatragohain could not be incorporated here as he could not spare time to provide us with the text of his speech. We regret at the same time our inability to record his speech when it was delivered. So the key note address on the core area of the seminar theme was prepared for publication in the proceeding volume by A.K.M. Akhatar, Associate Professor, Department of Economics, Dr. B.K.B. College, Puranigudam.

The theme papers presented by Resource Persons Mrs. Kuntala Deka, Advocate, Gauhati High Court and Mrs. Deepa Saikia, Advocate, Nowgaon Bar Association, Nagaon are included here to bring forth the legal implication of human rights and their violation. More than twenty papers are presented on different aspects of social justice and the appointed resource persons while inviting reactions from the audience critically introduced the papers dealing with issues as diverse as human rights and social development, women's and labours' human rights, human rights in the context of globalization, etc.

The intellectual material included in the proceeding volume remains unchanged and appear in the original form of presentation. The editors did simply edit the minor details required for publication. Most of the papers lack a uniform research referencing methodology and we could not put them into the

standard order for the obvious reasons. Finally, we offer our sincere thanks and gratitude to all our colleagues, office bearers, students and the staff of Ajanta Press for rendering their valuable services. Dr. Bhupen Saikia, the principal of the college deserves thanks and gratitude for his active involvement in the entire transaction of the seminar.

Place and Date
Dr. B.K.B. College, Puranigudam
20-12-2014

Lakhimee Kakoty
Abinash Bharali

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WELCOME ADDRESS

Respected Sjt. Kamaleswar Bora, Former Vice-Chancellor of Dibrugarh University and inaugurator of today's seminar, Professor Romesh Ch. Barpatragohain of Gauhati University, Dr. S.B. Medhi, Consultant, Ministry of Rural Development, Government of India and Human Rights Educator of North-East India, dear participants, my colleagues, students, guests and other dignitaries present.

At the very outset, I on behalf of the Organising Committee of UGC Sponsored 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 head quarter during the British regime.

The department of Economics in association with Alumni Association of Dr. B.K.B. College has organized this seminar on the topic 'Human Rights and Social Development' for second time. Human Rights can be understood as fundamental entitlements that all persons enjoy as protection against state conduct prohibited by international law or custom. Among the forms of malpractices that are the most widely opposed and condemned are extrajudicial or summary execution; disappearance, torture; arbitrary detention or exile; slavery or forceful servitude; discrimination on racial, ethnic, religious or gender grounds; and violation of the rights to due process; free expression, free movement and peaceful assembly. Everyone has the right to live with dignity.

'Human Rights' is relatively a modern phenomenon. In postwar period, international human rights law became codified in a series of declaration and agreements. These include the Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, the International Covenant on Civil and Political Rights (1976); and the International Covenant on Economics, Social and Cultural Rights (1976). Later on various international and regional bodies have also established forums and procedures for the examination and adjudication of alleged human rights violations. The United Nations Commission on Human Rights studies and makes recommendations concerning individual instances of abuse and generalized standards. Likewise many domestic human rights organizations have been established to monitor the actions of their respective governments.

Despite its achievements and success the human rights movement has much way ahead to go. Many issues relating to social, economic and cultural rights - health, education, employment, a minimum level of welfare, etc. are yet to be addressed. Questions regarding the relationship between under development and repression, poverty and violation of human rights, etc. may arise which demand more study, observation and monitoring.

Hope this seminar will discuss about multifarious issues related to human rights and social development and throw light on various relevant problems. With these few words, once again I welcome you all to this UGC Sponsored Seminar organized by the college in association with Alumni Association of Dr. B.K.B. College, Puranigudam.

(Dr. Bhupen Saikia)

President, Organizing Committee

UGC Sponsored Seminar

Dr. B.K.B. College, Puranigudam



KEY NOTE ADDRESS

Human Rights and Social Development

A.K.M. Akhtar¹

Human beings have the right to live in this earth with dignity and also have the right to enjoy all the material and non-material things judiciously. Because this earth and all the things existed in the earth are created for human beings. Among all the creation human beings are superior. By birth human beings get this right. God has created human beings especially in the best form, as mentioned in Quran, " Verily We created man (al-insān: the generic) in the best of forms, [in the best] proportioning of his shape"² and has also given the right to live here peacefully. The religion of Islam believes that human is God's vicegerent on earth and human beings have the right to live in this earth with honor and dignity. Denial of this right violates God's will and therefore it can be challenged by human with united effort and also at individual level. "United we stand, divided we fall". Human rights are better safeguarded in unisons. We don't live alone in a society, we are social in nature. Safety of human rights totally depends on the contemporary society. Of course, it depends on the level of social development. Human rights become safe as the society grows to higher stages of development. Instances are there that sometime opposite may happen. It is often seen that Human Rights are grounded to soil in many parts of the world at the present highly civilized society with all round social progress. Are we really civilized? Is it only a material progress making man a machine? No ethics, no morality, no spirituality, no inner-self emancipation.

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² Chapter 94; Verse 4(94:4) Quran

At a primitive stage of society, it was common to see that Human Rights were totally neglected. Predominated tribalism was there. One tribe did not respect other tribe. Killing of the people of one tribe by the people of other tribe was a festive celebration. Even cannibalism was there, man kill man to eat their flesh and bones. At one time flowing of rivers of human blood was a festive occasion. The same with different pretext still happens in many parts of the globe. Of human sacrifice, manslaughter, slavery, untouchability once was almost traditional and common phenomena. Once women did not have any value in the society, they were regarded as mere luscious commodity. That was a "Jungle Rule". From that stage of social system we are upgraded to this higher social stage. We extend our thanks to the development of science and technology for achieving this stage of social progress. Still in many societies and in many parts of the globe, we see the denial of Human Rights. Mass killing of people in war and in other pretext is still at rampant. Alas! The attitudes towards woman is not much different till now, crime and violence, rape, exposure of woman body in media and in advertising, exposure in adult movies, in both big and small screen and in internet, to earn money-a lucrative business is still at rampant. The money mongers are trying to extend this exposure of woman to the nook and corner of the earth. India, with a conservative outlook, is also in this race. Jacques Baudot of the Danish Ministry of foreign Affairs said, " We have not yet managed the passage between social development and Human Rights. It is a conceptual challenge, as well as a political and organizational one"³.

If we see all the happenings of the past even at this stage, shall we not feel shame? Is our social development still not adequate? At what level of social development our right shall be intact? At what level of social progress our rights will be intact cannot be assured. So discussion on Human Rights, chalking-out programmes for safeguarding Humane Rights at different platform globally and regionally, and taking of different schemes

3 <http://www.twinside.org.sg/title/hrdev-cn.htm>

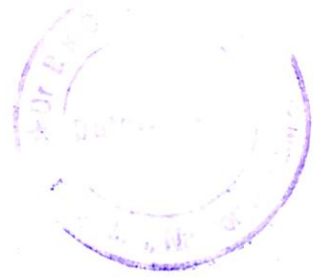
for social development will always become relevant. We should move cautiously and we must take different means to safeguard Human Rights. Political and organizational acumen is a must for social development ensuring Human Rights.

We are social; so we should be conscious of our rights and challenge all possibility of thwarting human rights cooperatively together. We should honor the human rights of each individual and should not deny human right even of a single person. Human Rights and social development are mutually interdependent. Human Rights are inborn and given to us by our creator. Social development is our endeavor for better living. Social development without Human Rights is a tyranny and ample Human Rights with no social development are meaningless. Social development is just with Human Rights based approach and Human Rights are fortified with equity based social development.

Social development is much broader concept than economic development. Social development includes economic, political, cultural, mental and spiritual development of each and every individual living in this globe. Social development will be better ensured with economic, political, cultural and other fundamental rights to live a life with dignity and honour. All these rights are spectrum of Human Rights. Social development is justifiable and equitable when each and every individual has equal rights to participate in the process of development. Human Rights strategy for social development is a clarion call as emphasized by Copenhagen Declaration. In 1969, the General Assembly of the United Nations, in its resolution 2542(xxiv) adopted the Declaration on Social Progress and Development, which states that, " Social Progress and Development shall aim at the continuous raising of the material and spiritual standards of living of all members of society, with respect for and in compliance with Human Rights and fundamental freedom". Fundamental freedom guarantees Human Rights. Material standards of living are guaranteed by equal opportunity of employment and equi-distribution of wealth of the earth. Poverty is not a curse and also not religion basis, poverty is man-made. God has given us wealth, but God will not come physically to this earth to distribute this wealth to us. God

has given us mental and physical capacity to act judiciously. God has given us a heart to feel the miserable living of someone and sense of fellow feelings. For a justified social development we should try ourselves to share this gifted wealth for the benefit of all. We should not grab wealth by depriving someone else. As our father of the nation Mahatma Gandhi said, "There is a sufficiency in the world for man's need but not for man's greed." This can happen only through safeguarding Human Rights, which includes right to development, right to non-discrimination by sex, caste and religion, right to an adequate standard of living, right to work etc. Adequate social development with Human rights will bring peace, cohesion, harmony in society.

Social Progress with rampant poverty and with no Human Rights will always cause social and political disturbances. The relationship between human Rights and extreme poverty was intensely debated in the 1998 assembly session of UN General Assembly. At the initiative of France, the Human Rights Commission adopted resolution 1998/25 on Human Rights and extreme poverty. It calls upon the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to take into account, "the contradiction between the existence of situations of extreme poverty and exclusion from society, which must overcome, and the duty to guarantee full enjoyment of human rights." Extreme poverty can be addressed by granting 'Right to Development'. This is proclaimed by United Nations and defines such right as "an inalienable Human Right by virtue of which every human person and all people are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all Human Rights and fundamental freedom can be fully realized"(Article I). At the end of this keynote address, I like to emphasize that we need an inclusive growth agenda for the benefit of each and every person living in this globe and simultaneously with social development Human Rights to all be safeguarded.



Violation Of Women's Human Rights: An Indian Perspective

Deepa Saikia¹

Abstract

India is a country of paradox of paradoxes. On one hand the people worship women as goddess; on the other hand in the same household she is tortured, beaten and burnt to death. The roots of violation of women's human rights penetrated deep inside the social psyche of Indian people, because of some socio-cultural and religious factors. The women's human rights have been elaborated in various provisions of the Part III of the Indian Constitution that is Fundamental Rights and Part IV that is Directive Principles of the State Policy. Indian legislatures have enacted relevant laws for the promotion of welfare and empowerment of women from time to time. In spite of these solemn assurance of various enactments passed by Indian Legislature, the violation of human's right of women are increasing day by day because of socio-economic status of women. Ignorance of law and absence of courage are insult to the foundation of human rights. So, a change of mentalities and attitudes, and more importantly perceptions towards women is a crying need of the hour.

Key Words: Women's Human Rights, Fundamental Rights and Welfare and Empowerment of Women.

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Introduction:

*"I am the woman who holds up the sky
The rainbow runs through my eyes
The sun makes a path to my womb
My thoughts are in the shape of clouds
But my words are yet to come."*

Human rights are often understood as the rights that everyone has by virtue of his/her humanity. Human rights violations against women in India are often complicated by discrimination on the grounds of race, ethnicity, sexual identity, caste, religion class or age.

Today's woman life is a celebration of the contributions she makes in every sphere of life; be it at home as a mother or a wife or a sister or a daughter, or on the job as in any profession that you can imagine her to take up, also being a leader that rules her own terrain. Even coming to think of the sciences that have presented her so far, biology has pronounced her weak, psychology has deduced her to be inferior and sociology has only shouldered her with the taboos and the dogmas, and the fact that she has always being man's subordinate. Indian society has often been a silent witness to the shocking tales of behavior against them. Sexual abuse, violence, dowry and denials have always been a regular order. Violence against women is not confined to any group or caste. There is violence from the womb to the tomb. Tragically, most often women human rights are violated. Violation of women's human rights is a significant phenomenon in understanding the negative trends of Indian society. In fact, history of women's human rights is a history of violence in India.

Infants are denied food or drowned or suffocated, simply because they are born as girls. Women and girls are tagged with rate cards in the flesh market. They are burnt to death, because of their inability to pay for their existence! They are denied to plan for their own families and this includes forced abortions or sterilizations against their will. This is an insult to the foundation of human rights.

"Human rights are women's rights and women's rights are

human rights". This is the message that echoes forth in the fourth world conference on women in Beijing in 1995 "a women must enjoy the right to participate fully in the social, political lives of her country; if we want freedom and democracy to thrive and endure. As long as, women are valued less, fed less, fed last, overworked, underpaid, not schooled and subjected to violence in and out of their homes- the potential of the human family to create a peaceful prosperous world will not be realized".

Methodology:

The present paper is totally based on secondary data. The data was drawn from various sources, which have been duly acknowledged. Information on violation of women's human rights and various issues related to the subject was obtained by consulting the websites concerned.

Factors Responsible for Violation of Women's Human Rights:

India is a country of paradox of paradoxes. Here on one hand, the people worship women as goddess like Durga, Kali, Laksmi, etc.; on the other hand in the same household she is tortured, beaten and burnt to death. The roots of violence of women's human rights penetrated deep inside the social psyche of Indian people, because of some socio-cultural and religious factors. In Ramayana, Sita has to undergo 'agnipariksa' to prove her purity and she was exiled by her husband under social compulsion even when she was pregnant. In Mahabharata, dharmaraj Yudhisthira lost his wife in a game of dice and finally could not protect her from the trauma of 'vatraharana'. Here a wife and/or a daughter were treated not as a human being, but as a movable property. During the time of Manu, the position of women became so miserable that even women battering, widow burning, etc. were customs. At that time, a woman was nothing but a domestic slave. Again in Muslim rule in India, the customs of Pardah, child marriage, keeping Harem by rich persons were the factors responsible for the violation of women's human rights.

One other example which proves sorrowful condition of women was the traditional practice that prevailed in India called 'Sati Pratha'. It was believed that a wife has no meaning of her life after the death of her husband and so with his dead body, she too was forced to die. These are the clear pictures of violation of women's human rights in ancient India.

Even now in Indian society, a wife is expected to give all kinds of satisfaction to her husband. She must learn to suppress her voice. In many societies, rape victims, women suspected of engaging in premarital sex and women accused of adultery have been murdered by their relatives, because the violation of a woman's chastity is viewed as an affront to the family's honor (Honor killing). This practice is much common in Tamil-Nadu. The practice of early marriage is a common practice that is prevailing in most of the villages of India. This is a form of sexual violence, since young girls are often forced into the marriage and into sexual relations, which jeopardizes their health, raises their risk of exposure to Venereal diseases/AIDS and limits their chance of attending school. Parents and families marry off their younger daughters as a means of gaining status for themselves as well as for their daughters.

In Indian society, gender discrimination has been an alarming phenomenon. The custom sanction inferiority robs a woman's basic human rights. There are innumerable customs and social mandates, where parents of the bride are obliged to offer to in-laws family in the name of rituals. If she resists, which will proved to be provocative and uncivilized. India is a society, where the male is greatly revered. Women get very little standing in this country. Since women do not take nutritious diet, it causes malnutrition, especially among pregnant or nursing women. This is one of the main reasons for the increasing maternal as well as infant mortality rates. Starting from birth girls do not receive as much care and commitment from their parents and society as the boys. The literacy rate among women is low compared to men. All the females in a household have the responsibility of the house work. Most women are over worked with no maternity

rest or special breaks. But, the work performed by women is unrecognized and invisible. Reality is that violations of human rights against specific groups of women are more vulnerable, including minority groups, indigenous and migrant women, refugee women and those in situations of armed conflict, women in institutions and detention, women with disabilities, female children and elderly women.

Education status of common Indian women is below standard. Education is required as an equipment to struggle with life, which lends a woman, the strength of character, a spirit of philanthropy, acceptance and courage- the priceless, intangible entity,-----that gives her, the heart of a lioness, so that she is not forced to remain silent for fear of any religious, political or social persecution.

Another factor responsible for violation of women's human right is economic deprivation and unemployment. Poverty is a ruthless task master, it exacts an exorbitant price in terms of denial of basic human rights, i.e., food, shelter, clothing, education, healthcare, etc. Poverty pushes some girls and women to engage in sex work, almost always the desperate, last choice of people without other choices. The provisions of funds for the welfare of women under government schemes are too little to meet out the desired results.

The political status of women in India is also unsatisfactory; particularly their representation in higher political institutions like Parliament and Provincial Legislatures is of great under representation, which hampers their effective role in influencing the government initiatives and policies regarding women's welfare and development.

Globalization has presented new challenges for the realization of women's human rights. Violation of women's human rights is rooted in a global culture that discriminates against women and denies them equal rights with men. This global culture legitimizes the violent appropriation of women's bodies for individual gratification. The current wave of degradation of human values is explained in relation to the unprecedented

complexity of today's global society and socio-economic challenges for individuals of our society, for example: child sexual exploitation has increased in India 4/5% each year. The human body is commodified. Some middle class girls choose this profession for money. This is also manifested in the form of nationalist pride exhibited through Indian women winning international beauty pageants.

This erosion comes through media and other devices of communication. This impact of western values has contributed to dating, celebration of valentine day, night clubs, living together, etc. and resulted to rising number of call girls and make them more prone to sexually transmitted diseases. Now a day, there are more scandals and scams compared to pre-globalization era. Girls being blackmailed by their ex-boyfriends using MMS. There is deterioration in social values as evident from less respect for women and older people. As a result, Senior Citizen Act and many other acts to safeguard the rights of women and children have come into force.

Role of Indian Constitution:

The Indian constitution guarantees the equality of rights of men and women, but it is imperative to discuss the women's human rights separately because of certain situational factors. The women's human rights can be categorized as under- Right to Equality, Right to Education, Right to Life with Dignity, Right to Liberty, Political Rights, Rights to Property, Right to Equal Opportunity for Employment, Right to Free Choice of Profession, Right to Livelihood, Right to Work in Equitable Condition, Right to Get Equal Wages for Equal Work, Right to Protection from Gender Discrimination, Right to Social Protection in the Eventuality of Retirement, Old Age and Sickness, Right to Protection from Inhuman Treatment, Right to Protection of Health, Right to Privacy in Terms of Personal Life, Family, Residence, Correspondence etc. and Right to Protection from Society, State and Family System.

The women's human rights have been elaborated in various

provisions of the Part III of the Indian Constitution that is Fundamental Rights and Part IV that is Directive Principles of State Policy. Indian legislatures have enacted relevant laws for the promotion of welfare and empowerment of women from time to time. Some of its enactments are: The Factory Act, 1976 (Amendment in the Factory Act of 1948); Minimum Wages Act, 1948; Employees State Insurance Act, 1948; Garden Employees Act, 1951; Mines Act, 1952; Special Marriages Act, 1954; Indecent Representation of Women (Prohibition) Act, 1986; Hindu Adoption and Maintenance Act, 1956; Maternity Benefit Act, 1961; Dowry Prohibition Act, 1961; Family Courts Act, 1984; Foreign Marriages Act, 1969; Protection of Muslim Women Rights Act; Equal Wages Act, 1976; Contract Labour (Regulation and Eradication) Act, 1979; Child Labour (Prohibition and Regulation) Act, 1986; Sati (Prevention) Act, 1987; National Women Commission Act, 1990; Protection of Human Rights Act, 1993; etc.

The 73rd and 74th Constitution Amendment Acts, 1992 have provided 33 percent reservation of seats to women in rural and urban local bodies. This reservation also applies to the post of chairpersons in such bodies. This provision has facilitated the entry of one million women as members and chairpersons in Panchayati Raj Institutions and Urban Local Bodies.

The following main committees are related with the development and welfare of women directly and/or indirectly, whose suggestions are used to design various schemes:

1. National Committee on the Education of Women (1958-1959),
2. National Committee on the Status of Women (1974),
3. National Committee on the Role and Participation of Women in Agriculture and Rural Development (1977-1978),
4. National Committee on Women Prisoners,
5. National Committee on Working Women in the Field of Self Employment and Informal Sector (1988).

Apart from these schemes, Central and State governments



are striving for the welfare of women through various departments and agencies.

In recent years, the empowerment of women has been recognized as the central issue in determining the status of women. The National Commission for Women was set up by an Act of Parliament in 1990 to safeguard the rights and legal entitlements of women. India has ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993.

Conclusion:

The government implements various legislations and amendments to protect women's human rights, but the criminals are frequently escaped through the web of law because of inadequate police investigation, absence of special magisterial, machinery and above all the sociological factors, which encourage such criminals. To stamp out this menace, awareness in the society regarding human values and the rights of women and their enforcement is the need of the hour.

Crimes like rape, bigamy, bogus marriage, dowry deaths are increasing because of socio-economic status of women. Ignorance of law, absence of courage is the factors for which most of the women are tortured physically, mentally and socially. A girl or a woman in this tradition bound no permissive society is extremely reluctant to admit any incident, which is likely reflection on her chastity. She is conscious of danger of being ostracized by the society of being looked down upon. She would face the risk of losing love and respect of her matrimonial house and happiness being shattered. If she is unmarried, she would apprehend that if these things are published, it would be difficult for her to secure an alliance with a suitable match from a respectable family. So, the criminals escape from the nemesis of law. Moreover, a woman in Indian society usually is not prepared to bring an incident like rape to the notice of police authorities since she

knows that it will nothing but a beginning of her untold humiliation. In court, she has to undergo the most humiliating, nerve shattering experience of cross examination by defense counsel. These procedures are nothing but adding salt to her injury. Justice is rarely meted out to the victims of forced cohabitation, molestations and sexual harassment, who do not lodge a complaint for the fear of a social stigma. Thus, sexual abuse and flesh trade are gnawing evils, which threaten the existence of women as independent entities.

Again, "Women are in double jeopardy. Discriminated against as women, they are also as likely as men, if not more so, to become victims of human rights violation.....Today, what unites women internationally-transcending class, race, culture, religion, nationality and ethnic origin-is their vulnerability to the denial and violation of their fundamental human rights and their dedicated efforts to claim those rights." (Amnesty International, Human Rights are Women's Rights)

In India, though various mechanisms such as the National Human Rights Commission, State Human Rights Commission and Women's Commissions have been constituted at the centre and in the states, for upholding human rights and multifarious laws such as Human Rights Act, 1997, etc., yet human rights violations are the order of the day and the above 'law-enforcement' arsenals fall short of implementation. Without proper consciousness among common people; rights of women are merely enumerated on paper and hence remain a dead letter. So, education becomes a must for every woman. Mere knowledge of rights is not sufficient she must come with proper courage to enforce it. So that she will be able to defend, protect and attack like any creature of this truly equal world!

It is necessary to keep pace with the globalization and scientific development, but at the same time have to safeguard the young generation from the influx of western culture which is devoid of any morality and human sensitivity. Women are primary caretakers of children. Mother is the fuel that encourages a human being to create a better nation, because the hands that rock the cradle can rock the world.

In the words of Swami Vivekananda, "There is no chance for welfare of India unless the condition of women is improved. It is not possible for a bird to fly only on one wing."

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Uniform Civil Code

Kuntala Deka¹

Abstract

Article 44 of the Indian Constitution requires the state to secure for its citizens a uniform civil code throughout the territory of India. It seeks to bring all communities on a common platform on matters which are currently governed by diverse personal laws. The present study focuses on the status of the implementation of a uniform civil code and steps taken and directed to be taken by the Legislature and Judiciary in this regard. Communal divides, vote-bank politics, staunch fundamentalism are currently barriers to its implementation, but with time and tolerance they can overcome.

Key Words: Uniform Civil Code, Legislature and Judiciary System of India.

Introduction:

Article 44 of the Indian Constitution requires the state to secure for its citizens a uniform civil code throughout the territory of India. The term 'civil code' is used to cover the entire body of laws governing rights relating to property and personal matters such as marriage, divorce, maintenance, adoption and inheritance. The object of this code is to enhance national integration by eliminating contradictions based on ideologies. It aims to bring all

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communities on a common platform on matters which are currently governed by diverse personal laws. However, even after 65 years of independence, the law makers of India are yet to give effect to this provision. This article focuses on the status of the implementation of a uniform civil code and steps taken and directed to be taken by the Legislature and Judiciary in this regard.

Need for a Uniform Civil Code:

India is a country with several different religions and belief systems. The accepted principle of law is that personal belief systems and laws must be in conformity with the Constitution and not the other way round. Article 25 of the Constitution guarantees to every person the freedom of conscience and the right to process practice and propagate religion. Article 26 of the Constitution guarantees to every religious denomination the right to manage its own affairs in the matters of religion. No set of laws can violate these Articles, which essentially protect the religious freedom of different persons or communities. We are thus presented with a situation that seems somewhat contradictory; how can there be a uniform set of laws which protects religious freedom at the same time? The implementation of a uniform set of laws calls for discarding certain personal laws which go against society's general outlook as a whole, and this may amount to violation of the above mentioned Articles of the Constitution.

With multiple belief systems, come multiple ideological conflicts. To live together in concurrence with such diversity, it is necessary to have uniformity at some level so as to avoid such conflicts. What we need is a Uniform Civil Code in the form of a sophisticated, harmonized system of legal regulation that maintains and skillfully uses the input of personal laws and yet achieves a measure of legal uniformity. As long as the code does not go against the essence, i.e., the core or fundamental belief of any particular religion, it will not go against the religious freedom guaranteed by the Constitution.

Position of the Legislature:

The question of implementation of a common Civil Code has been raised mainly with regard to matters, where the personal laws of a religious community have been challenged in the court of law as being violating the Constitution or against general public interest.

The law makers have generally shied away from legislating on such points of personal law as are considered to be of controversial or sensitive nature, for fear such legislation being labeled as an intrusion on the above rights thereby resulting in strong backlash. This became evident from the reaction to the judgment of the Supreme Court in the Shah Bano case, which gave a divorced Muslim woman the right to claim maintenance even after the period of iddat². If the amount known as meher, paid to her on divorce was not sufficient for her livelihood, she could claim maintenance under S.125 of the Criminal Procedure Code (Cr.P.C.)³. There was great agitation against this decision, led by Mullas and Maulvis and other fundamentalist sections, as being against the tenets of Islam. Succumbing to the pressure of vote-bank politics and in order to appease the Muslim what needs to be understood is that 'the religion of an individual or denomination has nothing to do in the matter of socio-economic laws of the State'. The freedom of religion conferred by the Constitution is not absolute and by no means does it allow religion to contravene the secular rights of the citizens and the power of the State to regulate the socio-economic relations. Basically, a Common Civil Code will override only those personal laws, which do not form the essence of any religion. The key word

2 The iddat period is generally considered to be three menstrual courses if she is subject to menstruation, three lunar months if she is not subject to menstruation or if she is pregnant at the time of her divorce the period between her divorce and the delivery of child or the termination of pregnancy, whichever is earlier. Generally it is taken to be three months.

3 S.125 of the Cr.P.C. provides for mandatory maintenance to be divorced wife until she dies or remarries.

here is 'essence'. Personal laws, which form the fundamental basis or the core of any belief system are ideally, excluded from the purview of the Common Civil Code.

Position of the Supreme Court:

The Supreme Court seems to have a divided opinion on the introduction of a Uniform Civil Code. On one hand, it has rejected attempts to do so through public interest litigation, but on the other, it has recommended early legislation for its implementation.

In **Pannalal Bansilal v. State of Andhra Pradesh**, it held that a uniform law though highly desirable, the enactment thereof in one go may be counter-productive to the unity and integrity of the nation. Gradual progressive change should be brought about.

Similarly, in **Maharishi Avadhesh v. Union of India**, the Supreme Court dismissed a writ petition to introduce a common Civil Code on the ground that it was a matter for the legislature and in **Ahmedabad Women Action Group v. Union of India**, the Supreme Court showed reluctance to interfere in matters of personal law.

But in **Sarla Mudgal v. Union of India**, the Supreme Court directed the then Prime Minister P.V. Narsimha Rao to take a fresh look at Article 44, which the Court held to be imperative for both protection of the oppressed and promotion of national integrity and unity. It instructed the Union Government through the Secretary to Ministry of Law and Justice to file an affidavit, enumerating the steps taken and efforts made by the Government towards achieving a Common Civil Code for the citizens of India. The Division Bench of Kuldeep Singh and R.M. Sahai said that since 1950 a number of Governments have come and gone, but have failed to make any efforts towards implementing the constitutional mandate under Article 44. It is based on the concept that there is no necessary connection between religion and personal law in a civilized society. No religion permits deliberate distortion. Marriage, succession and the like are matters of a secular nature and therefore can be

regulated by law. Unfortunately, sometimes later it was clarified in an appeal that the direction issued by the Court was only an obiter dicta and not legally binding on the Government.

In **John Vallamattom v. Union of India**, it was held that Articles 25 and 26 of the Constitution protect only those rituals and ceremonies, which form an integral part of a religion and that matter of a secular character, cannot be brought under the guarantee.

Implementation at the State-Level:

Even though a nation-wide Civil Code is not yet in place, a positive step in this direction has already been taken. The state of Goa has enacted a set of 'Family Laws', which is applicable to all communities, i.e., Hindus, Christians, Muslims and others. There is no discrimination on the basis of religion, caste or gender. The Goa civil code is largely based on the Portuguese civil code of 1867, with some modifications based on the Portuguese Decrees on Marriage and Divorce of 1910, the Portuguese Decrees on Canonical Marriages of 1946 and the Portuguese Gentle Hindu Usages Decrees of 1880. It includes laws governing marriage and divorce, succession, guardianship, property, domicile, possession, etc. Muslim fundamentalists opposed its enactment in the early 1980s, but their attempts to introduce Sharia law in Goa were ultimately met with defeat by liberal Muslims, who insisted on the continuance of the unified civil code. Former Chief Justice Y.V. Chandrachud expressed hope that the Goan Civil Code would one day "awaken the rest of bigoted India and inspire it to emulate Goa".

There are two important aspects of this code, which assume great significance in the context of codification of Indian laws:

1. Civil registration of marriage is mandatory. Around 98 percent of Gaon marriages take place under Community Property law by virtue of which, each spouse automatically acquires joint ownership of all assets already in their possession as well as those due to them by inheritance. These assets may not be disposed of or encumbered in any way by one spouse

- without the express consent of the other.
2. The registration of births and deaths is also mandatory. The children of deceased parents fall in the category of mandatory heirs. They cannot be disinherited, whether male or female, except under extraordinary circumstances. If the deceased parent leaves divorced wife (including maintenance) and it does not confine itself to the iddat period only.

The Landmark Shah Bano Case in Pursuance of Uniform Civil Code:

The **Shah Bano {AIR 1985 945 SCR (3)}** case generated tremendous debate in India. Critics argued that Muslim minorities can exert pressure on government and judicial decisions. The mainstream media disapproved the decision. The opposition reacted strongly against the Congress party's policies.

The case has led to Muslim women receiving a large, one-time payment from their husbands during the period of iddat, instead of a maximum monthly payment of Rs. 500.00 - an upper limit which has since been removed. Cases of women getting lump sum payments for lifetime maintenance are becoming common.

Critics of the Shah Bano case point out that while divorce is within the purview of personal laws, maintenance is not, and thus it is discriminatory to exclude Muslim women from a civil law. Exclusion of non-Muslim men from a law that appears inherently beneficial to men is also pointed out by them.

The Shah Bano case once again spurred the debate on the Uniform Civil Code in India. Ironically, the Hindu Right led by parties like the Jan Sangh, which had strongly opposed reform of Hindu law in the 50s, in its metamorphosis as the Bharatiya Janata Party became an advocate for secular laws across the board. However, their opposition to the reforms was based on the argument that no similar provisions would be applied for the Muslims on the claim that they weren't sufficiently advanced. The pressure exerted by orthodox Muslims caused women's organizations and secularists to cave in.

The passing of Muslim Women Protection Act allegedly sent a message of Muslim appeasement, which is practiced by the Congress party. To counter this charge Rajiv Gandhi began his election campaign in 1989 from Ram Janma Bhumi (birth place of Lord Rama) in Ayodhya.

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In **John Vallamattom v. Union of India**, it was held that Articles 25 and 26 of the Constitution protect only those rituals and ceremonies, which form an integral part of a religion and that matter of a secular character, cannot be brought under the guarantee enshrined under them. The Chief Justice of India firmly emphasized that enactment of Uniform Civil Code would end all

such problems arising out of ideological conflict.

In **Danial Latifi v. Union of India**, a very controversial question of political significance (in the background of a secular constitution and the concept of welfare state) was revisited, i.e., whether or not a divorced Muslim woman after divorce post iddat period is entitled to maintenance by her husband. Here, the Supreme Court adopted a middle path and held that reasonable and fair provisions including provision for the future of the no will, all mandatory heirs are entitled to an equal share of the estate of the deceased. If the deceased has made a will, he may only dispose of 50 percent of the estate. This is called the quota disponivel. The remaining 50 percent must be divided equally among all mandatory heirs. Such a provision ensures the just distribution of assets among all children, whether male or female.

Conclusion:

Between the Supreme Court's mixed response and the legislature's wariness, the implementation of a national common Civil Code seems to be a distant dream. It is only enlightened public opinion that will help fulfill it. Communal divides, vote-bank politics, staunch fundamentalism are currently barriers to its realization, but with time and tolerance they can overcome. What must be perceived as a matter of defining an individual's rights deteriorates instead, into a "majority versus minority" issue. The welfare of the community as a whole must be considered instead of a particular class or section. No doubt, the realization of a common Civil Code is a tough job, given the vast ideological diversity. But, a uniform civil law is necessary in order to be truly secular. It is our collective duty as a modern society to rise above cultural and religious differences and give effect to this constitutional mandate, which is 65 years overdue.

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Human Rights Violation and Brick Kiln Industry: A Case Study of Brick Kiln Workers in Kaliabor Sub-Division of Nagaon District, Assam

Dilip Kumar Sonowal¹ and Monisha Chutia²

Abstract

The paper highlights some of our findings from a study carried out in the brick kiln industry in Kaliabor Sub-Division of Nagaon District, Assam. Brick kilns in Kaliabor Sub-Division caused havoc in environmental degradation as well as the violation of human rights of the brick kiln workers. The survey in the brick kilns in Kaliabor Sub-Division reveals that about 35 brick kilns are presently producing near about 420 lakhs of bricks per annum. Maximum number of workers lived in kutcha houses (non permanent structures). All the workers were paid on piece rate basis. Moreover, the wage rate of the brick kiln workers was fixed for their work. A major concern of the brick kiln workers was the violation of their human rights as guaranteed by various international covenants as well as the Indian Constitution too. As social security is a fundamental right of labours, which is guaranteed by law to all human

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beings, but the brick kiln industry of Kaliabor Sub-Division violates its rules and obligations in different fields. Efforts should be made to improve the wages of workers in brick kilns and provide them social security in terms of jobs, health benefits, etc.

Key Words: Human Rights Violation, Brick Kilns Industry and Brick Kiln Workers.

Introduction:

Social security is a fundamental right of labour, which is guaranteed by law to all human beings. In terms of social security, the first beginnings were made at the time of French Revolution, 1793; when a Declaration of the Rights of man was proclaimed³. The most important fundamental International instrument informing much social, economic and political policies of many developed and developing countries in the world is the Universal Declaration of Human Rights (UDHR), December 10, 1948. However, the human rights have been incorporated in the constitutions of many countries in the world. According to International Labour Organization's principles and rights at work, core rights are important for working class in the world economy. According to Article 22 of the Universal Declaration of Human Rights, *'everyone, as a member of society, has the right to social security'*⁴. The ILO declaration on fundamental principles and rights at work is a major step in this direction. The International Covenant on Economic Social and Cultural Rights of the United Nations is another international instrument bestowing workers with economic social and cultural rights. So that they are enjoying these rights of self-determination can freely pursue their economic, social and cultural development.

After independence, the Constitution of India provides protection to promote their social, economic, educational, cultural

3 Salve, W. N., "Labour Rights and Labour Standards for Migrant Labour in India: Maharashtra", Pir 416 115

4 Ghai, K. K. (2005.), "International Relations", Kalyani Publishers, Ludhiana, pp. 383

and political interests and to remove the disparities and to bring them on par with other sections of the society. However, many labour laws have enacted by the Government of India. Besides, the government also adopted various labour policies in order to improve wages and working conditions of workers in the organized and unorganized sectors. The Directive Principles of State Policy (Part IV) of the Indian Constitution, stated that the state is required to secure for the citizens, both men and women have the right to an adequate means of livelihood, equal pay for equal work for both men and women, to make effective provisions for right to work, protection against abuse and exploitation of worker's, economic necessity, protection of their health and strength, a living wage and a decent standard of life to participation of workers in the management of industries. Article 23(Part III) prohibits traffic in human beings and forced labour in any form, Article 24 provides that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any hazardous employment. Besides, there are various labour laws, like Trade Union Act, 1926; the Minimum Wages Act, 1948; Employees State Insurance Act, 1948; Industrial Disputes Act, 1949; Industrial Disputes Decision Act, 1955; Payment of Bonus Act, 1955; Personal Injuries (compensation insurance) Act, 1963; Maternity Benefits Act, 1967; Contract Labour (Regulation and Abolition) Act, 1970; Bonded Labour Systems (Abolition) Act, 1976; Equal Remuneration Act, 1976; Interstate Migrant Workmen (Regulation of Employment) Conditions of Service Act, 1979; The Child Labour (Prohibition and Regulation) Act, 1986; etc. More interestingly, these labour laws and policies are applicable for workers in the organized sector only. The sources said that more than 50 percent of the world's population is excluded today from any form of social security. The employers are only interested in maximizing their material profits, which they do by paying low and piece-rated wages without accepting any responsibility for the basic security. Most of the migrant workers do not have adequate shelter, drinking water or toilet facilities. And hence, it is a big

question that the present position of unorganized workers and their violation of human rights because they constitute 92 percent of the total workforce in the country. As against this, an estimate of 8 percent of the labour force in India falls in the formal or organized sector, which is protected by compressive labour laws covering industrial disputes, unfair dismissal trade union rights, wage and working conditions, health, insurance, security schemes, etc. In the era of globalization, there has been growing actualization of workers; therefore, workers are struggling for their labour rights and their dignity of life. Generally, unorganized workers have been suffered from the problem of unemployment, lack of social security. Hence, the present study has made an attempt to explore the violation of human rights of the brick kiln workers in Kaliabor sub-division.

Objectives of study:

The objectives of the study are:

- To explore the violation of human rights of the brick kiln workers in Kaliabor sub-division,
- To suggest measures in order to protect the rights of the brick kiln labourers.

Methodology:

In this study, an attempt has been made to discuss about the violation of human rights of the brick kiln labourers in Kaliabor sub-division. The study is descriptive in nature and mostly based on primary and secondary data published in different reports of the government and non-government agencies, books, journals, newspapers, periodicals and different websites. The direct empirical observation of the author is also used for coming into conclusions. The study is delimited to only the some selected brick kiln in Kaliabor sub-division of Nagaon district only.

International Standards Applicable to India:

Various international human rights covenants and

conventions applicable to India, includes :

1. Universal Declaration of Human Rights, 1948;
2. International Covenant on Civil and Political Rights, 1966;
3. International Covenant on Economic, Social and Cultural Rights, 1966;
4. International Convention on Elimination of all forms of Racial Discrimination, 1965;
5. Convention on Elimination of all forms of Discrimination against Women, 1979;
6. Convention on Rights of the Child, 1989;
7. ILO Convention No. 29 - Forced Labour Convention, 1930;
8. ILO Convention No. 111 - Discrimination (Employment and Occupation) Convention, 1958;
9. ILO Convention No. 107 - Indigenous Peoples Convention, 1957.

All the above have been signed and ratified by the Government of India.

Results and Discussions:

Table 1 shows the brick kilns scenario in Kaliabor sub-division of Nagaon district. The survey in the brick kilns in Kaliabor sub-division reveals that there are 35 brick kilns are presently producing near about 420 lakhs of bricks per annum. For the production of such a huge number of bricks approximately 126,000 cubic meters of top soils are removed per annum.

The study shows that the numbers of official staffs in the brick kilns consist of 5 to 12 members in an industry. However, the female staff in this context is nil. The findings of the survey in the brick kilns reported that these industries are employing 110-200 workers in Kaliabor sub-division. The numbers of workers varies from one brick kiln to another depends on its coverage of area as well as its production capacity.

Table 1: Brick kilns in Kaliabor Subdivision

Sl. No.	Brick Kilns	Area covered in bighas
1	Borbhogia	35
2	Dolgaon	30
3	Naltali	25
4	jakhalabhandha	30
5	Seconee Borholla	30
6	laokhowa	35
7	Amoni	35
8	Baraligaon	35
9	Missa	25
10	Mazgaon	25

Source: Authors Own Calculation

Table 2: Brick Kilns Workers' Profile of Kaliabor Sub-Division

Age	14-30	16.67	58.33
	31-40	33.33	33.33
	41 and above	50	8.33
Starting Date of Employment	2008	25	Nil
	2009	16.67	8.33
	2010	16.67	16.67
	2011 to present	41.67	75
Job Categories	Unloading	5	5
	Loading	5	5
	Others (both U & L)	90	90

Source: Authors Own Calculation

Table 2 highlights the profile of the workers working in the brick kilns in Kaliabor sub-division. The study clearly reveals that 50% of male workers are in the age of 41 and above, whereas 33.33% in between 31 to 40 and only 16.67 are within the age of 14 to 30. On the other hand, 58.33% of female are in the age of 14-30, 33.33% in between 31 to 40 and only 8.33% are in the age of 41 and above. It shows that in the brick kiln industry

majority of male workers are 41 and above and on the other hand the highest female workers are belongs to the age of 14 to 30. Moreover, although there have not seen any main workers of below 14 age in the brick kilns, but many child have seen which they helped their mothers as well as their fathers in their work.

The table 2 also shows the starting year of employment of the brick kilns workers. The study depicts that the numbers of male workers increased from 25% in 2008 to 41.67% in 2011 to present. On the other hand, the same case is happening to the female counterpart too in which their percentage increased from 8.33% in 2009 to 75% in 2011 to present. The increasing reasons may be a. increase of unemployment, b. gaining knowledge of brick production by the local labourers, c. decrease of migration labourers, i.e., Bihar, etc. to Assam for security problem, low wages or many other causes, etc. At present most of the labourers are coming from Dhing, Nagaon, Rupahi and local places too.

Regarding the Job categories of the workers about 90% of the both male and female are doing both loading and unloading works in the brick kilns industry.

Table 3: Living Habit of Labourers

Respondents opinions (sex wise)	Non smoker	Smoker	Ex-smoker	Non-alcoholic	Alcoholic	Ex-alcoholic
Male	33.33	66.67	nil	83.33	16.67	nil
Female	75	8.33	16.67	83.33	16.67	nil

Source: Authors Own Calculation

Table 3 highlights the living standards of the labours working in the brick kilns in Kaliabor sub-division. The table clearly shows that around 66.67 % of male workers are smokers whereas only 8.33% of female respondents are smokers, which reflects the male in high percentage than the female. On the other hand, only 16.67% of both male and female respondents are taking alcohol, which is a good sign for society. The reason for not taking alcohol by them may be a. binding of religion, b. low wages or others, etc.

Table 4 shows the facilities provided to the workers of the brick kilns in Kaliabor sub-division. The study reveals that only 16.67% of both male and female categories are in support of wear dustproof mask, when working in the brick kilns industry. On the other hand, majority i.e. 83.33% of both male and female respondent are against of that opinion.

Table 4: Facilities Provided to the Brick Kilns Workers

Particulars	Male (in %)		Female (in %)	
	Yes	No	Yes	No
Wear dustproof mask when working	16.67	83.33	16.67	83.33
Wear tight-fitting eyeglasses when working	Nil	100	Nil	100
Wear coverall when working	Nil	100	Nil	100
Wear glove when working	Nil	100	Nil	100

Source: Authors Own Calculation

The survey also highlights the scenario of wear tight-fitting eyeglasses and wears coverall brick kiln workers of Kaliabor sub-division. It is found that Cent percent of both male and female workers clarified, that's types of facilities are not provided by the owners of the industries. The above table also shows that the workers of the brick kiln industries in Kaliabor sub-division are not taking glove during the working time.

Table 5: Workers Opinion about their Basic Facilities

Particulars	Male	Female
Absence of proper Education facilities	90	88
Absence of safe drinking water	96	91
Absence of adequate washing	80	84
Absence of bathing facilities for workers	85	86
Absence of latrines and urinals for workers etc.	87	88

Source: Authors Own Calculation

Table 5 clearly shows the workers opinions about the enjoyment of basic facilities as provided by the owners of the brick kiln in Kaliabor sub-division. The survey shows that more than 80% of the respondents both male and female are in support

of absence of proper facilities in the brick kiln industry. The brick kilns workers are being deprived of proper education facilities, safe drinking water, absence of adequate washing, bathing facilities for workers and latrines and urinals for workers, etc. As a result this unhygienic environment caused provision of occurring diseases in the brick kiln.

Table 6 highlights the health problem of the brick kiln workers in Kaliabor sub-division. The study reveals that about 91.67% of the male workers have suffering from disease like fever, T.B., cough, asthma, iron deficiency, headache, feeling of weakness, etc. The same cases are happening to the women respondents, where about 75% of female workers offered same opinion.

However, the owners of the brick kiln did not provide any help to the suffering people. 91.67% of male and 75% of female workers told that they have been diagnosed with that of the disease with the local doctors as they belong.

Table 6: Health Problem of the Brick Kiln Workers

Particulars	Male (%)	Female (%)
Symptoms of disease last six months	91.67	75
Diagnosed with that of the disease in last six months	91.67	75

Source: Authors Own Calculation

From the above discussion, it can be said that the pattern of labour recruitment in the brick kilns and the mechanisms of deployment, payment of advances and wages bear a striking similarity across the country. Recruitment is almost entirely through middlemen (known as Jamadars or Sirdars in the brick kilns) based on a system of advances. There are distinct processes within the brick kilns, giving rise to a segmented workforce including moulders, loaders, unloaders, stackers, firers and removers. The wage payment systems are different for different processes and the labour contractors are usually paid a commission through an informal deduction from the labourers' wages. Workers are paid a part of their wages during the employment period on a weekly basis or sometimes daily basis

or sometimes depends on his own productive activity (mostly paid per 1000/- brick) with the remainder being adjusted at the end of the season. The work usually entails long working hours and very low payment. In a number of cases, a high degree of coercion is used to discipline the workers and to curb protests against breach of contract, which are very common. Here it can be mentioned that the workers are getting of Rs. 50/- (fifty Rupees) per 1000 (one thousand) bricks for loading or unloading. On the other hand, the brick kiln producer can get an amount of Rs. 430 (four hundred and thirty rupees only) per 1000 (one thousand) piece of bricks.

The study reveals that the brick kilns owners are violating the rights of workers for not providing the required materials like dustproof mask, tight-fitting eyeglasses, gloves, etc. during the working hours (Table: 4). Moreover, the owners are also failed to supply the minimum facilities, i.e., education, safe drinking water, hygienic foods, bathing, latrines and urinals for workers, which reflects in the table 5. As a result, the workers of the brick kiln in Kaliabor sub-division are suffering from various diseases (Table: 6). In short, Health hazards are a serious problem for the brick kiln workers in Kaliabor sub-division. The owners of the brick kilns violates the right to life (Article 21) of the workers that provided by the Indian Constitution. The owners of the brick kilns are only interested in maximizing their material profits, which they do by paying low and piece-rated wages without accepting any responsibility for their basic security.

And hence, there is an urgent need to take some measures in order to protect the rights of brick kiln labours. Some of them are as follows:

1. To increase the educational status of the workers because most of the workers belongs to low educational status.
2. To increase the awareness level of the workers about the rights and provisions that is included in the Indian constitution as well as in different Acts.
3. The government of India should ratify all the relevant

international covenants that respect the dignity of labour, especially important ILO Conventions No.87, the freedom of association and protection of the right to organize convention, and the ILO convention 98, the right to organize and collective bargaining convention.

4. Uniform labour standards in the context of unorganized sector workers, like migrant workers, should be implemented in rural and urban areas of India. It is necessary to protect migrant and other workers in the unorganized sector by International labour standards.
5. There is also need to take special initiatives by non-governmental organizations as well as civil society to stop the violation of worker rights.

Conclusion:

In conclusion, it can be said that the working and living conditions in the brick kilns were very poor and there was absence of any strict regulation, with none of the labour legislation being implemented in the brick kiln. The brick kilns were heavily guarded and restrictions placed on workers' movements. Wage rates were very low, but nevertheless above the legal minimum, which had not been revised for several years. In many of the processes, the entire family worked in the kilns, and there was intense competition between owners to secure labour. The local influence of the brick kiln owners, the remoteness and rural location of the kilns and weak regulation lead to the non-implementation of labour laws and violation of human rights of the brick kiln workers in the brick kiln industry.

It has been observed that brick kiln workers of Kaliabor sub-division are not aware of their rights or labour rights like right to equality, right to work, right to secure work, a living wage and a decent standard of life, security scheme, health, right to form association, right to freedom, cultural and educational rights, etc. Moreover, most of the brick kiln workers of Kaliabor sub-division are of low educational status. The workers are being deprived of safe drinking water, absence of adequate washing, bathing

facilities for workers and latrines and urinals for workers, etc. Health hazards are a serious problem for the brick kiln workers in Kaliabor sub-division. Construction and brick kiln workers suffer from a number of diseases which are a result of their occupation or working conditions (Table-6). Accidents and lung diseases are common among construction workers.

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Right to Health: An Assessment of the Health Service Systems in Some Selected Tea Gardens of Nagaon District

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Abstract

Health is 'a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity'. The principal focus of National Health Policy, 1983 and approach of Government of Assam to health sector is on primary health care, which include education and awareness of health issues, dissemination of information on prevention, hygiene and healthy practices, food security and nutrition, safe drinking water and good sanitation, maternal and child health and family welfare. It also includes immunization against major infectious diseases, prevention and control of locally endemic diseases, treatment of common ailments and the provision of essential drugs. The main objective of the present study is to address the existing health services, delivery system and infrastructure including water supply and sanitation among the permanent resident tea garden workers. Both primary and secondary data were collected and analyzed to understand their problems. For primary data, survey method (purposive random sampling) was used.

Key Words: Right to Health, National Health Policy and Tea Garden Workers.

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Introduction:

Health is 'a state of complete physical, mental and social well-being and not merely the absence of disease and infirmity'³. The 'health' of a person or group of people is a comprehensive concept that incorporates many dimensions, not just the absence of illness. The principal focus of National Health Policy, 1983 and approach of Government of Assam to health sector is on primary health care, which include education and awareness of health issues, dissemination of information on prevention, hygiene and healthy practices, food security and nutrition, safe drinking water and good sanitation, maternal and child health and family welfare. It also includes immunization against major infectious diseases, prevention and control of locally endemic diseases, treatment of common ailments and the provision of essential drugs.

After independence, the Government of India enacted the Plantation Labour Act of 1951 (PLA) to ensure social security and the management was entrusted the responsibility of labour welfare and development. The Plantations Labour Act, 1951 in section 10 maintains that "(1) In every plantation there shall be provided and maintained so as to be readily available such medical facilities for the workers and their families as may be prescribed by the State Government; (2) If in any plantation medical facilities are not provided and maintained as required by sub-section, then the chief inspector may cause to be provided therein such medical facilities and recover the cost thereof from the defaulting employer; (3) For the purposes of such recovery the chief inspector may certify the costs to be recovered to the Collector, who may recover the amount as an arrear of land-revenue". The Government of Assam gave it a concrete shape in the Assam Plantation Labour Rules, 1956.

Assessment of a community's health is a difficult job. It is more difficult for the tea garden workers since there is no separate reliable data. There is no available literature since such studies are rare. Medhi, G.K. & at. al. (2006) conducted a study on health problems and nutritional status of tea garden population

in Dibrugarh district of Assam and revealed that high prevalence of malnutrition among tea garden school age children and it was chronic and recent in nature. Prevalence of wasting, stunting and underweight was 21.2%, 47.4% and 51.7% respectively among the children in the age group of 6-8 years. Prevalence of stunting and thinness was 53.6% and 53.9% respectively among the children in the age group of 9-14 years⁴. The adults are outwardly more vulnerable to ageing due to unawareness of health issues, excessive workload and use of tobacco and lack of nutritional food. The pitiable health condition of the tea garden workers invites attention of the researcher, policy makers and NGOs and that is the reason why this subject matter is selected for study.

Introduction to the Study Area:

At present, there are 16 Indian states to 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%)⁵ which is more than half of the total area under tea in India with 1,115 registered⁶ tea estates (big gardens: 850 and - small gardens: 783). The state accounts for 51.07 per cent of the all India tea production in 2009.

Nagaon is a central district of Assam. It spreads over a land area of 3831.00 sq. km. The district accounts for 19 main and 17 division tea gardens⁷ covering an area of 8758 hectares. The major tea gardens in the district are Amluckie, Loongsoong, Dejoovaley (ATCL), Kellyden, Nonoi, Sagmootea (APPL), Kondoli, Salonah (Assam Company Limited) and Burrapahar, Chapanalla, Borpani, Amsoi, Jagadamba, Jiajuri etc. The tea industry of the district provides employment to 22,920 workers and livelihood to 8,844 families and 63,486 populations directly. The figure of tea garden labours of Assam in 2001, 2002 and

4 Medhi, G.K., A. Barua, and J. Mahanta (2006), "Growth and Nutritional Status of School Age Children (6-14 Years) of Tea Garden Worker of Assam", *J. Hum. Ecol.*, 19(2), 83-85

5 Tea Board of India, 2010

6 Tea Board of India

7 ACMS, 2011

2003 were 611,063, 619,663 and 619,322 while the figure of resident labours were 426,807, 438,239 and 457,942 respectively and their corresponding bonafide dependent family members were 653175, 653917 and 655319.⁸ Similarly, the estimated figures for the tea garden labours of Nagaon were 18,958, 19,228 and 19,260 for 2001, 2002 and 2003 respectively. The figures for resident labours in these years were 11,593, 11,757 and 12,509 and their corresponding bonafide dependent family members were 26,908, 27,072 and 27,124⁹ respectively.

Objectives:

The main objective of this paper is to address the existing health services, delivery system and infrastructure including water supply and sanitation among the permanent resident tea garden workers of the study area.

Methodology:

Both primary and secondary data were collected and analyzed to understand the problems of permanent resident tea garden workers. Official records and publication, publications of journals, books and periodicals and newspapers were treated as sources of secondary data. For primary data survey method (purposive random sampling) were used. Questionnaires were distributed among 210 respondents/workers (Male: 104 & Female: 106/literate: 108 & illiterate: 102) of 8 selected gardens. They were as follows: Amluckie and Dijoovally (ATCL); Sahnah and Loongsoong (ATC); Kellyden and Sagomootea (APPL) and Matiyapahar and Kaliabor (Private Tea estates).

Results and Discussion:

The State government has constituted a Medical Advisory Board for those matters concerning medical facilities for workers and their families. Under the provisions, there shall be two types of hospitals namely Garden Hospitals and Group Hospitals.

1. Dispensary: Every garden or division that employs not

⁸ Tea Board of India 2010

⁹ Tea Board of India, 2010

less than 200 workers must have dispensaries in the residential area with two beds as approved by the Chief Inspector. A full time pharmacist and a midwife shall be appointed in such dispensaries. A qualified practitioner of the Garden Hospital has to visit it regularly to treat outpatients.

2. Garden Hospitals: A garden that employs more than 500 workers shall establish a Garden Hospital according to the standards set by the Assam Plantation Labour Rules, 1956. Where there are fewer than 500 workers, the employer may have a lien in a neighbouring hospital within a distance of 5 km. with 15 beds for every 1,000 workers. The management should appoint a full time qualified medical practitioner, a midwife and a pharmacist for every 300 workers or part thereof. Their services should be readily available to the workers at all hours. There has to be a health assistant for every 2,100 workers. The hospital should have a sound permanent structure and each bed in it is to be allowed at least 60 sq. ft of floor space.¹⁰ The purpose of such hospital is to treat simple inpatient and outpatient wards for infectious cases, midwifery, and simple prenatal and postnatal care of infants and children and periodical inspection of workers.

3. Group hospitals: Group hospitals are to be established in an area or sub-area considered central by a group of gardens by securing necessary approval of the State Government. The constituent gardens of the group shall bear the cost of establishment, administration and day to day expenditure in a sharing mode. A group hospital is to have a minimum of 100 beds and at least 3 beds for 700 workers, each of them with 80 sq. ft of floor space. Such hospital is to have provision for supply of piped pure water, electricity, modern sanitation and water flushed closet.

Now let us examine how these provisions are implemented in tea gardens of the district. From the table no 1, it can be understood that most of gardens have established 'Dispensary' or Hospitals. But, most of them have neither appointed a resident

10 Sagar (2002), 02-04

Table No 1: Medical Services and Infrastructure

Name of the Tea Estate	Out Garden	Resident Workers		Population	Garden Hospital/Bed	Dispensary	DOCTOR		Nurses / Mid-wives	Pharmacist	Health Asstt.
		Permanent	Temporary				Resident	Visiting			
Amluckie	1	1134	198	7714	1/30	--	--	1	--	1	1
Amsoi	--	194	33	1090	1/10	--	--	1	3	1	1
Borpani	--	89	--	385	--	1	--	--	1	1	--
Burrapahar	--	247	150	1646	1/14	1	--	--	2	1	1
Chapanalla	--	34	17	157	--	1	--	1	--	1	1
DejooValley	--	642	12	3987	1/12	--	--	--	3	1	1
Gopal Krishna	2	526	08	NA	1/22	1	1	--	1	1	1
Jagadamba	--	144	56	200	--	1	--	--	1	1	1
Jiajuri	--	477	96	1416	1	1	--	--	1	1	1
Kellyden	2	1102	669	7486	1/48	3	1	--	7	3	1
Khanajan	--	33	--	79	--	1	--	--	--	--	--
Koliabur	1	603	--	3650	2/17	--	--	2	2	2	1
Kondoli	4	1248	382	7853	1/37	3	1	2	5	4	1
Loong Soong	3	875	303	4107	1/25	4	--	--	2	1	1
Matiapahar	--	84	77	373	--	1	--	1	2	1	--
Nonoi	2	976	511	5483	1/48	3	1	--	3	3	--
Sagmootea	--	850	553	4032	1/27	--	1	--	3	1	1
Salonah	4	1469	1383	9827	2/104	2	2	1	13	4	2
Seconee	1	746	110	2466	1/11	2	--	1	2	1	--
Sukanjuri	1	32	46	108	--	1	--	1	1	1	--
Total		15938	4604	46423	16/405	26	07	11	52	30	15

Source: Summarized from Annual Return, 2010

doctor nor have visiting doctors. In such gardens the pharmacists are playing a dual role - role of a doctor and a pharmacist. There are only 7 qualified doctors are working in the gardens. Tea gardens namely Gopal Krishna (Pvt), Kellyden (APPL), Kondoli, Nonoi, Sagmootea and Salonah have permanent resident doctors; and gardens like Amluckie, Amsoi, Chapanalla, Koliabur, Kondoli, Matiapahar, Salonah, Seconee and Sukanjuri have visiting doctors. It indicates a high and imbalance doctor-worker and doctor-population ratio 1:2276 and 1:6643 respectively against prescribed ratio 1:300. If the norms stipulated in the PLA were followed, then there might have been more dispensaries, more hospitals and about 53 resident doctors for 15,938 workers and their family members. But, the existing numbers of dispensaries are 26 and hospitals are 16 and numbers of resident doctors are 7. It indicates the existing poor and inadequate health infrastructure of the tea gardens indicating gross violation of the provisions under PLA. High population doctor ratio, inadequate numbers of staff and nurse, insufficient numbers of beds and wards, irregular medicine supply and lack of ambulance service are the common

features of the health services of the tea gardens of the district.

There has been no Group Hospitals within the tea gardens. Patients are referred to Nagaon Civil Hospital, Mission Hospital (Tezpur), Jakhalabandha Hospital, GMCH (Guwahati), AMC (Dibrugarh), Sri Sankar Mission (Nagaon) and CMC Hospital (Vellore) and in such cases medical expenditure is borne by the management. In the year 2010, patients from main garden 562 and 158 from out garden were recommended for treatment at Group Hospitals.

Many garden hospitals have no access to power supply. The buildings are old and no major construction and renovation works were done during the last few years. The Labour Inspector of Kaliabor sub-division, in its reports, has recommended for renovation of the existing hospital buildings and whitewashing.

4. Drinking Water: Access to safe drinking water in Assam continues to be low despite high rainfall and large number of river systems. Water is adequately available in Assam, but management of water is a challenge. The people who can access safe drinking water are 45.86 percent in Assam and the all India figure is 62.30 percent. Households who can access safe drinking water stand at 43.28 percent in rural areas and 64.07 percent in urban areas. Tinsukia district has the highest coverage of safe drinking water (73.66 percent) facilities followed by Dibrugarh, Nagaon (Households: Rural 63.33%, Urban 79.94%, and Total 65.32%) and Morigaon districts¹¹.

According to the PLA 1951, 'In every plantation effective arrangements shall be made by the employer to provide and maintain at convenient places in the plantation a sufficient supply of wholesome drinking water for all workers'. There are three forms of water supply, viz., pipeline, tube-well and ring-well. Most of the workers and their family members depend on ring-wells for water. According to Annual Return 2010, there are 546 tube-wells and 864 Ring-wells and 399 Kutchha wells. Very meager number of families can access pipeline water. On the other hand, there are 468 pipeline water taps in the Bastis that capable of catering

¹¹ Assam Human Development Report, 2003

about 20 percent families. The state government has been extending drinking water scheme to garden areas in the recent years through the PHED. But, it should be extended to cover all the tea garden areas.

Name of the Tea Estate/Company	No. of Out Gardens	Workers'		Water Points			
		Families	Population	Tapes	Tube-well	Ring-well	Total
Amluckie	1	954	7714	28	152	17	188
Amsoi	--	178	1090	31	--	25	56
Borpani	--	98	385	--	19	8	27
Burrapahar	--	195	1646	17	2	--	19
Chapanalla	--	28	157	--	6	2	8
DejooValley	--	473	3987	--	16	11	27
Dhontola	--	10	57	--	1	1	2
Gopal Krishna	2	283	NA	28	1	68	97
Jagadamba	--	82	200	15	--	15	30
Jiajuri	--	245	1416	47	2	20	69
Kellyden	2	901	7486	103	68	96	267
Khanajan	--	16	79	--	--	1+7 (Kutch)	8
Koliabur	1	330	3650	32	15	3	50
Kondoli	3	816	7853	--	9	208	217
Loong Soong	3	756	4107	7	13	7+392 (Kutch)	419
Matiapahar	--	49	373	35	12	2	49
Nonoi	2	637	5483	--	85	63	153
Rangoloo	--	8	25	--	--	2 kutch	
Sagmootea	--	501	4032	123	--	--	123
Salonah	4	1417	9827	2	125	303	430
Seconee	1	597	2466	--	18	6	24
Sukanjuri	1	25	108	--	2	6	8
Total		8599	46505	468	546	864+399	1878+399

Table No 2: Water Supply in the Labour Lines

5. Sanitation: Sanitation and water supply are two important components of well-being and good health. Poor sanitation and water supply leads to ill health and disease. Sanitation is a comprehensive package of measures relating to sanitary disposal of human excreta, liquid and solid waste disposal, food and home sanitation, personal and environmental hygiene, safe water storage and handling practices. Improved health is the principal economic and social benefit of investment in sanitation schemes. Use of sanitary toilets has potential health benefits not only for the households who use them but also for their neighbours¹².

It is observed that there are two kinds of latrines provided

by the management in the labour lines, viz., Bore holes and Septic tank and their corresponding numbers are 299 and 4522 respectively. Among 8599 resident worker families, 4821 latrines are connected with their residents and 43.93 per cent families cannot access latrines. The families who are living in pucca labour quarter can access drinking water, toilet, electricity and bathroom facilities.

Suggestions:

The 'health' of a person or of a group of people is a comprehensive concept that incorporates many dimensions, not just the absence of illness. Mere improvement of infrastructure is not the way of approaching for improved health. Equal emphasis should be laid on education and awareness about health issues such as health, hygiene and healthy practices, food security and nutrition, safe drinking water and good sanitation etc. It also includes immunization against major infectious diseases, prevention and control of locally endemic diseases, treatment of common ailments and the provision of essential drugs. There should be a more effective implementing mechanism and monitoring agency to facilitate the provisions laid down in the PLA, 1951.

Conclusion:

Health is a vibrant indicator of well-being. A good and sound health is vital for quality life and living. It lays a profound impact on the productive capacities and capabilities of human being. It is said that health is wealth. To build a healthy society, it is necessary to lay the foundations of a prosperous and dynamic society and a contented and strong people.¹³ The 'health for all' campaign is a commitment, an objective and a plan of action to realize constitutional goal, i.e., 'the enjoyment of the highest achievable standard of health is one of the fundamental rights of every human being, without distinction of race, religion, political, economic or social condition'. The State Government has

13 Assam Human Development Report, 2003

emphasized on adequate provision of primary health care to secure the goal of 'health for all'. The National Health Policy of 1983 and the approach of the Government of Assam reflect a multi-faceted approach to health care. Its principal focus is on primary health care, but it is observed that the tea garden labourers are not covered under such multi-faceted health programmes till date. The workers and their family members are facing acute health problems years after years.

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Population Ageing and Human Rights in Healthcare

Anjana Bora¹

Abstract

The principle of right to health is a thought that people of every class or age have a right to healthcare and a right to live in healthy conditions. So, it is a part of right to life. Human right principles are applicable to everyone, but the present study limits only to a particular group, namely, older people. The main objective of the present study is to focus the health conditions of the aged population and the policies and programmes of the government of India in providing healthcare services to them. The study is based on secondary data source and purely descriptive in nature.

Key Words: Human Rights, Right to Health, Elderly Persons and Various Government's Policies and Programmes.

Introduction:

Right to health is a part of right to life enshrined under Article 21 in India. The principle of right to health is an idea that all people have a right to healthcare and a right to live in healthy conditions. The constitution of who states in its preamble "The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion and political belief, economic or social condition".

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Human right principles are applicable to everyone, but the present study limits only to a particular group, namely, older people and their receipt of health care services.

Health standards in India have improved considerably since independence. The concerted efforts of the government and other agencies engaged in expanding the health infrastructure have paid off, as evidenced by the improvement in some of the health indicators. But, very few studies have been carried out to focus the health aspects of the older people of India.

To develop welfare packages for the elderly population, there is a need for a large numbers of studies has to be carried out on various aspects of elderly persons and initiate social, economic and health policy debate about aging in India (Das and Shah, 2001). The Office of the Registrar General and Census Commissioner of India have adopted a serious effort to study the socio-economic and demographic characteristics of the aged in India on the basis of census data (Sharma and Wenos, 1992). However, various aspects of the elderly population are very limitedly discussed in detail in the census report and do not provide data on standard of living, housing condition, social status, family support and most importantly health conditions of the elderly persons. The National Sample Survey Organization (NSSO) for the first time conducted a survey on the elderly (persons of age 60 years and above) and social consumption in its 42nd round (July, 1986 - June, 1987) to assess the nature and dimensions of the socio-economic problems of the aged. NSSO had completed two rounds, namely 52nd round (July, 1995 - June, 1996) and 60th round (January, 2004 - June, 2004) to examine the same issues of the elderly persons along with their some chronic diseases and physical disabilities.

The main objective of the present study is to focus the health conditions of the aged population and the policies and programmes of the government of India in providing health care services to elderly. The study is based on secondary data source and purely descriptive in nature.

Population Aging - the Indian Scenario:

Population aging is the most significant result of the process known as demographic transition. Population aging involves a shift from high mortality/fertility to low mortality/fertility and consequently an increased proportion of older people in the total population. India is going such a demographic transition.

In most gerontological literature, people who have crossed sixty years are considered as old men or women (considering the socio-economic situation and pension ages in India). The age composition of Indian population changes over time and as a result of it the number and proportion of aged people is progressively increased over the last century, particularly after 1951. According to the Census Report (2001), the total elderly population of India is accounted for 77 million.

The Census Report of India highlighted that the total population of the age of sixty (60) years and above was only twenty four (24) million in 1961, which increased more than three times in the next four decades. Their share in total population has also risen from 5.6 percent in 1961 to 7.5 per cent in 2001 (Inudya Rajan, 2008). The elderly population of the age of seventy (70) and above was only eight (8) million in 1961, which is increased to twenty one (21) million in 1991 and to twenty nine (29) million in 2001. Moreover, the proportion of elderly population of the age of seventy (70) and above in the total population has rose from 2.0 percent in 1961 to 2.9 percent in 2001. The growth rate of different cohorts of elderly population such as sixty plus, seventy plus and eighty plus during the decade 1991-2001 was much higher than the general population growth rate, which was two (2) percent per annum during that time period.

Aging at the State Level:

The National Family Health Service (NFHS-1) revealed that the proportion of the elderly population of the age of 60 and above was about 8 percent and of 65 and above was about 5 percent in India during 1992-93, while the corresponding figures

for the rural areas were slightly higher. These figures are relatively much higher than the national average for a number of states like Kerala, Tamil Nadu, Andhra Pradesh, Haryana, Punjab, Himachal Pradesh, Jammu and Orissa, which indicates that the aging process is relatively faster in those states. For example, the proportion of the population of the age of 60 and more and 65 and more was about 9 percent or more and 6 percent or more respectively for the states like Kerala, Punjab and Himachal Pradesh. This steady increase in the proportion of elderly population in those states is a reflection of the long-term decline in fertility and mortality and a higher expectation of life at birth. The proportion of elderly population is somewhat closer to the national average in some states like Maharashtra, Gujarat, Karnataka, Madhya Pradesh, Rajasthan and Uttar Pradesh, and it is relatively low in the eastern or north-eastern region. The proportion of aged people is relatively greater in rural areas of most of the states of India than in the urban areas.

Human Rights and Healthcare Facilities for the Older People:

Health and human rights has explicit intrinsic connections and emerged as a powerful concept within the rights-based approach. A rights-based approach to health uses international human rights treaties and norms to hold governments to account their obligations under the treaties. It recognizes the fact that the right to health is a fundamental right of every human being and it implies the enjoyment of the highest attainable standard of health. Governments have a responsibility for the health of their people, which can be fulfilled only through the provision of adequate health and social measures.

The Human Rights Act was introduced in 1998, but the act relatively fails to improve care for older people. According to the British Institute of Human Rights, "The human rights of older people are particularly invisible in society".

Victimization or neglect of older people within the health care system raises various important issues [like prohibition of ill-

treatment, right to respect for private and family life, physical and psychological integrity, prohibition on discrimination (including the provision of healthcare on equal terms with the rest of the population), etc.] of substantive human rights laws under the Human Rights Act, 1998 (HRA), the European Convention of Human Rights (ECHR) and other international laws. The poor treatment to the old age people could lead to an infringement of the right to life (Bindra, 2010). The first international conference on age-friendly cities took place in Dublin, Ireland, from 28th to 30th September, 2011, to strengthen the WHO global network of age-friendly cities and on advance thinking and approaches which make cities more age-friendly.

On 16th September, 2011, WHO participated in a panel discussion on the thematic study - realization of the right to health of the older people, in the framework of the 18th session of the Human Rights Council, Geneva. The thematic study "urges a paradigm shift according to which society should move beyond a simple search for healthy ageing by its citizens and begin working towards active and dignified ageing, which is planned and supported just like any other stage of the individual's life course".

On the occasion of the International Day of Older Persons, the United Nations launched Madrid+10 on 6th October, 2011. The Madrid International Plan of Action on Aging (MIPAA) adopted the political declaration at the second United Nations World Assembly on Aging in 2002 and addressed the key challenges of population aging.

The Challenges of Population Aging Worldwide:

The fast aging of populations around the world represents challenges for developed and developing countries. These include:

1. Strains on pension and social security systems,
2. Increasing demand for health care,
3. Greater need for trained-health workforce in gerontology,
4. Increasing demand for long-term care, particularly in dealing with dementia.

These challenges can be counteracted by implementing the following measures:

- A. Ensuring that older people has a basic level of financial security,
- B. Developing age friendly environment,
- C. Availability and accessibility of effective healthcare,
- D. Maintaining social patterns that influence the well being of older adults.

Health and Morbidity:

The process of biological ageing brings several health problems or diseases. The decline in the efficient functioning of the various organ systems of the body including the immune system renders the elderly particularly vulnerable to several diseases. The sights of the elderly fail as a result of the development of cataract or glaucoma. The total number of blind persons among the older population was around 11 million in 1996, where 8 percent of them due to cataract (Angra, et.al., 1997). They are also prone to suffer from diseases of the cardiovascular system (like hypertension, arthrosclerosis, heart trouble, etc.), respiratory system (like decreased breathing capacity), central nervous system (like dizziness, slow movements, loss of memory, altered sleep pattern, etc.) and the musculoskeletal system (like decreased strength, susceptibility to loss of teeth, fracture of bones, etc.). Endocrinal deficiency diseases (like diabetes) are also a result of poor functioning of the organ system. The loss of hearing and resultant communication problem adversely affects the well being of older people (Kacker, 1997).

Disabilities arising from aging has greater significance, because a large segment of elderly people lives in the below poverty line. Under nutrition is also common in this population (Srivastava, et. al., 1996). Elderly people of the groups, whose socio-economic characteristics are very low and lives in urban slums, are at higher risk of poor dietary intake (Wadhawa, et. al., 1997).

Programmes and Policies:

Projected increases in both the absolute and relative size of the elderly population in many third world countries is a subject of growing concern for public policy (World Bank, 2001). The National Policy for Older Persons (NPOP) announced in 1999 has identified principal areas for intervention and strategic action. These include financial security for elderly persons in both formal as well as informal sector, healthcare and nutrition, shelter and housing, development of trained manpower in medical colleges and attention on the needs of vulnerable groups (such as the destitute, widows and those who are disabled) among the elderly (GOI, 2000). The NPOP recognizes special health care services for the older persons to be met through strengthening and reorienting the public health services at primary health care level, creation of health facilities through non-profit organizations like trust, charity, etc. and implementing health insurance.

Restricted physical mobility coupled with crippled health makes it difficult for older persons to access the health facilities, if they do not enjoy the support of the family or a care institution within their easy access (Prakash, 2007). Realizing the actual situations of the older persons, Para 36 of the National Policy covers the health insurance and financial security towards essential medical care services and affordable treatment process. Some of the initiatives by the Government are facilitating a separate counters or OPD in hospitals and free medical services in central government's health schemes and government hospitals to facilitate easy accessibility to the elderly persons including geriatric units in the hospitals.

Dementia due to Alzheimer's disease and other causes is one of the most serious degenerative diseases that affect the older persons. Loss of memory with the increase in age is a common phenomenon. Dementia is a progressive disease of the brain and affects memory, personality and intellect. Alzheimer's disease is the most common and severe among all types of dementia. Many of the government and public hospitals have started memory clinics, mental health programmes to facilitate

proper diagnosis of dementia to slowing down the affecting process and preparing the care-givers and the families to look after the patients of Alzheimer's and dementia. The National Institute of Social Defense under the Ministry of Social Justice and Empowerment has initiated training programmes as a special initiative to train up the care-givers and functionaries.

The policy suggests that a national council and a national association should be constructed for the older persons. It also proposes that a separate bureau for older persons should be established in the ministry to prepare regional, annual and five year plans for the elderly persons and reviews the implementation of the national policy every three years in detail (GOI, 2000). The translation of the suggested strategies is envisaged through the social justice committees of the village panchayat and by involving experts of public administration to coordinate and monitor the implementation of the policy. The government also has a scheme of assistance to panchayati raj institutions, voluntary organizations or other self help groups for the construction of old age homes or multi-service centers for older persons. One time grant of Rs. 30 lakhs per home/center is provided under the scheme to eligible organizations for construction of old age homes or multi service centers comprising of day care centers for those elderly who are mobile and outreach units for the home bound as well as old age homes for destitute.

Conclusion:

The analysis suggests that some definite health intervention measures are necessary for the improvement of the health of the older people. It requires more government spending in the health sector and ensures that this spending is efficiently used for the desired results. Some rural elderly persons cannot go to the private hospitals for treatment due to their poor financial conditions. But, rural health services, which is the backbone of public health system, is lacking in basic infrastructures. Thus, immediate interventions are required to improve the rural infrastructure, provide more sustained anti-poverty programmes

and strong social safety net for rural elderly. Moreover, further research is needed in this direction and an urgent need to spread the general awareness on various health policies of the government.

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Right to Education and Its Impact on Women Education

Anjana Goswami¹

"In order to awaken people, it is the woman who has to be awakened, once she moves, the country moves and thus we build the India of tomorrow"

—Pandit Jawaharlal Nehru

Abstract

Various provisions are kept on human rights in the constitution of India. Human rights perspectives have been kept in mind, while framing an educational policy. Right to education in India has been a part of the directive principles in the state policy under Article 45 of the Indian constitution. After the 86th Amendment, 2002, right to education was finally considered as a fundamental right for the Indian children of the age group of 6-14 to provide free and compulsory education (Article 21-A). The right to education commonly known as RTE 2009 finally enacted on 26th August, 2009 and implemented from 1st April, 2010. Despite the intense efforts of Indian government and many other organizations, women is still far from the decision making process and from the law/policy making process, which changes the practice in home and community. Education is widely recognized as a means for attaining economic

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security and opportunity, particularly for girls and women. But, education is still a distant dream for the girls of interior and remote villages in India. Thus, women education should be regarded as a serious concern and steps should be taken to create awareness on the importance of education among every woman. The present paper tries to focus on right to education especially for women and its problems and challenges in implementation.

Key Words: Human Rights, Right to Education and Women Education

Introduction:

It is believed that the contemporary conception of human rights has a very long history. However, international movement for the protection of human rights is considered as an increasing concern for prevention of human rights violation only after the Second World War.

The universal declaration of human rights adopted by the UN General Assembly on 10th December, 1948 was the first formal attempt at international level to give the most authentic enumeration of basic human rights and freedoms. Article 1 of the declaration represents that all the human beings are born freely and have equal dignity and rights. According to oxford advanced learner's dictionary 'right' means a moral or legal claim to have or get something. So, every human has the right to claim anything which is moral or legal, for example: education, health, family, etc.

The constitution of India contains many provisions regarding protection of human rights. Right to education to every child of the age group of 6-14 in India has been considered as a part of directive principles of the state policy under article 45 of the constitution. Right to education is a vital human right, which is also reflected in the recommendations of various commissions, like Radhakrishna Commission (1948), Mudaliar Commission (1952-54), Kothary Commission (1964-66), NPE (1986) and Programme of Action (1992). It lays emphasis on many human

rights and values, but these are not enforceable. Now, the right to education is a fundamental right, which is enacted by the 86th Amendment, 2002 of the constitution and cited in the Article 21A. A fundamental duty, which is cited in the Article 51A (K) of the constitution, of the parents is to provide educational opportunities to their children of the age of 6 to 14. The right to free and compulsory education Bill 2008, passed in Lok Sabha and finally enacted in 26th August, 2009 and finally implemented from 1st April 2010. The RTE act emphasized the role of universal elementary education in strengthening the social fabric of democracy through provision of equal opportunities. Various efforts have been made in this direction by the government, but in some parts of India, it receives little responses.

Education is a powerful and fundamental force in the life of a man. It plays an instrumental role in shaping the destiny of an individual and the future of mankind. Education is a value generating force in a society rejuvenates the present civilization and lays the foundation for the future. Educational emancipation is a prerequisite for the socio-economic emancipation.

Almost half of the population in the world is women. But, it is found that 130 million children of the age of 6-11 are not enrolled in schools and interestingly 60 percent of them are girls. The Indian constitution provides liberty, equality, fraternity and justice to all citizens, but it is established from the table 1 that women and girls receive less education than men due to social norms and fears of violence. India is ranked 105th position out of 149 countries in the global education parameters.

**Table 1: Women Literacy Rates
(1951 - 2011, in Percentage)**

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
Gender Gap in Literacy Rate	18.3	25.05	23.98	26.62	24.84	21.69	16.68

Source: Census Report of India

Significance of the Study:

Education for all children has long been a prime goal of the Indian democracy. Education is a basic requisite for responsible citizenship, maintenance of life and successful entry into today's complicated working world. The various educational policies are exercised to boost the literacy among women, which could help in achieving the expected target of universalisation of elementary education. Swami Vivekananda has emphasized that, "If you do not raise the women who are living embodiment of the Devine mother, don't think that you have any other way to rise". Thus, women education should be taken as a serious matter and steps should be taken to bring awareness among every woman on the importance of education. The present study tries to highlight the various sides of right to education and its impact on women education. It also attempts to give some vital information on criminal problems and its remedial measures.

Review of Literature:

A large number of studies have been carried out to develop the literature on right to education, women's rights, women education, problems of women education, gender equality in education, etc.

Singh, B.N. & S.P. Sarmah (2006) have conducted a study on women education and concluded that women and girls receive less education than men, due to social norms and fears of violence in India.

Agarwala, J.C. (2010) concluded that girls' education should be emphasized not only on the grounds of social justice, but also to accelerate economic and social transformation.

Dna, R. (2008) stated that women are dynamic and help in promoting social transformation. So, their education is so much essential in the modern world.

Objectives:

The study has been carried out with a few specific objectives and the objectives are listed below in order of priority.

1. To analyze the right to education (RTE) act in India.
2. To examine the present educational status of Indian women.
3. To analyze the crucial problems of women education and effective implementation of RTE act.
4. To suggest some strategies to eradicate the problems of women education.

Methodology:

The present study uses mainly secondary sources for collecting data on women education and RTE act. Secondary data collected from:

- a) Census Report of India, 2001 and 2011.
- b) Ministry of HRD, Government of India, 2003-2004.
- c) Selected educational statistics, &
- d) Various journals.

Results and Discussion:

The right to education commonly known as RTE, 2009 provides a comprehensive framework for realizing free and compulsory education as a fundamental right for all children of the age group of 6-14 years. Main salient features of RTE act, 2009 are as follows:

1. Free and compulsory education to all children of the age group of 6-14 in India.
2. It is not necessary to pass a board examination to enroll in the elementary schools.
3. A child who completes elementary education (up to class VIII) shall be awarded by a certificate.
4. A rigid student-teacher ratio should be fixed.
5. The act is implemented in all the states of India except Jammu and Kashmir.
6. Provide 25% reservation for economically disadvantaged communities in all private schools.
7. Mandate improvement in quality of education.
8. School teachers would arrange adequate professional

- degrees within 5 years, otherwise will lose job.
9. School infrastructure (where there is a problem) should be improved within 3 years, otherwise government recognition will be cancelled.
 10. Financial burden will be shared between the state and the central government.
 11. Any child is not liable to pay any kind of fees for their education.

From the table 2, it can be concluded that there is a great disparity between men's and women's education in India.

**Table 2: Enrolment at the Elementary Stage
(1950-51 to 2002-03)**

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	42.1
2002-03	64.9	57.2	122.1	26.3	20.6	47.0

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

Education is the back bone of a society, because it ensures progress and development. Since nineteenth century, women's movement all over the world has always placed the right to education in forefront as their demands. In India, this debate began with the submission of the report of the committee on the status of women in India (CSWI) on the 1st January, 1975.

In India, women had a high social religious position during Vedic period. In Buddhist period, women's education is followed by very strict rules. After these periods, status of women and

their education went down rapidly. Missionaries and various commissions laid stress on the spread of women education before independence of India.

Women's education got interest in the reports of various commissions after independence. Eradication of female illiteracy is one of the major concerns of the Indian Society as well as of the Government of India. Girls' education is considered as one of the top priorities in the government policies and concluded that "Education of girls is not an option, it is necessary", so various scientific policies should be implemented to eliminate illiteracy among Indian women.

Various problems are arisen in the effective implementation of the RTE Act, 2009. Some of them are as follows:

1. Astronomical wherewithal is used to ensure all children's enrolment in schools.
2. Elusive definition of the children, schools and teachers.
3. Dangers of insidious patronage and unaccountability.
4. Dynamic relations between centre and the state are affected.
5. Absence of propitious cultural traits, which determine enrolment and attendance in the schools.

Finance is considered as fuel for the engine of public administration. But required funds, particularly for the states whose financial position is already languishing, emerge as the biggest challenge. Government enacted and implemented various policies, like article No.45, DPEP, NPC (1986), POA (1992) and RTE Act (2009), for uplifting welfare, education, health and empowerment of women. But, unfortunately the enforcement machinery fails to improve the scenario of women education in India. There are various causes for the slow progress of women education. Some of them are as follows:

1. Lack of proper social attitudes in rural and backward areas for the education of girls.
2. Lack of educational facilities in rural areas, economic backwardness and conservative nature of the rural community.

3. Lack of suitable curriculum, proper incentives to parents and children, women teachers, and proper supervision and guidance.
4. Uneducated adult women and lack of social education.
5. Social ills and inadequate systematic publicity.

Various steps are put forward to boost women education in India, but all these steps give fruitful results only to a small extent. Some measures for uplifting women education are as follows:

1. Creating proper social attitude in rural and backward areas for the education of girls.
2. Adequate educational facilities should be provided in backward and rural areas. At least one primary school should be established within a radius of one kilometer, which will be within the walking distance of a child.
3. Steps should be taken to remove economic backwardness of the rural and backward areas. Girls are very useful at home for carrying out domestic duties. So, mothers are reluctant to send them to school. A large numbers of children in the rural areas are under-nourished. Unless the parents are given some kind of economic relief, it is impossible to achieve the target.
4. Parents are hesitated to send the girls to co-educational schools in rural areas and backward communities. A plan should be executed to educate them, which helps to change their apprehension in this respect.
5. Proper incentives should be allocated to parents and girls.
6. Provisions should be kept to provide adequate number of women teachers in the schools.
7. Proper Supervision and Guidance to girl child.
8. Facilities should be provided to educate the adult women.
9. Steps should be adopted to eradicate social ills. The Purdah system (generally found in some states like Orissa, Uttar Pradesh, Bihar and Rajasthan) and certain

other harmful social customs in the states of India stand in front of the improvement of girls' education. Caste barriers also contribute to it in some places of India. Voluntary organizations should take some steps to reform the social system, which helps in uplifting women's education in rural areas.

10. Wide systematic publicity campaigning should be carried out. Press and electronic media should be used extensively to educate the parents, which will ultimately help in educating the girls.

Conclusion:

Women play a prominent role in cultural, economic, political, religious and social life of a country. Awareness on the status of women is increasing in the recent decades. Once women are successful to access education, then there would be no problem in regard to their rights. Traditionally, subordinate, passive and modest roles of women have been challenged and discriminate in terms of life opportunities. In essence, women are bound to share everything with men in all steps of her life without a strong policy decision, but there cannot be much improvement in the socio-economic status of women. Therefore, the nation must develop integrated package of literacy and socio-economic development programmes for women.

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The Role of Human Rights Education and Globalization

Ghanashyam Taid¹

Abstract

Right is a claim and a social claim is necessary for the development of human personality. It is not an entitlement, which a person is possessed with and is not privileges, because they are not entitlements. Rights are universal in the sense that these are assured to all, who lives in the society and granted to all without any discrimination. Indian Constitution guarantees Fundamental Rights to the citizens, which are to be looked upon as inalienable rights of an individual, and every human being is entitled to enjoy it if he maintains his dignity and self respect. The right to education is now a fundamental right in India for all children in the age group of 6 to 14 years. In other words, the government is responsible for providing education to every child up to the eight standards, free of cost, irrespective of class and gender. Globalization is a process through which free flow of ideas, peoples, goods, services and capitals are increased continuously, which integrate various economies and societies. However, globalization has brought various changes in the creamy layer of a society connected with education, especially with higher education. The central

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concept of GATTs is progressive liberalization of trade in commercial services to promote economic growth among the WTO member countries. Commercial services include entertainment, e-commerce and education. According to the WTO source (July, 2001), fifty one countries had specific commitment for educational services.

Key Words: Human Rights, Rights to Education and Privatization of Education.

Introduction:

Right is a claim, a social claim necessary for the development of human personality. It is not an entitlement a person is possessed with. Right are not privileges because they are not entitlements. Rights are universal in the sense that they are assured to all who lives in the society. Rights are granted to all without any discrimination. Constitution of India guarantees Fundamental Rights to the citizens, which are to be looked upon as inalienable rights of an individual, which every human being is entitled to enjoy if he is to maintain his dignity and self respect. These are basic rights essential for the realization of the highest good of a citizen. Any violation of these rights can be questioned in a court of law. These are in the form of basic and essential freedoms which every citizen enjoys individually collectively. These are guaranteed in the form of six broad categories of "Fundamental Rights", under the Articles 12 to 35 of our Constitution. These are right to equality, right to freedom, right to against exploitation, right to freedom of religion, cultural right and educational right and right to constitutional remedies. Right to Education is simply meant all opportunities assured by government towards children irrespective caste, creed, community, sex, religion etc. It is now not a constitutional provision, a few years ago it is converted to right.

Right to Education:

United Nations, on 10th December, 1948, adopted Universal Declaration of Human Rights (UDHR). The Preamble to the

UDHR stated "every individual and organ of society..., shall strive by teaching and education to promote respect for these rights and freedoms...". In accordance with the Preamble of UDHR, education should aim at promoting human rights by imparting knowledge and skill among the people of the nation. In Article 26 of UDHR has been strictly focused on the followings:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Technical and professional shall be equally accessible to all on the basis of merit.
2. Education should 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 for the maintenance of peace.
3. Parents have a right to choose the kind of education that shall be given to their children. Thus, being a human right, education has essentially 'to contribute to the development of good human rights culture'. This is why all human rights documents have good human rights at all important stages, namely, policy formulation, curriculum development and actual teaching-learning activities.

About hundred years ago, Gopal Krishna Gokhale, urged the imperial Legislatively Assembly to confer on the right to education to Indian people. That goal has been realized a century later. The Government has finally come over all the odds and given effect to the Right to Education Act (REA) from 1st April 2010. The Right to Education is now a Fundamental Right for all children in the age group of 6 to 14. In simple words, it means that the Government will be responsible for providing free of cost education to every child up to the eight standards irrespective of class and gender. It has thus paved the way for building a strong, literate and empowered youth of the country. India joins the list of few countries, where Right to Education Act is a Fundamental Right. Some important sides of the Right to Education Act, 2009 are as follows:

- A) Right of children to free and compulsory education till completion of elementary education in a neighborhood school.
- B) It clarifies that 'compulsory' means obligation of the appropriate government to provide free elementary education and ensure compulsory admission, attendance and completion of elementary education to every child in the six to fourteen age groups. 'Free' means that no child shall be liable to pay any kind of fee or charges or expenses which may prevent him or her from pursuing and completing elementary education.
- C) It makes provisions for a non-admitted child to be admitted to an age appropriate class.
- D) It specifies the duties and responsibilities of appropriate Government, local authority and parents in providing free and compulsory education and sharing of financial and other responsibilities between the Central and State Government.
- E) It lays down the norms and standards relating to Pupil Teacher Ratio (PTRs), buildings and infrastructure, school-working days and teacher-working hours.
- F) It provides for rational deployment of teachers by ensuring that the specified pupil teacher ratio is maintained for each school, rather than just as average for the state or district or block, thus ensuring that there is no urban-rural imbalance in the teacher postings. It also provides for prohibition of deployment of teachers for non-educational works, like other than decennial census, election to local authority, state legislatures and parliament, and disaster relief.
- G) It provides for appointment of appropriately trained teachers, i.e. teacher with the requisite entry and academic qualifications.
- H) It prohibits (a) physical punishment and mental harassment, (b) screening procedures for admission of children, (c) capitation fee, (d) private tuition by teachers and (e) running of schools without recognition.

- I) It provides for development of curriculum in consonance with the values enshrined in the Constitution and which would ensure the all-round development of the child, child's knowledge building, potentiality and talent and making the child free of fear, trauma and anxiety through a system of friendly and child centered learning.

Education in the Context of Globalization:

Globalization is expected to be a process through which free flow of ideas, goods, services and capital is increased and would lead to the integration of economies and societies. It is characterized by an accelerated flow of trade, capital and information, as well as mobility of individuals across the geographical borders. It reflects a more comprehensive level of interaction than that has occurred in the past, suggesting something beyond the word "international". It implies a diminishing importance of national borders and strengthening the identities, that stretch beyond those rooted in a limited locale in terms of particular country and region. It can also be defined as intensification of worldwide social relations, which link distant localities in such a way that local happening are shaped by events occurring at any distant place and vice versa. It is the construction of time-space compression that has given to popular notion of "One World" "Global Village", etc.

Globalization has brought a situation that students have to be prepared for changing their jobs frequently in the labour markets. Globalization however, has brought a sea of changes in the creamy layer of society connected with the education and especially higher education. Globalization is a bye product of General Agreement on Trade and Tariff. Time has come to debate on the merits and demerits of globalization in world education scenario. Indian entrepreneurs have to step with education, which in turn has brought good and evils simultaneously for the wise people .By Globalization, students learning is facilitated in such a way that local and global resources, support

and net works can be brought in to maximize the opportunities for their developments during their learning process. Multiple sources of teaching methods are made available through globalization. Teaching can become world class teaching. Teacher can achieve global outlook through participation in international development and research programs. A new professional culture grows and they share professional practice and research mandatory with updating their knowledge timelessly.

Globalization means growing interdependence and interconnecting of the modern world through increased flow of goods, services, capital and information. The phenomenon of globalization, which transformed world trade, communication and economic relations in later part of the 20th century, have a similarly profound effect on education from the start of the 21 century. Student now have to be prepared for a labour market in which they can be expected to change jobs many times and need to acquire appropriate skills that are transferable and portable across sectors, countries and cultures. The higher education in modern India began with the establishment of Hindi College at Calcutta in 1817 by Raja Ram Mohon Roy with his friend David Hare. In 1887, Bombay, Calcutta and Madras Universities were setup under British rule. There were 20 universities and 500 colleges in the country at the time of Independence. Now, the number of Universities and Colleges are about 400 and 15,000 with student's enrolment is over 94 lakhs, which is about 10 percent of the total enrolment in higher education institutions of the whole world. About 18 percent of the India's total student population is getting the benefit of higher education through distance learning mode. There are nine (9) State Open Universities with IGNOU at the national level in New Delhi.

UNESCO is striving hard to promote pluralism and diversity at the global level through equitable access, capacity building, sharing of knowledge and learning. GATS and WTO are striving for reducing international barriers to 'trade in higher education'. The 'new internationalism' amounts to the application of 'economic politics' to 'economic market' with a definite motive of cutting economic costs, maximizing profits and utility. For instance, the

United States is the biggest exporter of online education and training having approximately 3000 institutions. The University Phonix in California has approximately 300,000 adult students across the world.

The year 1999-2000 was a milestone in the history of higher education in the United States. The number of international students crossed half a million mark. During 2000-2001, approximately 55 percent of these students came from developing countries, followed by 15 percent from Europe, 12 percent from Latin America, 7 percent from the Middle East, 6 percent from Canada and Mexico and 6 percent from Oceanic countries. China sent 10.9 percent of total foreign students, followed by India with 10 percent.

GATT - An Overview:

The Free Trade Scheme as envisaged under General Agreement on Trade and Tariff (GATT) will be guaranteed that academic institutions or other education providers would be free to

- a) Export and import degree, diploma programmer,
- b) Award degrees, diplomas and certificates with minimal restrictions,
- c) Invest in overseas educational institutions,
- d) Employ instruction for their foreign ventures and
- e) Setup educational and training programmers through branches, distance and online learning technologies without controls.

The central concept of GATT is that progressive liberalization of trade in Commercial services to promote economic growth in the WTO member countries. Commercial services include entertainment, e-commerce and education. According to WTO source in July 2001, 51 countries had specific commitment for educational services.

Right to Privatization of Education:

The commitment of the constitution towards elementary

education is that it should be provided free of cost and it should be compulsory. The free education is provided by targeting a certain age group of children that may be up to the age 14 years. The government in order to fulfill the constitutional commitment of compulsory education always takes into account the expenses of elementary education in the budgetary allocation. The government not only allocates for elementary education, but also frequently increases the amount of investment in primary education. The concern over the elementary education is so great that it sometimes seem that the government has been concentrating more on primary education than on higher education.

Due to the greater emphasis on elementary education the higher education is facing financial problems and the lack of adequate funds with the government also creates hurdles in the field of higher education. But, to cater the increasing needs of higher education large amount of investment is needed. In such a scenario, with shortage of funds the private sector feels that the domain of higher education should be privatized. The people from private sector come forward to privatize the higher education concerning it as a need of the time.

Observation of Some Committees:

- 1. The Punnayya Committee, 1992-93:** The recommendation of the committee is that as general rule, Universities should generate 15 percent of its annual maintenance expenditure through internally generated resources and this should go up to at least 25% at the end of ten years. The Committee also recommended that students receiving higher education should also bear a responsible proportion of the cost of higher education.
- 2. Dr. Swaminathan Panel, 1992:** The Panel has put forth the idea of collecting educational cash from industries and other organizations.
- 3. The Birla Ambani Report, 2000:** Some of the

- suggestions of the committee are:
- i) The government should confine itself to Primary Education and the higher education should be provided by the Private sector.
 - ii) Passage the Private University Bill.
 - iii) Loans and Grants are provided to the economically and socially weaker sections of society.
4. **Committee on 'Financing of Technical and Higher Education' of the Central Advisory Board of Education:** The Central Board of Education Committee recognized the limitations of non-government funding and the role of state in financing higher education, which also promotes growth. The Committee also insisted to allocate 1 percent of the national income for higher education.

Conclusion:

In the Post-Modernization era, education is considered not only as a means of development of innate power of human beings, but also as a basic social commodity. Education helps people to acquire knowledge, technique, skill and morality. Without education one can never dispel ignorant and prejudice himself. Education makes possible modification of human behavior and brings generosity towards society. Education is a powerful tool for modernization and social change. Science and technology ruled the society in the 21st century, one is considered as handicap if he deprives from educational opportunities. So, the government should take initiatives on imparting educational opportunities to all people in free and compulsory mood. This effort is not only a simple verbal inference at the moment rather a constitutional challenge and legal approach. Now, imparting quality base primary education and providing adequate support services to children are strict constitutional impose towards the government as well as parents. In many times, it is vividly proved that the only government initiatives are not sufficient to speed up or to reach the goal of universalization of primary education and

universalization of higher education. Nevertheless the government decided to make co-ordination with private sector to meet learner's total need. The government appeal is responded largely by the private enthusiasts. The private sector investment makes it easy to accelerate globalization and to be attained economic liberalization.

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Human Rights Education and Indian Education System: A Critical Analysis

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Abstract

Human rights are equal and basic rights for all human beings that define and redefine their individual and collective identities and allow them to take independent choices in the specific as well as in the totality of various socio-cultural situations. The Indian Constitution is probably one of the best written documents in the world in integrating various components and dimensions of human rights in its preamble. The uniqueness of this constitution lies in its sincere effort to bring structural changes in the highly heterogeneous and divided society of India due to caste, class, region, religion, gender and other factors. The Indian education system has followed a 'Value and Awareness Model' of human rights education. Various values related to human rights have been integrated in all subjects and in all stages of the school curriculum. Since the Indian society has traditionally been a value-based and spiritual society, inculcation of certain values through the process of education is considered as essential for promotion of respect for human dignity. If respect

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for human rights and fulfilment of human responsibilities are effectively modelled by parents, teachers, politicians, celebrities, religious leaders, opinion leaders and other role models, then human rights education becomes relatively easier and effective. The present study will specially focus on the matter of human rights education in the Indian education system and the role of teachers in uplifting the human rights values.

Key Words: Human Rights Education, Human Rights Values and 'Value and Awareness Model'.

Introduction:

Human rights are equal and basic rights for all human beings that define and redefine their individual and collective identities and allow them to choose independently in the specific as well as in the totality human situations. They also encompass the equal right to informed participation in decision-making process in matters relating to access and management of material bases of the life support system of individuals and collectivities. From time immemorial human beings have been struggling for such recognition of human dignity and worth which eventually culminated in the United Nations' Universal Declaration of Human Rights (UDHR) in 1948. Since then there has been no looking back and today all but one of the six core covenants and conventions on civil, political, economic, social and cultural rights¹ have each been ratified by more than 140 countries including India, whose own 1949 Constitution incorporates many of the principles of the UDHR. Human rights education is about valuing, respecting, and advocacy of human rights.

Review of Literature:

Vitit Muntarhorn (2003) in his article 'Education for Human Rights' highlighted the challenges for human rights education: universalization, interconnections, diversification and specifications. In his analysis of human rights education in various regions and states lead him to the conclusion that human rights education

tends to be found substantively at the tertiary level rather than at the pre-school, primary and secondary levels in formal education.

Shukla (2004) explains that all good education is in essence, a process of developing the human personality in all its dimensions. Value education is needed to be reoriented towards developing in the child knowledge, skills, attitude, values and behaviour patterns that society considers desirable for him to have, both as an individual and as a member of society. This book also focuses on fundamental issues of value degeneration with major concerns for population education environmental education and human rights education.

Rashid (2005) tries to assert that education is obviously a key vehicle for the dissemination of rights and a project for changing attitudes by incorporating elements of substantive rights into education.

Lenacie & et.al. (2009) explains that human rights education, together with education for democratic citizenship and education for mutual respect and understanding is vital for all the societies. It promotes empowerment equality as well as prevents conflict and resolution.

Mohapatra (2012) pleads to develop an understanding about the causes of infringement of the rights of people and emphasizes an assessment of the needs and formulation of strategies for prolongation of human rights education.

Objectives:

1. To highlight the efforts of the Indian constitution in respect of human rights education.
2. To examine the development of human rights education in India.
3. To examine the scenario of human rights education in the Indian education system.
4. To examine the role of teachers in respect of human rights education.

Human Rights Education- the Policy Perspectives:

The educational policy of a country addresses various concerns of the human society, which is reflected in the Constitution. The National Policy on Education (NPE), 1986 clearly declares that education has continued to evolve, diversify and extend its reach and coverage since the dawn of human history. Aware of the disparities prevailing in the various sections of highly diversified Indian society and the Constitutional obligation to provide 'protective discrimination' to the weaker sections, the policy suggests various measures to bring equality through the system of education. Consequently, the NPE (1986) has devoted a complete chapter, Part IV, on 'Education for equality', wherein the policy outlines has been provided for the educational development of the various weaker and disadvantaged sections of a society. For instance, the policy recommends that redesign the curriculums, textbooks, training and orientation of teachers, decision makers and administrators to remove gender bias from schools and bring changes in the status of women through education. The policy also mentions that educational development should be carried out for SC and ST and equalize them with non-SC/ST population at all stages and levels of education. Government and voluntary agencies have implemented several schemes over a period of time to open the doors of education and knowledge to SC/ST population, who are also offered job reservations in various sectors of employment. Since the Indian society is highly heterogeneous, the educational interest of the minority sections have not been neglected. Greater attention should be paid to educate these groups in the interests of equality and social justice.

Both the 1968 and 1986 Policy on Education lay stress on the combative role of education in eliminating obscurantism, religious fanaticism, violence, superstition and fatalism and to promote some core values such as India's common cultural heritage, egalitarianism, democracy, secularism, equality of sexes, observance of small family norms and inculcation of scientific temper, etc. All these core values are integrated in the school

curriculum.

The Indian education system has followed a 'Value and Awareness Model' of human rights education, where human rights are not taught as a separate subject, instead various values related to human rights have been integrated in all subjects and in all stages of the school curriculum. Since the Indian society has traditionally been a value-based and spiritual society, inculcation of certain values through the process of education is considered as essential for promotion of respect for human dignity. This basic principle has been accepted and reflected through all the three Curriculum Frameworks for school education formulated so far in the country by the National Council of Educational Research and Training (NCERT). Adopting a more forward-looking approach, the Curriculum Framework, 2000 considers education as an important instrument to:

1. Fight against inequality and to respond to the social, cultural, emotional and economic needs of the learners.
2. Promote a cohesive society through eliminating biases and imbalances among caste, class, region, religion, ideology, gender, etc.
3. Ensure rights of the child for equality of access to quality education and opportunity including those of girls and children with special needs.
4. Respond to the impact of globalization without losing the indigenous traditions and identity. Strengthening the national identity and preserving India's cultural heritage, while preparing learners for global citizenship with non-sectarian attitudes, capacity for tolerating differences arising out of caste, religion, ideology, region, language, sex, etc.

The Curriculum and textbooks at various school levels address these concerns. Graded information has been provided to develop values among students having bearing on human rights. An analysis of the syllabus and textbooks is presented below.

Lower Primary Level (I-V):

Lower Primary stage is the initial period of a child's education process and effort at this stage is directed towards helping the children to develop good habits and values (such as truth, peaceful co-existence, cooperation, punctuality and sincerity and respect for the elderly, etc.) related to personal cleanliness as well as keeping their surroundings clean. Therefore, the scheme of studies at this stage includes the teaching of "One Language" (the mother tongue/the regional language), mathematics and art of healthy and productive living (AHPL). Environmental studies have been introduced from class III onwards as a separate subject. While the language textbooks at this stage try to develop the communication and writing skills among learners. The textbook of environmental studies (from class III to V) helps students to develop an understanding about their body, immediate surroundings (such as their village, municipal committee and school, their country and its glory, unity in diversity and interdependence between environment and natural calamities, etc.), natural resources and their importance. Besides, the ideational content on the life and history of some of great people like Gandhi, Jagdish Chand Basu, Abdul Hameed, etc., reflect the spirit of the core curriculum recommended by the NPE (1986) and built the base of democratic citizenship among the children. A conscious effort has specifically been made at this level to remove gender stereotype and gender bias through the pictures and illustrations used in the textbooks.

Upper Primary Stage (Classes VI-VIII):

At this stage, the scheme of studies includes three languages (mother tongue/regional language, modern Indian language and English), mathematics, science and technology, social science, work education, art education and health and physical education (including games and sports, yoga, National Cadet Corps [NCC], scouting and guiding, etc.). The common core components identified by NPE (1986) have been infused in the syllabuses of different subjects. The basic social, moral and spiritual values

have been integrated in all subjects in both the scholastic and co-scholastic areas. At the upper primary stage, integration of science and technology, bringing mathematics closer to life and introduction of integrated thematic approach to teaching social sciences are some of the new elements of curriculum. A more focused attempt has been given at this stage to make students aware of various issues related to peace, national integration, international understanding and human rights. The guidelines of syllabus for this stage clearly recommends "relevant contents like human rights, conservation and improvement of environment, conservation of resources, population concerns, disaster management education, adolescence education, forestry, value inculcation, fundamental duties and rights, neighbourhood education, migration education, family life education, safety education, consumer education and education for sustainable development must be suitably incorporated in language materials."

As indicated earlier, thematic approach has been followed at this stage. Therefore instead of teaching history, geography and civics as separate subjects, these are taught as a composite whole with the objective of helping learners to understand the interdependence and interrelatedness of historical, geographical, political and economic perspective of an issue. The course content at this stage tries to develop appreciation among learners for different ways of living in India and elsewhere. It includes the study of the growth and development of principles of state policy, citizenship and civic life, India and the world in the twentieth century and major religions, major historical developments in the world, etc. A separate chapter has been devoted on United Nations, international agencies and human rights of human civilization, India's cultural heritage and political system, fundamental rights, duties and directive principles.

Secondary Stage (Classes IX-X):

The secondary stage is the terminal stage of ten years of undifferentiated school education pattern. It is also the stage that prepares students for various streams of education available at

the higher secondary level. The scheme of studies at this stage is as follows:

1. Three Languages: the mother tongue/the regional language, modern Indian language and English,
2. Mathematics,
3. Science and Technology,
4. Social Sciences,
5. Work Education,
6. Art Education-Fine Arts: Visual and Performing,
7. Health and physical education (including games and sports, yoga, NCC, etc.).

The analysis of current textbooks on language, social sciences and science and technology reveal a number of themes that bear on human rights education. The selection of thematic and ideational content in language courses emphasized the objective of inculcating human values and attitudes, promoting an awareness of human rights, international understanding and related issues of global significance. The textbook of social sciences contains a number of themes that directly address various concerns of human rights. The syllabus at this stage lays stress on development of objectivity, scientific temper, cultivation of social, ethical, moral and aesthetic values and development of sensitivity of possible misuse of science and technology and its devastating effect on sustainability of human beings and environment, etc.

Higher Secondary Stage (XI-XII):

This is a crucial stage as it is the terminal stage for a large number of students before they enter the world of work and for others it is a bridge to the tertiary stage of education: academic or professional. The curriculum at this stage for the academic stream includes foundation courses and elective courses, while for the vocational stream includes language, general foundation courses, health and physical education and vocational electives. The contents that are important from human rights perspective have been included in the language and elective courses. The

syllabus and textbooks of language course have integrated the core components and efforts have been made to develop among the students a sense of patriotism, pride of being Indian and promote international understanding. Relevant contemporary concerns like conservation and improvement of the environment, conservation of resources, population explosion, disaster management education, adolescence education, forestry, human rights and fundamental duties, safety education, migration education, consumer education and education for sustainable development, etc. have been suitably integrated in themes for various academic and vocational courses.

Human Rights Education in India:

It may be said that in India that the content of human rights education is not different to what was taught in that by way of religion, be it Hinduism, Buddhism, Christianity or Islam .There is a lot of truth in that statement. The quintessence of human rights is also the basic essence of all religions. Love compassion, loving kindness are the same. However, while teaching, we confined the obligations arising from these doctrines only to their followers. Human rights could bring in a universal aspect to moral and ethical education. And we in our divided societies are in great need of this. On the other hand, in the context of rapid secularisation we could still retain a basic common ground for respect for each other. Indirect references to human rights are included in Directive Principles of the constitution of India and in civics and history textbooks. Most of the Universities in India do not offer human rights education. Although some have three month to one-year postgraduate courses on human rights. Section 12(h) of the Protection of Human Rights Acts, 1993, requires the commission "to spread human rights literacy among various societies and promote awareness". The National Human Rights Commission of India and many NGOs have launched a countrywide public information campaign for human rights. It aims to make everyone more conscious of human rights and fundamental freedoms and facilitate with better equipments to

stand up for them. At the same time the campaign should be carried out to spread knowledge and to promote and protect human rights and fundamental freedom.

The Need for Human Rights Education:

The importance of human rights education hardly requires any over emphasis. It has a crucial role in preventing human rights violations from occurring. The United Nations proclaimed that human rights education is "training, dissemination and information efforts aimed at the building of a universal culture of human rights through imparting knowledge and skills and the moulding of attitudes". These efforts are designed to strengthen respect for human rights and fundamental freedom, facilitate the full development of human personality, sense of dignity and promote understanding, respect, gender equality and friendship to enable all persons to participate effectively in a free society and further activities for maintenance of peace.

Therefore human rights education, training and public information are necessary and essential for the promotion and achievement of stable and harmonious relations among the communities and for fostering mutual understanding, tolerance and peace. Through the learning of human rights as a way of life , fundamental change could be brought about to eradicate poverty, ignorance, prejudices and discrimination based on sex, caste, religion and disability and other status amongst the people.

Impediments of Human Rights Education:

The impediments upon human rights education is both formal and non-formal education include the following:

1. Inadequate incentive for teachers and insufficient teacher training on human rights,
2. Limited integration of human rights at the pre-school, primary and secondary levels of formal education and presence of an un-disciplinary rather than an interdisciplinary response at all levels,
3. The gaps between international standards and practical implementation,

4. Insufficient programmes in difficult situations and sensitive areas,
5. Inadequate monitoring and evolution of programmes,
6. Insufficient attention to disadvantaged groups.

Suggestions to Accelerate Human Rights Education:

1. Provide more incentive to teachers and teachers training to encourage them to incorporate human rights directly through substantive courses on human rights and indirectly via other courses by means of infusion,
2. Integrate human rights more expressly and comprehensively into the educational curriculum,
3. Convey a balance between human rights and responsibilities in keeping with international standards and a sense of universalism,
4. Initiate more programmes in difficult situations and sensitive areas,
5. Focus more on the needs of disadvantaged groups with a view to preventive, protective and rehabilitative action,
6. Propel democratization of human rights education as well as decentralization to improve access by distant communities.

Conclusion:

It is clear from the analysis that efforts have been made through the curriculum to develop cognitive skills and awareness, clarify and develop values and bring attitudinal change among students on various issues from human rights perspective. Both integrated and direct teaching approaches have been adopted for various human rights concerns. However, the 'values and awareness model' of human rights education seems to have failed to penetrate the affective domain of students. Therefore, it is often found that even if the students are well aware of their as well as others' human rights, they could not practice it in their behaviour. Besides, due to the examination oriented approach practiced in majority of Indian schools, students are keener to

obtain higher marks than practice these concerns in their actual behaviour. Hence, human rights are often forgotten immediately after passing the examination. The celebrations of important days like Human Rights Day, Population Day, AIDS Day or Anti-Apartheid Day, etc. have only temporary effect on students. Teachers, themselves are often unaware of human rights issues and methodologies of teaching them.

It is concluded that no matter what transactional strategy is adopted, the most effective education comes from 'modelling.' If respect for human rights and fulfilment of human responsibilities are effectively modelled by parents, teachers, politicians, celebrities, religious leaders and opinion leaders, then human rights education becomes relatively easier and effective. Therefore, creating a culture of respect for human rights and sensitivity towards human responsibilities should become the primary focus of human rights education whether at home, in the community or in school.

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Right to Sexuality: A Recent Notion in Human Rights Law And Practice

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Abstract

In general terms, sexual orientation or sexuality is an enduring, romantic, sexual or affectional attraction to another person. It is separated from other aspects of sexuality including biological sex, gender identity and the social gender role. Sexuality exists along a continuum that ranges from exclusive homosexuality to exclusive heterosexuality and includes various forms of bisexuality. In this paper attempt has been made to elaborate the idea of sexuality as a recent and sophisticated notion in human rights law and practice and one of the controversial aspects in politics. The paper also focuses on many of the questions, conflicts and dilemmas that mark this subject of sexuality and impede discussions of sexual rights. The paper frames the issue in ways that it will be useful and fresh for activists, policy-makers and human rights practitioners. The chief aim of the paper is to draw principles, theory, legal standards, lived experience and political possibility together, towards a new version of sexuality and human rights. At the end of this paper some suggestive measures are put forward in relation to political aspects regarding the acceptance of sexuality as a human right.

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Key Words: Human Rights, LGBT (Lesbian, Gay, Bisexual and Transgender) community, Religious Ideologies, Societal Influence and Educational Implications.

Introduction:

In simple observation, sexual orientation or sexuality is an enduring, romantic, sexual or affectional attraction to another person. It is separated from other aspects of sexuality including biological sex, gender identity and the social gender role. Sexuality exists along a continuum that ranges from exclusive homosexuality to exclusive heterosexuality and includes various forms of bisexuality. In this paper attempt has been made to elaborate the idea of sexuality as a recent and sophisticated notion in human rights law and practice and one of the controversial aspects in politics. The paper also focuses on many of the questions, conflicts and dilemmas that mark this subject of sexuality and impede discussions of sexual rights. The paper frames the issue in ways that I hope will be useful and fresh for activists, policy-makers and human rights practitioners. It also considers current human rights claims in relation to sexual rights, in formal human rights structures and processes. Excitement, need, confusion, disapproval, discomfort and vastly different stages of development characterise both formal and informal work on rights and sexuality. The chief aim of the paper is to draw principles, theory, legal standards, lived experience and political possibility together, towards a new vision of sexuality and human rights. More deliberate work on the incorporation of concepts of participation and human dignity as human rights could be particularly useful for sexual rights. Because sexually stigmated persons are often denied standing as public actors, it is important now to focus on participation as a key human rights value. The idea of human dignity is similarly essential, although it can have a complex and gendered bias, especially when applied to women in the society.

At the end of this paper some suggestive measures are put forward in relation to political aspects regarding the acceptance of sexuality as a human right. The preventive notions are also

tackled through the complicated atmosphere of political activities and the very idea of sexuality is tried to regulate in public and private life including the nature of the right of association and rights to sexual speech and to publish material with sexual content. The paper also has identified some of the policy differences that must still be resolved in the field of sexuality and rights. It suggests that more research and discussion will be needed to move the conversation forward.

Objectives:

All people, regardless of their sexual orientation or gender identity, have the same rights and freedoms. The right to exercise control over one's own sexuality and reproduction is fundamental for all people. Sexual and reproductive health and the associated rights extend to the equal opportunities, rights and conditions of all people to have a safe and satisfying sexual life, and to be able to decide over their own bodies without coercion, violence or discrimination. Today it is unfortunately common to withhold knowledge, and discrimination and oppression occur in terms of sexual and reproductive health and rights. There is also a marked increase in abuse which is often systematised in conflict, post-conflict and crisis situations. If we focus on the right to sexuality, we have at first to concentrate upon the sexual orientation which is a personal characteristic that forms part of who we are. It covers the range of human sexuality from lesbian and gay to bisexual and heterosexual. This right to sexuality is that right which is to be free from discrimination and harassment and which is applied to employment, services and facilities, accommodation and housing, contracts and membership in unions, trade or professional associations etc.. According to this right a person cannot be treated unequally or harassed in these areas because he or she is gay, lesbian, heterosexual or bisexual. It is also illegal to discriminate because someone is in a same-sex relationship. In my paper, focus has been made upon the recommendation of right to sexuality as a necessary human right in relation to those figures of the society who belong to the community of LGBT (Lesbian, Gay, Bisexual and Transgender).

Methodology:

The paper is systematically formulated with greater contributions from different secondary sources like books on Human Rights, Journals, Magazines, and Newspaper Write-ups etc. Internet sources are also properly utilised for up-to-date information.

Human Rights and Sexuality:

Human beings are rational beings. They, by virtue of their being human possess certain basic and inalienable rights which are commonly known as human rights. Human rights are moral principles or norms that describe certain standards of human behaviour, and are regularly protected as legal rights in national and international law. They are commonly understood as inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being and which are inherent in all human beings regardless of their nation, location, language, religion, ethnic origin or any other status. They are applicable everywhere and at every moment in the sense of being universal and they are egalitarian in the sense of being the same for everyone. They require empathy and the rule of law and impose an obligation on persons to respect the human rights of others. They should not be taken away except as a result of due process based on specific circumstances, and require freedom from unlawful imprisonment, torture, and execution. The doctrine of human rights has been highly influential within international law, global and regional institutions. Actions by states and non-governmental organizations form a basis of public policy worldwide. The idea of human rights suggests that if the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights. The strong claims made by the doctrine of human rights continue to provoke considerable skepticism and debates about the content, nature and justifications of human rights till today.

Again, Human sexuality is the capacity to have erotic experiences and responses. A person's sexual orientation may

influence his sexual interest and attraction for another person. Sexuality may be experienced and expressed in a variety of ways, including through thoughts, fantasies, desires, beliefs, attitudes, values, behaviors, practices, roles and relationships, which may manifest by way of biological, physical, emotional, or spiritual aspects. The biological and physical aspects of sexuality largely concern the reproductive functions of the sexes (including the human sexual response cycle), and the basic biological drive that exists in all species. Physical, as well as emotional, aspects of sexuality also include the bond that exists between individuals, and is expressed through profound feelings or physical manifestations of emotions of love, trust, and caring. Spiritual aspects of sexuality concern an individual's spiritual connection with others. Sexuality additionally impacts and is impacted by cultural, political, legal, and philosophical aspects of life. It can refer to issues of morality, ethics and theology, or religion.

Concept of LGBT Community:

LGBT generally stands for lesbian, gay, bisexual, and transgender. The concept is in use since the 1990s, which is an adaptation of the initialism LGB, which itself started replacing the term 'gay' when in reference to the LGBT community beginning in the mid-to-late 1980s, as many felt the term 'gay community' did not accurately represent all those to whom it referred. The initialism has become the mainstream as a self-designation and has been adopted by the majority of sexuality and gender identity-based community centers and media in the United States and some other English-speaking countries. It is also used in some other countries in whose languages the initialism is meaningful, such as France and Argentina. LGBT is intended to emphasize a diversity of sexuality and gender identity-based cultures and is sometimes used to refer to anyone who is non-heterosexual or non-cisgender instead of exclusively to people who are lesbian, gay, bisexual, or transgender. On the one hand, some intersex people who want to be included in LGBT groups suggest an extended initialism LGBTI (recorded since 1999). Furthermore, the initialism LGBTIH has been used in India to encompass the

'hijra' third gender identity and the related subculture. More recently, the catch-all term 'gender and sexual diversity' (GSD) has been proposed.

If we come across the history of LGBT, we can have lots of significant concepts and ideas regarding these people. Before the sexual revolution of the 1960s, there was no common non-derogatory vocabulary for non-heterosexuality; the closest term was the third gender which traces back to the 1860s but never gained wide acceptance in the United States. The first widely used term, homosexual, originally carried negative connotations and tended to be replaced by homophile in the 1950s and 1960s and subsequently gay in the 1970s. As lesbians forged more public identities, the phrase "gay and lesbian" became more common. As equality was a priority for lesbian feminists, disparity of roles between men and women or butch and femme were viewed as patriarchal. Lesbian feminists eschewed gender role play that had been pervasive in bars, as well as the perceived chauvinism of gay men; many lesbian feminists refused to work with gay men, or take up their causes. Lesbians who held a more essentialist view that they had been born homosexual and used the descriptor "lesbian" to define sexual attraction, often considered the separatist, angry opinions of lesbian-feminists to be detrimental to the cause of gay rights. This was soon followed by bisexual and transgender people also seeking recognition as legitimate categories within the larger community. After the initial euphoria of the Stonewall riots wore off, starting in the late 1970s and the early 1980s, there was a change in perception; some gays and lesbians became less accepting of bisexual or transgender people. It was thought that transgender people were acting out stereotypes and bisexuals were simply gay men or lesbian women who were afraid to come out and be honest about their identity. Each community that is collectively included has struggled to develop its own identity including whether, and how, to align with other gender and sexuality-based communities at times excluding other subgroups; these conflicts continue to this day.

The initialism LGBT saw occasional use in the United States

from about 1988. Not until the 1990s did it become common to speak of gay, lesbian, bisexual and transgender people with equal respect within the movement. Although the LGBT community has seen much controversy regarding universal acceptance of different member groups (bisexual and transgender individuals, in particular, have sometimes been marginalized by the larger LGBT community), the term LGBT has been a positive symbol of inclusion. Despite the fact that LGBT does not nominally encompass all individuals in smaller communities, the term is generally accepted to include those not identified in the four-letter acronym. As a whole, the use of the term LGBT has, over time, largely aided in bringing otherwise marginalized individuals into the general community.

Religious Ideologies upon Sexuality:

There are various religious views on same-sex marriage. Arguments both in favour of and in opposition to same-sex marriage are often made on religious grounds and/or formulated in terms of religious doctrine. An increasing number of religions and various religious denominations are conducting same-sex marriages in modern times. One peculiarity of the marriage equality debate is the fact that the most vocal opponents of laws legalizing same-sex marriage are the people who are arguably the least affected by them. It is easy to understand why some people favour marriage equality - people in same-sex relationships, and their friends and families who support them, have a fairly tangible stake in the outcome. It's harder to identify what is at stake personally for marriage equality opponents, so their arguments are usually made on behalf of society as a whole. Their main arguments fit into the following categories:

- Same-sex marriage "de-values" traditional marriage;
- God says he doesn't like it;
- Slippery slope to other non-traditional marriages (i.e., to animals, polygamy);
- It threatens the religious freedom of clergy members.

The first three of these arguments hardly merit discussion-

not because they aren't contentious, but because debate is practically futile. The first two are wholly based on personal values and belief systems that are unlikely to change based on rational arguments, and slippery slope arguments are logically fallacious on their face. The potential threat to religious freedom, however, is at least worth examining because it could directly impact people other than those entering same-sex unions. The supposed threat here is that laws allowing same-sex marriage will require religious officials to solemnize marriages, to which the objects based on religious doctrine, require churches to make facilities equally available for same-sex marriage ceremonies, or at the least expose them to civil lawsuits for discriminating against same-sex marriages. There is something personally at stake for religious officials and clergy in this case. Even most supporters of same-sex marriage would agree that this would be a significant transgression of First Amendment religious freedom as well as bad public policy. However, as one examines the various laws allowing same-sex marriage or other unions, this seems to be a threat in only theory and not in practice.

LGBT and the Indian Society:

Lesbian, gay, bisexual and transgender (LGBT) people in India face the danger of being imprisoned up to a lifetime because of their sexual orientation. Homosexual intercourse is a criminal offence under section 377 of the Indian Penal Code since 1860. This made it an offence for a person to voluntarily have "carnal intercourse against the order of nature. Mental, physical, emotional and economic violence against LGBT community in India still prevails. Lacking support from family, society or police many gay rape victims stay silent.

Law regarding Same-Sex Sexual Activity:

On 23 February 2012, the Ministry of Home Affairs expressed its opposition to the decriminalisation of homosexual activity, stating that in India, homosexuality is seen as being immoral. The Central Government reversed its stand on 28

February 2012, asserting that there was no legal error in decriminalising homosexual activity. This resulted in two judges of the Supreme Court reprimanding the central government for frequently changing its stand on the issue. On 11 December 2013, the Supreme Court set aside the 2009 Delhi High Court order decriminalising consensual homosexual activity within its jurisdiction. On January 28, 2014 Supreme Court dismissed the review Petition filed by Central Government, NGO Naz Foundation and several others, against its December 11 verdict on Section 377 of IPC. Human rights groups expressed worries that this would render homosexual couples vulnerable to police harassment, saying: "The Supreme Court's ruling is a disappointing setback to human dignity and the basic rights to privacy and non-discrimination".

Recognition of Same-Sex Relationships:

Same-sex marriages are not legal in India. But that did not stop a Gurgaon court in 2011 from effectively recognising a marriage between two women. Since marrying, the couple started receiving threats from friends and relatives in their village. The couple did win family approval eventually. So, this is really amazing that the right to sexuality has somehow survived and promoted. If the society needs, the concept of having the right to sexuality can easily be handled with a proper acceptance and dignity.

Conclusion and Suggestive Measures:

"All human beings are born free and equal in dignity and rights" (Universal Declaration of Human Rights, Article 1)

The above declaration upon human rights clearly indicate that all human beings are capable of having equal rights in relation to different fields whether it is education, property or even sexuality. We should not neglect those gay as well as lesbian persons who are also equal representatives of a particular nation belonging to the same human community. The face of the Indian society, moral values, ethics and social norms is changing very fast. We all have a sexual orientation and a gender identity, and

this shared fact means that discrimination against members of the Lesbian, Gay, Bisexual and Transgender community, based on sexual orientation and/ or gender identity, is an issue that transcends that community and affects all of us. Sexual orientation covers sexual desires, feelings, practices and identification. Sexual orientation can be towards people of the same or different sexes. Gender identity refers to the complex relationship between sex and gender, referring to a person's experience of self expression in relation to social categories of masculinity or femininity. A person's subjectively felt gender identity may be at variance with his sex or physiological characteristics. So, all people, regardless of their sexual orientation or gender identity, should be able to enjoy their human rights. Civil marriage between individuals of the same-sex is therefore an issue in which fundamental human rights are at stake. It can be said that the denial of equal civil recognition of same-sex relationships prevents many people from accessing a range of other rights, such as rights to housing and social security, and stigmatizes those relationships in ways that can fuel discrimination and other human rights abuses against people based on their sexual orientation or gender identity. Therefore, there should not be any type of discrimination in civil marriage laws on the basis of sexual orientation or gender identity and the whole controversy should instantly be solved in a dynamic and fruitful way.

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Environmental Right and Protection of Natural Resources - Water, Land, Forest etc. with Special Reference to North-East India

Khijumoni Saikia¹

Abstract

India has used various constitutional rights to protect the environment and human rights. In 1991, the Supreme Court interpreted the right to life guaranteed by Article 21 of the constitution, which includes "the right of enjoyment of pollution free water and air for full enjoyment of life". Today it has been expressly recognized as a constitutional right. In the developing countries like India, the sustainable and equitable utilization of natural resources is a major means of forwarding the region towards development. It is mentionable that the enjoyment of environmental rights cannot flourish in a unilateral way. Honest effort and proper planning can perhaps partly solved the problems of natural resource management. Widespread environmental degradation in North-Eastern region of India is aggravating various other natural calamities or hazards. The Environment Protection Act 1986, Air (Prevention and Control) Act 1986, Water (prevention and control) Act 1974, Wild Life (Protection) Act 1972, Forest (Conservation) Act 1980, etc. may be fruitful only with the active participation of the local

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people of the region. Considering the potentiality of the protection of natural resources in North-Eastern region, the present paper particularly attempts to address the critical issues associated with natural resources, especially protection of water, land and forest. An attempt has been also made to propose some eco-friendly strategies to tackle the problems of natural resource management.

Key Words: Environmental Degradation, Land, Forest and Water Resources, and Jhum Cultivation.

Introduction:

Environment is the sum total of water, air and land and inter-relationships among themselves and also with the human beings, other living organisms and property. Environmentalism refers to the movement, which is carried forward to protect the quality and continuity of life through conservation of natural resources.

Conservation of natural resources means the wise use of the earth's resources by humanity. Conservation is the proper management of a natural resource to prevent its exploitation, destruction or degradation. The term conservation came into use in the late 19th century and referred to the management, mainly for economic reasons, of such valuable natural resources as timber, fish, forest, water, etc. Organized environmentalism began with the conservation movement in the late 19th century, which urged the establishment of state and national parks and forests, wildlife refuges and national monuments intended to preserve noteworthy natural features.

Objectives:

The main objectives of this paper are as follows:

1. To study the importance and potential of water, land and forest resources for promoting the development of the North-East Region.
2. To focus on the degradation of land resources, particularly highlighting the jhum cultivation in hilly regions of North-East India.

3. To focus on the utilization of water resources, highlighting on the lower Subansiri dam of Assam.
4. To focus on the degradation of forest resources and its effect on environment of the region.
5. To find out the main reasons behind the environmental degradation in North-East India.
6. To find out different precautionary measures to protect the natural resources particularly land, forest, water, etc. and to save the environment of North-East India.

The New Environmentalism:

After 1950s, the public was becoming aware to conserve wilderness and endangered wildlife, which was an aspect of protecting environment. Public support these issues culminated in the Earth Day, which is celebrated on April 22 of every year to protect and conserve the environment. The first Earth Day was celebrated in 1970 to promote the ideas of ecology, encourage respect for life on earth and highlight growing concern over the soil, air and water pollutions.

The new movement is carried forward to preserve life on the planet. The radical groups believe that continued industrial development is incompatible with environmentalism. Other international organizations, notably Greenpeace, promote environmental awareness and address environmental abuse through direct, nonviolent confrontations with governments and companies.

The Link between Environmental Protection and Human Rights:

International environmental law and human rights law have intertwined objectives and ultimately strive to produce better conditions 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. Environmental law seeks to protect nature for itself and for the benefit of humankind on local and global level. It has broadly been confined to regulating inter-state

relations and the behaviour of some economic factors. Human rights have centered on fundamental aspirations of human beings with much more developed compliance mechanisms allowing individuals and groups to claim their rights. The inclusion of an environmental dimension in the human rights debate has become necessary in view of the recognition of pervasive influence of local and global environmental conditions upon the realization of human rights.

Different avenues for the integration of environmental concerns in the realization of human rights can be envisaged as:

Firstly, a reinterpretation of human rights included in international instruments can be attempted. Environmental conservation is hereby included as a further interpretative element widening the scope of the rights.

Secondly, some procedural rights developed separately in human rights and environmental law instruments could be used in conjunction to form a body of very effective technical rights.

Finally, a right to environment may be formally added to the catalogue of internationally guaranteed human rights.

In 1991, the Supreme Court interpreted the right to life guaranteed by article 21 of the constitution, which includes "the right of enjoyment of pollution free water and air for full enjoyment of life".

Environmental Organizations and Conferences:

Several environmental organizations like the National Resources Defense Council and the Environmental Defense Fund specialize in bringing lawsuits. Other environmentalist groups, such as the National Wildlife Federation, World Wildlife Fund, Friends of the Earth, the Nature Conservancy and the Wilderness Society disseminate information, participate in public hearings, lobby, stage demonstrations and purchase land for preservation. A smaller groups, including Wildlife Conservation and International and Worldwide Fund for Nature conduct research on endangered species and ecosystems. More radical organizations such as Greenpeace, Earth First and the Earth Liberation Front have more directly opposed actions and regard as environmentally

harmful. While Greenpeace is devoted to nonviolent confrontation and the Underground Earth Liberation Front engages in the clandestine destruction of property, the release of caged or penned animals and other acts of sabotage.

On an international level, concern for the environment was the subject of a UN conference in Stockholm in 1972, attended by 114 nations. The meeting suggests that develop the United Nations Conference on Environment and Development (UNCED) or Earth Summit, an 11-day meeting held in June, 1992, in Rio de Janeiro, Brazil, to discuss the global conflict between economic development and environmental protection.

Need for Public Awareness:

The United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro in 1992 and popularly known as Earth Summit followed by the World Summit on Sustainable Development at Johannesburg in 2002, just 10 years after the first summit, have highlighted the key issues of global environment concern and have attracted the attention of the general public towards the deteriorating environment. Any government at its own level cannot achieve the goals of sustainable development until the public has a participatory role in it. Public participation is possible only when the public aware about the issues related to ecology and environment. For example, a step by the government to ban the littering of polythene cannot be successful until the public understands the environmental implications of the same. The public has to be educated about the fact that if we are degrading our environment we are actually harming our own selves.

It is rightly said in a Chinese proverb "If you plan for one year, plant rice; if you plan for 10 years, plant trees and if you plan for 100 years, educate people". So, if we want to sustain on the earth for a long time, we have to make all the persons environmentally educated.

In 1991, the supreme court of our country issued directive to make all curricula environment oriented. The directive was, in fact, in response to a Public Interest Litigation (PIL) filed by

M.C. Mehta vs. Union of India (1988) prompted the apex court to give a mandate for creating environmental awareness among all the citizens of India.

Need for Conservation of Natural Resources:

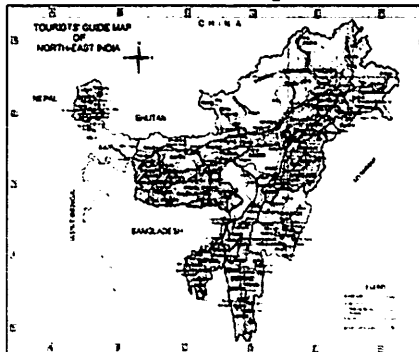
Nature provides all the basic needs for human beings, but they are overexploiting these resources. If the nature is exploited continuously, then there will be no more resources available for the future generation. There is an urgent need to conserve the nature:

- to maintain ecological balance for supporting life.
- to preserve different kinds of species (biodiversity).
- to make the resources available for the present and future generation.
- to ensure the survival of human race on the planet.

North-East India - A Region of Mystic Splendors and Rich Natural Resources:

North-East India spreads over an area of 262179 sq. kilometers and consists of 8 states: Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Tripura and Sikkim. It stretched between 89.46 degree to 91.30 degree east longitude and 21.57 degree to 29.30 degree north latitude. The whole region is connected with the rest of the country by a tenuous 22 kilometers land corridor through Siliguri of the Eastern state of West Bengal, which is referred as the "chicken's neck".

Figure 1: Tourists' Guide Map of North-East India



Having 8% of the country's total land area, North-East India is very rich in different natural resources and it has strong potential for the future development of the region. But, with the increasing population and to fulfill their needs, the ultimate hamper is on the entire natural resources of the region, basically on the land, water, and forest.

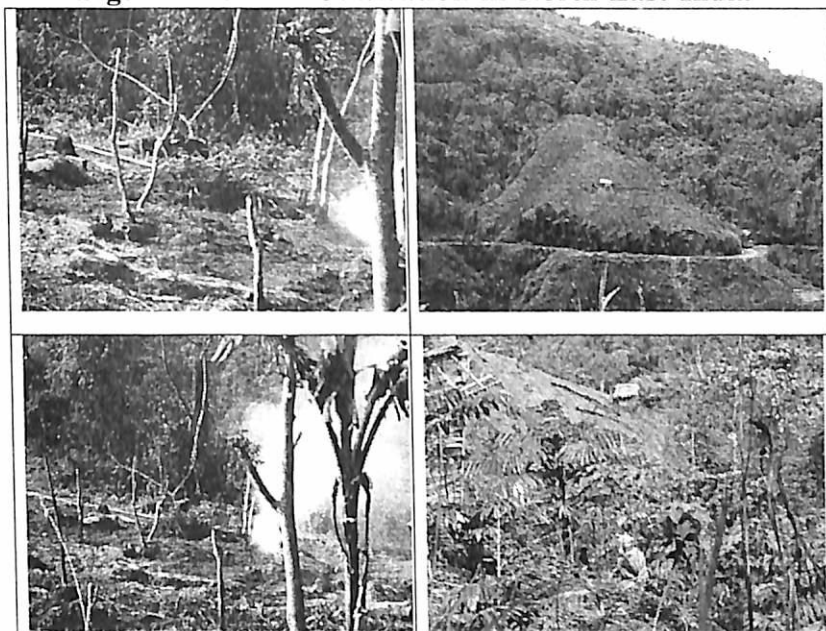
Shifting Cultivation- A Major Cause of Land Degradation in North-East India:

The economic structure of North-East India is dominated by agriculture and allied activities. But, the land under cultivation in the region is only 16% of its total geographical area. It varies from 2.5% in Arunachal Pradesh to 7.2% in Manipur, 9.4% in Meghalaya, 4% in Mizoram, 15% in Nagaland, 36% in Tripura and 45% Assam.

The hills and highlands of North-East India is covered by lush vegetation and inhabited by indigenous tribal peoples is famed as a biodiversity 'hotspot'. But, the inhabitants of this beautiful, remote region live in poverty and practiced the shifting cultivation, termed as jhum, which is identified as one of the major cause of land degradation in North-East India. The current practice of shifting cultivation in North-East India is an extravagant and unscientific form of land use. The evil effects of shifting cultivation are devastating and far-reaching in degrading the environment and ecology of these regions. Different pictures of Jhum cultivation is shown in figure 2. About 85% of the total cultivation in North-East India is by shifting cultivation and the earlier 15-20 year cycle of shifting cultivation on a particular land has reduced to 2-3 years now. This has resulted in:

- large scale deforestation,
 - soil and nutrient loss,
 - Invasion by weeds and other species and many more.
- The indigenous biodiversity has been affected to a large extent, etc.

Figure 2: Jhum Cultivation in North-East India



Due to this reduction of cycle to 2-3 years, the resilience of ecosystem has broken down and the land is increasingly deteriorating. In north east India, now a stage has come that it has already affected 2.7 million hectare of land and each year 0.4 hectare of land has fall under it.

Frequent shifting from one land to other has affected the ecology of these regions. The area under natural forest has declined the fragmentation of habitat, local disappearance of native species and invasion by exotic weeds and other reduction in the cycles of podu or jhuming, which adversely affects the recovery of soil fertility and the nutrient conservation by the ecosystem. Repeated short-cycle jhuming has created forest-canopy gaps which are evident from the barren hills.

Initiatives and Strategies to Control Shifting Cultivation:

Under the realm of different initiatives and strategies to control the shifting cultivation, various attempts have been made by the Government:

1. Arable land is provided to the tribal people for carrying out agriculture and also to settle in the area. A few schemes are being implemented under integrated tribal development programme in some districts.
2. An Agro forestry project known as Nagaland Environment Protection for Economic Development (NEPED) funded by Canadian International Development Agency (CIDA) through India-Canada Environment Facility (ICEF) was initiated in 1995 to make Nagaland self-sufficient in agro forestry.
3. Another important step to control the shifting cultivation for better use of land for better lives is done by an IFAD- supported project work of North-East India covering the sis districts of Meghalaya, Manipur and Assam.

Other Main Strategies regarding the Control of Shifting Cultivation may be Listed as:

1. Providing employment and income generation opportunities on a regular basis through proper utilization of the land resources, i.e., by equitable distribution of waste land among the tribal peoples.
2. By encouraging cooperative efforts for carrying out forest-based activities, i.e., basket making, rope making, cane furniture processing of minor forest produce, honey collection, etc. have to be made commercially viable by providing proper marketing facilities.
3. By forming Village Forest Committees for the protection and development of the degraded forest.
4. By ensuring implementation of total literacy campaign; this is due to remoteness and un-supportive attitude of tribal people, for which the development plans has not been generally successful.

Eco-Development Plans for Areas under Shifting Cultivation:

The mountain ecosystem of North-East Regions with shifting cultivation practice has to be made ecologically

sustainable. Formulation of an eco-development plan for the region for environmental sustainability could consider completely replacing agricultural practice (jhum), which is done at the cost of loss of biodiversity resources. In this context, eco-development plan of farm forestry is a mentionable step.

Suggestive Measures for Land Conservation or Sustainable Use of Land Resource:

To tackle the land degradation problem or to conserve the land resource, some measures are suggested as:

- ❑ Adopt Conservational till farming, as it causes minimum disturbance to the top soil.
- ❑ Practicing contour farming, where each row planted along the slope of the acts as a small dam to help hold soil and slow down loss of soil through run-off water.
- ❑ Employ terracing technique, which retains water for crops at all levels and cuts down soil erosion by controlling run-off.
- ❑ To reduce soil erosion, Strip cropping should be employed.
- ❑ The cooperation of local people, voluntary organizations and the officials of all connected departments should accelerate environmentally sustainable development of land resource.
- ❑ The policy making and its application regarding the land use in Upland and Lowland should be different as their requirements.
- ❑ With the growing population pressure and their increasing needs in the urban areas, very careful and proper land use planning in urban areas are needed.
- ❑ Adopt grass-root level sustainable projects by involving common people of the region.

Water- A Precious Resource:

Water is an indispensable natural resource on this earth on which all life depends. About 97% of the earth's surface is covered by water and most of the animals and plants have 60-

65% water in their body. The water we use keeps on cycling endlessly through the environment, which is termed as Hydrological Cycle. Out of the total water reserves of the world, about 97% is salty water and only 3% is fresh water. Even this small fraction of fresh water is not available to us as most of it is locked up in polar ice caps and just 0.003% is readily available to us in the form of ground water and surface water.

Degradation of Water Resource:

Degradation of Water is the decrease in quality and quantity of water on the earth surface. The main reasons for the degradation of water are follows:

1. To meet the need of increasing population, surface water and ground water are overdrawn.
2. Sewage, i.e., wastes water from domestic and municipal use makes fresh water unfit for use by human beings and animals.
3. Waste water, from all industries flow down to the surface water bodies and ground water bodies and get polluted.
4. Agricultural wastes containing manures, fertilizers and pesticides enter into the water bodies and degrade the quality of water.

Conservation of Water Resource:

Conservation and management of water are essential for the survival of mankind, plants and animals. This can be achieved by adopting the following methods:

1. Growing vegetation in the catchment areas, which will hold water in the soil and allow it to percolate into deeper layers and contribute to formation of ground water.
2. Constructing small dams and reservoirs to regulate supply of water to the fields, as well as to enable generating hydroelectricity.
3. Sewage should be treated and only the clear water should be released into the rivers.

4. Industrial wastes should be treated to prevent chemical and thermal pollution of fresh water.
5. Judicious use of water in our day-to-day life.
6. Rain water harvesting should be done by storing rainwater and recharging.

Construction of Big Dam over the Subansiri River of Assam vs. 'Hydro Dollar' Dream and its Environmental Impacts:

River valley projects with big dams have usually been considered to play a key role in the development process due to their multiple uses. But, the environmental impacts of big dams are also too many due to which the big dams become a subject of controversy.

Assam being a part of the nation is included in the development of the country as a whole. The people of Assam are in no way against development and also encourage the massive growth of industries in the state. But, whatever the field it may be, Assam is dependent for power supply from other states which indeed is a hindrance for development and progress of the State. Construction of the big dam over the Subansiri River will lend a hand in solving the power crisis problem in the State. The Subansiri Lower Dam is a 2,000 Mega-Watt hydroelectric power project of NHPC limited. The surface powerhouse will hold 8 units of Francis turbines of 250 MW each. It is probably the largest dam ever in India. The dam to be constructed is located at Gerukamukh near North Lakhimpur of Assam and Arunachal boarder. The projected dam is 116 meter high and at bursting crest time the reservoir will contain 1365 million cum and maximum flood discharge are 21230 cum. The dam is to be constructed in a seismic prone area, which is a threat for the entire State because if the dam happens to break it will wash away the entire North Lakhimpur, Dhemaji and other districts as well. The national park Kaziranga, which is internationally acclaimed for one-horned rhinoceros and various other migratory as well as resident birds will be completely washed off. The

World's largest river island "Majuli" will doom in the heart of the mighty river Brahmaputra.

Big dam project is no doubt supposed to be constructed with good will and for the well being of the people of Assam and India as a whole, but it should also consider the after effects if the dam happens to break. People of Assam are not against dams, but it should be constructed in a place where there is comparatively lesser risk to lives and other resources.

A noted environmentalist and expert from Andhra Pradesh have demanded re-design and reduction in height of the 116-meter Subansiri Dam in Assam to minimize its adverse environmental impacts. The expert group, which was formed jointly by the Ministry of Power, Government of Assam, All Assam Students Union and NHPC on September, 2008, also suggested against considering the Himalayan foothills for any mega hydro power project with regard to the geological, tectonic and seismological point of view.

Without curb the problem in a political phenomenon, it is necessary to address the problem totally in an ecological manner. A peaceful and scientific resolution should be adopted regarding this dam construction. Because, the development which comes at the cost of life, security and civilization of the people of Assam and overall destroying its biodiversity will no way be allowed.

Forest Resource:

About 1/3 rd of the world's land area is forested, which includes closed as well as open forests. But, it is a matter of concern that almost everywhere the cover of the natural forests has declined over the years.

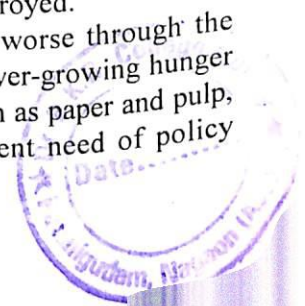
The northeastern part of India, known for its diverse and most extensive lush forest cover, is sadly one of the major regions facing severe deforestation. Forests of this region are unique structurally and species composition. It is a meeting region of temperate east Himalayan flora, palaeo-arctic flora of Tibetan highland and wet evergreen flora of south-east Asia and Yunnan forming bowl of biodiversity.

According to an official estimate based on satellite images (survey report of FSI), northeastern region has 163,799 km² of forest, which is about 25% of the total forest cover in the country (Anon., 2000). The management of the forest has suffered in the recent past due to pressure on land, decreasing cycle of shifting cultivation, exploitation of forest for timber and lack of scientific management strategy.

The age-old practice of shifting cultivation is a factor, which is responsible for the forest and land degradation, thereby changing the landscape extensively. Around 0.45 million families of the northeastern region annually cultivate 10,000 km² of the forests, whereas total area is affected by 'jhumming' is believed to be 44,000 km² (Singh, 1990). Degraded secondary forests, bamboo thickets and weeds or simply barren land dominate today's 'jhumscapes'.

Forest-fires are common and frequent affecting about 20% of the total forest area. Such fires at the end of winters are a rule rather than exception. The villagers set fire to forest, which is littered with inflammable dry leaves and twigs. The hill forests get burnt due to jhum fires going out of control and spreading to the surrounding areas. This is causing immense harm in catchment areas of major rivers. As per assessment of FSI (1993), it is estimated that around 6.16% of the forest are heavy to moderately degraded by fire (SBSAP Tripura). In places, retrogression of vegetation has already set in. The main constraints in control of forest fires are lack of communication facility for early detection of forest fire and also the lack of firefighting equipment. Forest fires sweep a large area of forest floor every year, affecting regeneration in natural forest and young crop in the plantations. It poses a serious threat to biodiversity as only hardy species are able to survive, habitat is destroyed and micro flora and fauna are destroyed.

Further, the problem has been getting worse through the indiscriminate felling of trees to satisfy the ever-growing hunger of industries surviving on forest products, such as paper and pulp, plywood, match stick, etc. There is an urgent need of policy



measures to undo the massive losses to the green cover of this region. According to 1995 estimates, these states including Arunachal Pradesh, Assam, Meghalaya, Manipur, Mizoram, Nagaland and Sikkim accounted for a loss of 791 sq. km forest area in two years viz. from 1993 to 1995 (FSI, 1996).

One of the most aggressive large scale deforestation in the foothill region of Eastern Himalayas has taken place in Sonitpur district of Assam. The spatial distribution of different forest types from 1994 to 2000 show that very valuable forest cover area is being converted to agricultural land. The reduction in total forests is more from 1999 to 2000 than was observed from 1994 to 1999. The massive change in the forest cover is due to human induced practices and unsound forest management activities. It is the highest rate of deforestation recorded in the managed setup. Even the community participation in these regions has failed to affect protection and conservation of the area. The changes have not only impacted the cover attributes but also the biodiversity of the area.

Given the rich biodiversity of North-East India, its conservation has become a major challenge. Forest and forest ecosystems of this region are under severe pressures, both from biotic and abiotic factors, like population explosion, encroachments on forest lands, loss of forest cover for other non-forest uses, shifting cultivation (jhum) practices and degradation caused by illicit felling, lopping for fuel wood forest and fodder, removal of forest cover for litter, forest fires, industrial logging, weak government policies etc.

The socio-political situation is playing a very important role in the deforestation rates in spatial and temporal domain. The Hollock and Hollong forests of the northeastern Himalayan region have been cleared with the highest rate. The sustainable forest management in this region prescribes 60-80 rotation cycle. However, in absence of any management plan, estimate of growing stock and stratification on site quality, the exploitation of wet tropical evergreen forest is left to timber mafias. The rate of deforestation is much higher than this. The apex court

imposed an interim ban on felling in forests on December 12, 1996. Being the owner of India's one-fourth of forests in the fragile location, the region has to be restored and the resources are to be used in a sustainable way. The order has come at a very proper time wherein the region was losing 31,700 hectares of forest every year, mostly due to government and traders' nexus. Most of the forest (80%) in the region is controlled by the traditional community. The concept of people's participation has failed in the region to restore the natural resources and its optimum utilization. Non-scientific forest management practices have resulted in the fragmentation of the landscape in the region. The permit system, introduced to help the local people, has become instrumental for siphoning huge number of trees out the region. The rampant felling has changed the scenario of the dense evergreen forest to denudation. Except few parts of Arunachal Pradesh, the whole region is harboring only the open or degraded forest. The present image of the regions' forested landscape is due to the non-scientific and weak management policies. About 50 saw mills are actively functioning in the Assam and Arunachal Pradesh forest belt. Are these forest-based industries set up on the basis of available raw material in the catchment? The saw mills, mostly owned by influential socio-political set ups, used to continue operations long after their quotas were over. The number of saw mills in Arunachal Pradesh increased by 400 percent from 1983 to 1994 (Anon., 2002b). In some places saw mills are located deep in the forests, making them inaccessible. The illegal timber seized from the entire region is estimated to run into several hundred crore rupees per year.

The ban has been imposed to restore the fragile and most unique ecosystem of the nation. It says that forests should be operated based on scientific management. It has been misinterpreted on account of financial losses, unemployment and the livelihood issues. The local communities claim to use only 1% of the forest resource for their livelihood, but hillocks have been leased to traders at throwaway prices. The joint forest management was not found of much value in this region. The

community forest and the private forest practices could not preserve much of the areas. The unique land ownership system could not manage the community forest or exercise any control on the over-utilization of the resources. It can only be achieved with a scientific-cum- social management practice. A complete inventory of the total forest areas and growing stock is thus a task of the highest priority. Stratification is required at the growth level as well as the individual tree level.

Suggestions:

Scientific management would need comprehensive information on varying scale, forest cover type, resource component, land use practices, socio-economic set up and administrative details in the format of national geospatial data frame. Remote sensing based database should finally help the effort of saving forest resources of North-East.

Conclusion:

Environment provides the way to sustain human beings on the earth for a long time. So, to survive on it, it is necessary to protect or conserve the already badly ravaged environment, otherwise soon the earth surface will become the sterile plant where everything will become barren.

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Human Rights and Issues of Gender Inequality in Context of India

Leena Bora Hazari¹

Abstract

Human rights are the basic rights and freedom to which everybody is entitled to. All human beings are born free and equal in dignity and rights. So, the human rights are an integral and indivisible part of every human being. Despite of having its vast universality gender inequalities exist because of discrimination in the families and societal institutions and also because of social, cultural and religious norms that perpetuate stereotype practices and beliefs which are detrimental to women. The United Nations Human Development (1995) refers to gender inequality in terms of capabilities (education, health and nutrition) and opportunities (economic and decision making). In India, the principle of gender-equality is enriched not only in the constitution but also in Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. Although the overall position has improved, but statistics indicate that this improvement does not necessarily mean gender-equality in all spheres of social life. This paper tries to highlight the glaring gender inequalities in context of present India from both macro and micro level.

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Key Words: Human Rights, Women's Rights and Gender Inequality.

Introduction:

Gender is a social construct like race and ethnicity (Patel, 2009). Gender influences human options, conditions and experiences (Dey, 2009). It defines and differentiates the roles, rights, responsibilities and obligations of women and men. Although the specific nature and degree of the differences vary from one society to the next, they typically favour men, creating an imbalance in power and as such gender inequality exists in most of the societies of the globe. Human rights ensure gender equality. Every woman must enjoy human rights for her survival, security, liberty and development in dignity in the world. But, one of the major reasons of gender inequality is that women are attacked against their fundamental human rights for no other reason than they are women (Sarma, 2007).

The present research paper tries to visualize a picture on the overall status gender inequality in India from both macro and micro level by using the data collected from secondary sources.

Human Rights Protection for Women:

Human rights are inherent rights which are due to an individual by virtue of his/her being a human being (Yasin & Upadhyay, 2004). So human rights are equal rights: one either is or is not a human being and therefore has the same human rights as everyone else (or none at all). Human rights of women has been defined as collective rights of women to be seen and accepted as person with capacity to decide or act on her behalf and exercise rights as a full human being and to support the developments of others.

Both in Vienna at the UN World Conference on Human Rights in 1993 and in Beijing at the UN World Conference on women in 1995, women's rights were recognized as human rights. The United Nations Fourth World Conference on Women (Beijing, 1995) has reaffirmed the following issues of human rights for women discussed in the earlier conferences:

1. Human rights and fundamental freedoms are the birthright of all human beings, their protection and promotion is the first responsibility of Governments.
2. The conference reaffirmed that the human rights of women and the girl child are an inalienable, integral and indivisible part of universal human rights.
3. The platform for Action reaffirms that all human rights: civil, cultural, economic, political and social including the right to development are universal, indivisible, interdependent and interrelated as expressed in the Vienna Declaration and Programme of Action (1995) adopted by the World Conference on Human Rights.
4. Governments must not only refrain from violating the human rights of all women, but must work actively to promote and protect these rights.
5. The World Conference on Human Rights reaffirmed clearly that the human rights of women throughout the life cycle are inalienable, integral and indivisible part of universal human rights.
6. The International Conference on Population and Development (Cairo, 1994) reaffirmed women's reproductive rights and the right to development. Both the declaration of the Rights of the Child and the convention of the Rights of the Child guarantee children's rights and uphold the principle of non-discrimination on the grounds of gender.

The constitution of India also ensures gender equality in its preamble as a fundamental right and also empowers the state to adopt measures of positive discrimination in favour of women by ways of legislation and policies. Indian women are the beneficiaries of fundamental rights in the same way as Indian men that is mentioned in the article 14 that 'equality before law'. Article 15 prohibits any discrimination among other grounds on that of sex. Apart from constitutional protections provided to women in India there are hundreds of enabling Acts as social security legislation which are being framed time to time to protect honour and dignity of women (Varshney, 2010).

Gender Inequality and Threats to Human Rights:

(A) Gender Inequality from Macro Approach:

'Gender disparity' or 'gender inequality' is synonymous, which refers to the inequality that prevails between men and women, or male and female, based on the act of discrimination for being belonged to a specific sex, thereby leading to deprivation of opportunities in social, political, economic or educational sphere or to undergo physical, mental sufferings. It appears due to the violation of 'equality', which is regarded as the basic ideal of democracy. According to the UN (2002), "Equality is the cornerstone of every democratic society that aspires to social justice and human rights". The term gender equality has been defined in multiple ways and subject to a great debate in the UN. It often means women having the same opportunities in life as men and such opportunities are equality in access to education and employment, which does not really lead to equality in outcomes. The United Nations Human Development (1995) refers to gender equality in terms of capabilities (education, health and nutrition) and opportunities (economic and decision making). Similarly, the World Bank defines gender equality in terms of equality under the law, equality in opportunity (including equality in rewards for work and access to human capital and other productive resources that enable opportunities) and equality of voice (ability to influence and contribute to the development process).

Prof. Amartya Sen (2001) mentioned seven forms of gender inequalities prevailing in our society. These inequalities are mortality, natality, basic facility, special opportunity, profession, ownership and household. According to Sen, gender inequality is not a homogeneous phenomenon, but a collection of disparate and interlinked problems. Gender is a social construct like race and ethnicity. It defines and differentiates the roles, rights, responsibilities and obligations of women and men. Specific nature and degree of these differences vary from one society to another, they typically favour men, creating an imbalance in power and gender inequality that exists in most societies of the

world (Patel, 2009). Gender inequality has three aspects: unequal opportunities, unequal treatment and unequal entitlements for both men and women. It is directly linked with human development. Various attempts are carried out to give the due and equal position to women in the social hierarchy by framing various legislations, but statistics from all over the world indicates something different.

Gender Inequality Index (GII) is a tool to measure the dimension of gender inequalities basically for the benefit of the developing countries. UNDP has launched two gender sensitive measures at the Fourth World Conference on Women in 1995 and they are: Gender Development Index (GDI) and Gender Empowerment Measure (GEM). These two measures have helped to highlight the gender inequalities in the international policy debates. GDI assesses gender differences in terms of human development and GEM measures gender inequalities in terms of economic and political opportunities. 'Human Development Index' (HDI) includes income, literacy and life expectancy and obtain the average to calculate the degree of inequality between men and women. If the difference is high between men and women, the GDI will be lower.

Explicit measures of gender inequalities are sex ratio, literacy rates, health and nutrition indicators, ownership of land and property. The implicit measures of gender inequalities are those embedded in relation to power and in hierarchies like control over resources, decision making, etc. (Patel, 2009). Thus, the concept of gender inequality is mostly considered as a matter of macro level.

(B) Gender Inequality from Micro Approach:

Though there are no legal hurdles to women's full participation in the socio-economic and political life of a country, deep seated gender prejudices and restrictive social taboos violate human rights of women.

Despite having the constitutional provisions, report of the Parliamentary Committee on the status of women title towards equality highlighted the fact that Indian women continued to suffer from neglect and deprivation. So, it should be discussed

from the micro level to determine the real position of women. It is true that the social system in India projects women as subordinate which leads to the violation of women's human rights. Frequent violation of women's human rights hampers the process of empowering women in social, political and economic sphere. Domestic violence is one of the most vicious forms among many manifestations of the violation of the fundamental rights of women. It includes actual abuse or the threat of abuse in physical, sexual, emotional, verbal and economic maltreatment against a woman by her family members. Factors responsible for increasing criminalization of society, media images, inadequate means to address the cause and consequences of violence, poor enforcement of legal provisions, unabashed consumerism and erosion of family values have added in the list of violence against women (Manohar, 2006). Along with child marriage and 'purdah pratha', the number of atrocities against women such as kidnapping, raping, sexual harassment in the public as well as in private life, beating, murdering, bride burning for dowry related cases, discrimination against girls in food allocation, education and other practices related to health and well being are not reducing at all (Devi, 2009). It can be said that being female is itself life threatening. The glaring reality of women's life violates human rights in three ways:

1. **Before Birth:** Amniocentesis is used for sex selection leading to abortion of female fetuses and reflecting a disproportionate sex ratio.
2. **During Childhood:** The report of the World Health Organization states that girls are fed less, breast fed for shorter periods of time, taken to doctors less frequently, die or are physically and mentally maimed by malnutrition at higher rates than boys in many countries.
3. **In Adulthood:** The denial of women's reproductive rights in the sense of control over their bodies in reproduction women's lives. This is more prevalent in the conditions of poverty and poor health services.

Gender Inequalities in the Context of Present India:

Gender related Development Index (GDI) reflects a picture, where gender inequality is compared across the country and among the states and districts. GDI is measured by HDI (Human Development Index) and it is constructed by using three major components which are per-capita-income, educational attainment and life expectancy. The following statistics shows a macro level scenario of gender inequality:

Gender Gap Index (GGI) report is released by the World Economic Forum since 2006. India was ranked 98th position in GGI report in 2006 and its position has been falling steadily from starting. The position of India in GGI report has fallen from 112 out of 134 countries in 2010 to 113 out of 135 countries in 2011.

The statistics on economic participation of women is worst in India and ranked 131 with a percentage of 39.6, which is the fifth position from the bottom. But, India is ranked well in political participation of women and ranked 19th with a percentage of 31.2. India is doing relatively well in absolute terms on the educational attainment and health & survival fronts, but in terms ranking it is way behind others. India is ranked 121st (83.7%) in educational attainment and 134th (93.1%) for health & survival.

The Global Gender Gap Index (GGGI) report is prepared on how well resources and opportunities are divided among male and female populations for 135 countries, which represents more than 93% of the world's population. The report measures the size of gender inequality in four areas: economic participation and opportunity, education, political empowerment and health and survival. According to this report, the three highest ranking countries have closed a little over 80% of their gender gaps, while the lowest ranking country has closed only a little over 45% of its gender gap.

The National Family Health Survey (NFHS-3) under the stewardship of Government of India conducted in 2005-06 based on gender equality provides trend data on key indicators such as sex ratio, gender differences in education, employment, marriage, decision making making, health, nutrition, ect. in 29 states of India.

Some of the key findings can be summarized as follows

which shows the vast gender gap exist in India:

- ❑ The sex ratio has fallen from 934 in 1992-93 to 918 in 2005-06.
- ❑ The trend in the sex ratio at birth (number of live female births per 1000 live births) has also fallen from 941 in 1992-93 to 919 in 2005-06.
- ❑ Two thirds of girls and three fourth of boys of 6-17 age groups are attending schools. Only 889 girls per 1000 boys are attending schools.
- ❑ There is gender equality in school attendance in urban areas. But in rural areas, females are in a backward position in education and it increases with age.
- ❑ Most of the women are employed in agriculture; only 7% are engaged in professional, technical or managerial occupations.
- ❑ Women's freedom of movement is severely curtailed: only one in three are allowed to go alone to the market, the health centre and outside the community.
- ❑ Less than one in six women have bank or saving account that they use. Kerala, Delhi and Goa are the only states where more than one in four women has account in the banks that they use.
- ❑ Among the earning personals, the decisions of more women (1:5) than men (1:18) are not considered in how their own earnings are used and only fewer women's (7:10) than men's (9:10) decisions are recognized in this respect.
- ❑ About two in five newly married women of the age group 15-49 have experienced spousal violence in their married life.

The latest census report, 2011 also reveals that population of the country reaches 121,0193,422 with a sex ratio of 940. The

literate of India is 74.04% (77.84 crore), where the effective male literacy rate is 82.14% and effective female literacy rate is as low as 65.46% (33.42 crore). The gender gap of 16.46% in literacy rate is a vital factor which has to be addressed on priority.

**Table 1: Crime against Women under IPC
(Indian Penal Code)**

Sl. No.	Type of Violence	Year	
		2007-2008	2009-2010
1.	Cruelty by Husbands and Relatives	75,930	89,546
2.	Dowry Deaths	8,093	8,383
3.	Rape Case	20,737	21,397
4.	Molestation	38,734	38,711
5.	Sexual Harassment	10,950	11,009
6.	Kidnapping and Abduction of Women and Girls	20,416	25,741
7.	Indecent Representation of Women	1200	845

Source: National Crime Control Bureau, 2010 (<http://www.prajnya.in/gur10.pdf>)

Apart from these, there are countless Indian women still continuing to be victims of violence and badly treated in the society. Among them, domestic violence is undoubtedly a human right issue. The statistics on some major violence against women which have been registered are shown in table 1. It provides a snapshot of the influence of gender violence in India during 2007 to 2010. The crime against women in 2009-2010 has been increasing at an alarming rate in comparison to 2007-2008. These data do not include all cases of violence against women in India. It shows only the registered cases against crime to women in police stations. The interesting fact is that most of the Indian women cannot express about the harassment as it is socially a very sensitive issue. As a result, there are so many unregistered cases in Indian society and if these are recorded the present figure will be doubled.

Conclusion:

Laws and policies can only protect women's rights or reduce the extent of gender inequality exist in a society. These

laws and policies cannot remove the unwanted situations of women's life to a great extent. Micro level approaches are the most effective ones to change the scenario otherwise it would take centuries for liberation of women from social bondage. The liberation of women depends upon their own work, education and courage to assert their own right. One of the slogans of the women's movement is 'my biology is not my destiny'. While it is true that certain biological functions are performed only by women, gender should not be considered as an issue in all other human activities. When a woman knows, aware and understands her rights first as a person and then as a woman, she can take further steps against violence. They need to be re-socialized and encouraged to move from a culture of silence to a culture of protecting human dignity. For this, they need to be make herself powerful, cultivate her intellectual and professional abilities and restore her innate powers within.

Besides these, necessary steps should be taken in school curricula to popularize human rights education among women from their childhood and public campaigns should be arranged by the Government to make aware of their constitutional and legal rights. There must be encouragement, coordination and cooperation among the local and regional groups, relevant non-governmental organizations, educators and media to implement programmes in human rights education to make women aware of their rights.

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The Evolving Nature of Human Rights in Society

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Abstract

The concept of 'human rights' is as ancient as human civilization. The struggle for the recognition of human rights and the struggle against political, economic, social and cultural oppression against injustice and inequalities have been an integral part of the history of all human societies. The root of the contemporary conception of human rights can be traced to the period of Renaissance and Enlightenment. After the UN declaration of 2007, human rights movement leads to a new dimension. It declares that right to food, right to potable water and the right to a fair share of natural resources should be an intrinsic part of human rights.

Key Words: Human Rights, Human Rights Movement and UN Declaration.

Background:

It is necessary to understand the meaning of justice before describing the real meaning of human rights. In simple terms, justice implies the idea of what is wrong and what is acceptable in the society. The concept of justice and human rights has evolved over a course of time.

Nobel Laureate Amartya Sen demystified the entire concept

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of justice and the process of its evolution in his famous book 'The Idea of Justice', which is published in 2009. He builds upon the thoughts and ideas of people like John Rawls, Adam Smith, et. al. to draw a few conclusions on the subject matter on his own. It is imperative to note that just like there is a relation between the idea or concept of justice and human rights, there is also there is also a close relation between the idea of justice and the rule of law.

The way that people decide about justice has changed over the years. Till very late in the history of mankind, people used their power to mend the definition of justice. There is, as has been noted by Amartya Sen in his Book, a lack of a concept of absolute justice. Justice has always been described in a comparative manner. This has made the definition of justice at many times of time inadequate. Such an inadequacy led to the formation of wrong laws and hence human rights in the world seem to have suffered. However, in this progressive world the idea of justice has evolved and along with it has evolved the laws as well as the institution of human rights. Each period has seen a new direction in the human rights movement owing to continuously changing 'power regimes'. The term 'power regime' has been used because they are the primary source of definition of justice and human rights. This kind of a partiality favouring the stronger people is faulty, but the silver lining is that the powers now-a-days have become more cautious and considerate. They have become better judge what right or wrong, i.e., justice.

Progress in human rights movement following better judgment has a lot of impact in the society. It changes the way people think and also their social relations. For example, qualities furnished to women in society. It has a lot of scope for progress as the society waits to change to better. Gone are the days when the basic declaration of human rights encompassed equality as human to all, following the debacle of the World War II, human rights laws have moved on to include a wider framework of justice.

Introduction:

Re-evaluation of human rights is practiced to bring newer and better dimensions in the human rights movements. The three generations of rights are as follows:

1. The first generation rights concerned mainly with the civil and political rights of the individuals.
2. The second generation highlighted the social, economic and cultural security.
3. The third and the most recent generation of human rights is environmental, developmental and cultural rights. They are concerned with rights of groups of people rather than that of individuals. They are moving away from the human rights arising out of humanity to the human rights arising out of morality, for example: right of self determination and right to development.

Literature Review:

Raz, Joseph (2009) discussed various issues of human rights in the new world order. The author took the example of right to education and right to health to elucidate the fact that human rights are not only those which are achieved by virtue of humanity alone. The study concluded that rights of these days have become moral rights which call for legal political protection.

Waldron, Jeremy (2008) talked about the cluster of ideas forming the modern political morality. They are the eponymous 'rule of law', human rights, democracy and the free market economy. It is not at all strange to note that there is a direct relation amongst all of these constitutive ideas of the present day political morality.

Blattberg, Charles (2009) discussed the various reasons for newer directions in the human rights movement. He claims that human rights are praise worthy in terms of the values they represent, but when it comes to the things which are articulated abstractly, human rights seem to fall short of purpose. Hence human rights treaties evolve, changes are made to show the inclination of the political thinkers to understand better the abstract meanings of a priori stated human rights.

Objectives:

The major objective of the present study is to analyze the latest changes in the human rights movement. In the course of discussion, the paper would throw light on the followings:

1. Initial declaration of the United Nations (UN),
2. The current stand of UN on the issue of human rights,
3. Analyzed the newly recognized issues, like: conflict between personal economic interest and human rights, agriculture and human rights, rights of indigenous people, right to natural resources and mega transnational corporations and human rights.
4. The violation of human rights in the present society.

Methodology:

1. Data Collection:

The present study primarily depends on the secondary data, which are collected from newspapers, research journals, etc.

2. Hypotheses:

Following hypotheses are taken up for analysis in the present study:

A) H_0 : The definition of human rights at a particular point of time is fully satisfactory and does not need to change.

H_1 : The definition of human rights at all points of time is not satisfactory and needs to evolve.

B) H_0 : New research and findings need not be included in the definition of human rights.

H_1 : New research and findings need to be included in the definition of human rights.

The present study is not conclusive in any regards. It is only an effort to bring forward certain issues, which could play a structural part in the shaping of a better and stronger human rights regime.

Universal Declaration of Human Rights:

The Universal Declaration of human rights was adopted by

the UN on 10th December, 1948. The preamble of the declaration states: *"Whereas disregard and contempt of human rights resulted in barbarous acts which have outraged the conscience of mankind, and brought forward the advent of a world in which human beings shall enjoy, freedom of speech and belief; and, freedom from fear and want has been proclaimed as the highest aspiration of common people..."*

Two decades later, new concerns found expression in 'The International Covenant on Economic, Social and Cultural Rights' on 16th December, 1966. This covenant came into force from 3rd January, 1976. It sought to expand the definition and scope of the previous declaration, which was adopted in 1948. Its preamble states: *"Recognizing that in accordance with the Universal Declaration on Human Rights, the ideas of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby may enjoy his economic, cultural rights as well as his civil and political rights."*

Rights of Indigenous People:

The UN declaration on right of indigenous people was passed on 13th September, 2007. The declaration concerns the followings:

1. Rights of indigenous people, who have suffered on account of colonization, dispossession of their land.
2. Respect and promote eminent right of people, which they have derived from cultural, spiritual, traditional, histories and philosophies.
3. Indigenous people with the right to have control over the factors attaching their lands, territories and resources, which will be better able to maintain and strengthen their culture and traditions.
4. The right of all people to be different, to consider themselves differently and be respected as such.

Article 8 of the declaration is articulated that *"Indigenous people and individuals have the right not to be subjected to*

forced assimilation and destruction of their culture" and "State shall provide effective mechanism for prevention of such destruction".

Article 10 of the declaration further declares that *"Indigenous people shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous people concerned. This, after an agreement of fair and just compensation and where possible, with the option of return"*

In India, however, the recognition of these rights had not found place in the amendments of Human Rights Act, 1993. Nonetheless, legislations like the Forest Rights Act, 2006 and The Panchayati Raj Act, 1996, do seek to extend certain benefits to the tribal and rural community. It is another matter that the rights of these people have hampered by various factors in the recent past. Most river systems and mineral wealth lie in areas that have great forest wealth and large tribal populations. Most communities of such areas are severely impoverished. It is noteworthy that such people have faced large displacement due to construction of dams, mining and other projects.

More than twenty five million people have become unwilling refugees in India, which is their own country. Such type of displacements took place as a result of a war or a flood; there would have been an international outcry. The displaced people do not willingly participate in the developmental activities, rather they are mere victims. It indicates the violation of human rights. This matter is recognized through the declaration of 2007, but it is necessary to distinguish it in the conscience of the nation.

Over ten million people, for instance depends on minor forest produce like bamboo, tend leaves, seeds and fruits, silk cocoons, etc. for their survival. These rights are neither individual property rights nor community rights, they are customary usage. In the human development index, India ranked 119 out of 169 countries and India ranked below all other South Asian countries in the human hunger index. The right to food, the right to potable water

and the right to a fair share of natural resources should be introduced as integral parts of human rights.

Right to natural resources also brings up another dimension in the discussion of human rights. Every generation can use natural resources only up to an extent that does not jeopardize the human rights of the future generations. Dongria Konds, a tribal community living around the Niyamgiri hills, regarded this hill as a place of worship. It was an integral part of the natural resource system, which is necessary for their survival. Government of India, based on the recommendations of Ministry of Environment, had given green signal to Vedanta; a multinational corporation extracts bauxite from the aforementioned holy hill. However, there are two types of clearances required for implementing such a project: environment clearance and diversion of forest clearance. It is noteworthy that the Ministry in all its good faith has not issued a 'forest clearance' to the company. This upholds the UN declaration on the rights of indigenous people, which has been discussed earlier. The company in question has incessantly been trying to appeal against the regulatory blockage: the forest clearance; such a ruling might seem retrograde to them, but it essentially upholds the principle that the natural resources belonging to a particular tribe cannot be snatched away from the present or future generation for the benefit of corporate entity.

The above discussion reflects that the definition of human rights is continuously changing. It helps in rebutting the null hypothesis that the definition of human rights at a particular point of time is fully satisfactory and does not need to change and accepting the alternative hypothesis.

Personal Economic Interest and Human Rights:

There is a conflict between personal economic interests and human rights. The conflict is quite fundamental to the evolution of the human rights movement. The most epic struggle of human rights in the history of mankind is perhaps epitomized in the struggle against slavery, serfdom and bonded labour. Human conscience revolted against this and abolished slavery by

legislation in UK in 1883 and in USA in 1865. In India, Bonded Labour System (Abolition) Act was passed in 1976. At one point of time, enslavement of the entire population through consequent and colonial dominance was viewed as a legitimate economic and political right. Numerous revolutions by unyielding non-violent protesters in countries like India brought upon an era of political freedom and self governance during the 20th century.

It is disheartening that some mega transnational corporations are running a slave regime of their own across the countries. They are now equipped with immense bargaining power and lobbying, which help them in shaping up the international treaties. Those exploited are being fooled by the false aura of legitimacy created about the whole thing. This issue regards immediate attention. The community is being denied the opportunity or freedom of making an informed choice. Such a situation is a human rights violation as per the UN declaration of 1948, the covenant of 1966 and the UN declaration of 2007. An example of such a violation can be seen in the promotion of genetically modified (GM) food. The right of consumers and even of farmers for protecting their rights through informed choice is being subverted.

The recent controversy about Bt Brinjal has brought to the limelight. The vegetable in question is a genetically modified crop. It is a trans-genic brinjal created by inserting a gene (Cry 1Ac) from the soil bacterium *Bacillus thuringiensis* (Bt) into brinjal. The insertion of the gene into the vegetable is said to give the brinjal plant resistance against insects like the brinjal fruit and shoot borer (*Leucinodes orbonalis*) and fruit borer (*Helicoverpa armigera*) and it would disrupted the digestive process and ultimately resulting in its death. The Government's Genetic Engineering Approval Committee had approved the product citing reasons like higher yield and decrease in dependence on pesticides. However, such a move led to strong opposition from the people citing reasons like cross pollination of the normal brinjal with the genetically modified one and the long term health effects of the crop. Here lies the implicit human right of having a say about what one will eat and will feed ones children instead of

being dished out anything and everything by large corporations. The moratorium in the Bt Brinjal issue is seen as a victory of human rights by the farmers and consumers.

A similar issue to this was experienced with Bt Cotton. It was supported to increase yield of the farmers. It never delivered anything worth mentioning for the farmers. This move was a concerted action of the big companies in manufacturing and marketing the products and the regulators. It resulted in a violation of human rights of the farmers.

The discussion in this section brings a light to the fact that new ideas and newer ways of violating human rights need to find and incorporated into the definition of human rights. It helps in rebutting the second hypothesis.

Conclusion and Recommendations:

Many social science researchers argued that the definition of human rights is indeed changing. Some of these changes would affect one place more than it does others. Nonetheless it is important for all zones, countries and economic blocks to think similarly about the violation of a human right even if they are not particularly affected by it. The concluding remarks of the study are as follows:

Firstly, big transnational companies need a very strong corporate social responsibility policy. This can prevent a company to put forward products in any market that has the potential of harming the consumers of the product.

Secondly, there needs to be a timely appraisal of human rights policies all over the world. Such a measure should take care of the continuously changing face of 'human rights violation'.

Thirdly, most communities, which face the brunt of human rights violation are either financially deprived or have fewer ways to communicate their problems to the people in authority. A human rights correspondent in lines of the proposed banking-correspondent model shall go a long way in addressing this problem. The major responsibility of such a correspondent preferably a member of one such deprived committee would be appraising the nearest authority about the current status of people like him.

Fourthly, the millennium development goals of the UN are the least that can be done to facilitate a better human rights regime.

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Human Rights and Environment with Special Reference to North East India

Pradip Mochahary¹ and Bhanu Borthakur²

Abstract

All human beings are born free and equal in dignity and rights. But, most of the basic human rights are affected by environmental degradation in the name of modernization. The right to equality is of a great concern to certain sectors of a society (e.g., minority, certain ethnic groups etc.), who suffers a disproportionate burden of environmental contamination. The present study examines the relationship between the environment and human health rights, which helps the policy makers to formulate comprehensive plans to achieve the goal of sustainable development.

Key Words: Human Rights, Environmental Degradation and Government policies.

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). But most of the basic human rights are affected by environmental degradation in the name of modernization. For example, (a) right to health is frequently affected by environmental pollutions, and (b) right to

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property is often violated by commercial intrusion into indigenous lands. Property values decrease with the increase in pollution in the neighboring area. The right to equality is of a great concern to certain sectors of a society (e.g., minority, certain ethnic groups etc.), who suffers a disproportionate burden of environmental contamination. It reflects that environmental laws and laws of human rights have intertwined objectives and ultimately strive to produce better co-ordinations of life on the earth by tackling universal challenges at individual and global level.

It is so much necessary to include the environmental dimensions in human rights debate in the modern world. This article examines the relationship between the environment and human health rights, which helps the policy makers to formulate comprehensive plans to achieve the goal of sustainable development.

Human Rights:

Human beings are entitled to certain basic and natural rights that give a meaningful existence. Equal dignity of all persons is the central tenet of human rights. These rights should have universal application, inalienable existence and inherent to all persons. In general, the term human rights represent the rights which pertain to the mankind and by which a human being can claim only by virtue of his being a human being. These rights are based on concessional attitude and considerate conduct of the state, so that their citizens can live in a peaceful, safe and respectful life. Authority of the states and various international organizations have evolved so many essentials for a life in the modern era as human rights and if all such rights are ensured to be realized by every human being, then the living of men on the globe would certainly be peaceful, dignified, fruitful and beneficial for future generations. All these reflect the existence of human society free from inequality and discrimination.

When the United Nations is established, peace loving countries of the world have realized the needs of the people and provided the fundamental rights to them as a prerequisite for international peace and to increase friendly relations among the

nations. The United Nations (UN) has been concerned with the universal respect for and observance of human rights since 1945 and the UN Central Assembly adopted the Universal Declaration of Human Rights (UDHR). 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 also the economic, social and cultural rights. Article 3-21 of the declaration deals with civil and political rights. These civil and political rights are generally referred as 'First Generation Rights', which provides certain basic guarantees for an individual in relation to the state. These rights are as follows: right to life, liberty and security of person, right to freedom from slavery and servitude, right to freedom from torture and cruel, inhuman or degrading treatment or punishment, right to recognitions 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 people 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.

Article 22-28 of the 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. These rights protect race, color, sex, language, religion or other status without distinction and are entitled as "Second Generation Rights".

Consequently, "Third Generation Rights" have been developed to sketch a relationship between individuals and collectivity of the state. These rights include right to self

determination, right to development, right to participate and benefit from the common heritage of mankind and right to a healthy environment among many other collective rights.

So, it can be concluded that "First Generation Rights" are related to liberty, "Second Generation Rights" to equality and "Third Generation Rights" are related to fraternity.

Environment and Human Activities:

Environment is the 'surroundings natural world: the external conditions' influencing life and development of an organism like man, animal or plants. Man and natural environment has cordial relationship from time immemorial. Human beings of the primitive world looked at the nature like sun, star, lighting, thunders, etc. with wonder and awe. But, in the long evolution of the human race on the globe, a stage has been reached through the rapid acceleration of science and technology to transform the natural environment in countless ways and on an unprecedented way. Man has started destroying and exploring nature in the name of progress and prosperity to spend a luxury life with the help of innovating power and science. In the race of development, manmade activities polluted and degraded the environment in a faster rate. Some of the manmade evils to the environment as follow:

1. Dangerous pollutions in air, water, land and sound.
2. Destruction and depletion of irreplaceable life forms and natural resources.
3. Undesirable disturbances in the climate and protective layer of the Globe.
4. Harmful deficiencies in physical, mental and social health of the human beings.

India has a very rich past in 'Vedic Culture', which was born and developed in the forests. The attitude of the Vedic 'Rishes' (saints) towards the environment springs were formed from the mankind's primordial experiences. Ancient saints of India had realized the importance of various plants which are so valuable for the survival of human beings. Even in the 21st century the tradition of tree worship is prevalent among different communities

of India. It is also realized in the ancient time that animals and wildlife are also very useful for the survival of mankind like plants and trees. Thus, people of ancient India conserved and protected the environment from pollution by all means. But, the environmental condition of India in the modern era is not able to keep purity like ancient time. It is deteriorated in various ways by different manmade activities. The government of India has adopted various policies to protect and conserve the environment. Such policies are as follows:

- A) **The Indian Forest Act, 1927:** It is the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce. The Act divides the forests into different categories to increase the efficiency in management and regulatory regimes.
- B) **The Water (Prevention and Control of Pollution) Act, 1974 (amended in 1988):** An Act which is provided for the prevention and control of water pollution and the maintaining or restoring the wholesomeness of water.
- C) **Forest (Conservation) Act, 1980 (amended in 1988):** The Act is constructed for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.
- D) **The Air (Prevention and Control of Pollution) Act, 1981 (amended in 1987):** An Act to provide for the prevention, control and abatement of air pollution.
- E) **The Forest Policy, 1988:** A policy that emphasis the twin objectives of ecological stability and social justice. It focuses the symbiotic relationship between tribal and other poor people and forests to highlights the need for stronger conservation measures. 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 forests.
- F) **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.

- G) The National Environment Tribunal Act, 1995:** The Act is provided 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 to giving relief and compensation for damages to persons, property and the environment and for matters connected therewith or incidental thereto.
- H) 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.
- I) The Wildlife (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.
- J) The Right to Information Act, 2005:** An Act to provide the right to information to all citizens. It also helps in assessing information regarding environmental matters including projects or processes that affect the environment.
- K) Scheduled Tribes (Recognition of Forest Rights) Bill, 2005:** A bill to recognize and vest the forest rights and occupation in forest land of the forest dwelling Scheduled Tribes who have been residing in such forests, but whose right could not be recorded. It

provides a framework for recoding the forest rights so vested.

Environment as a Basic Human Right :

The 'Universal Declaration of Human Right' has declared environment as a basic human right. Integration between environment protection and human rights has increased to a great extent as overlapping interests are identified continuously. Healthy environment protects the present and future of people and also helps to secure the availability of essential resources in the near future.

Human beings are continuously destroying the natural resources to spend a luxurious life and achieve progress in the modern world. These human activities led to rapid deterioration of the environment and science and technology will not be able to prevent the degradation of the environment. 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 beings.

Considering the human consequences of environmental degradation, the World Bank had announced that more than 850 million persons are living in regions affected by deforestation. The rain forests are depleted at a rapid pace. Nearly half a billion persons, mainly women and children in poor rural areas, live in severely polluted environment and 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 the basic human rights are affected by environmental degradation. 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 a human right issue. Advocates of human rights and the environmentalists generally do not communicate with each other assuming that they have different agendas. Environmentalists always discuss about the nature and the advocates of human rights talk about the people. Academicians generally address the environment from a strictly natural resources approach.

Environmental conditions and human conditions are influenced by similar factors, so violation of environment reflects the violation of human rights. Worldwide more than 51 million people die annually, one third of these deaths are due to parasitic and infectious diseases and these are the main cause of high world mortality rates. World Bank recognized that the resurgence of infectious diseases is directly associated with climate changes caused by agricultural and economic development and/or changes in the land use pattern. These indisputable statistics necessitates urgently to addressing the link between human rights and environment. Considering this relationship, there is urgent need to develop necessary mechanism, 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 is closely associated with the right to life and is often violated by air, land or water pollution.
- Right to water is very much related with life and health is accepted as a human right.
- Right to development is so much associated with environmentally destructive economic progress, which does not produce long term societal progress.
- Right to food is highly affected by environmental disruption.
- Right to women and children are more influenced by environmental degradation than men.

The United Nation Conference on 'Human Environment' held

in Stockholm in 1972 have discussed the environmental issues and for the first time recognized it in the international level and stated the 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."

Human Rights affected by Environmental Pollution in North-East India:

Deforestation and watershed deterioration are continuously going on in a rapid pace during the last two decades due to land clearing by migrants and local people and heavy timber demand from Bangladesh and urban centers as well as industrial activities in North-East India. While the indigenous communities are recognized as the rightful stewards of much of the forestland in the North-East, they have little external support to carry out protection to this critical task. The major environmental problems in North-East India are as follows: deforestation, various industrial activities (like coal mining operation, crude oil exploration, petroleum refinery, fertilizer industries, paper industries, cement industries, etc.), water pollution by various industries, automobile exhaust emission and natural and manmade flood.

"In North-East India, there is an urgent need for actions that promote the conversion 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 North-East 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 for developing 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 NGOs 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 environmental 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. 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. This situation is generating by slack and inadequate enforcement of laws and legislation as well as lack of consignees of the common people. In this scenario,

importance of strengthening the constitutional safeguards for environmental protection and conservation of the nature is necessary as well as to sensitize the 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.

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Legal Education Relating to Environment and Human Rights-Issues and Challenges in the Light of Globalisation

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"....man is inwardly a soul and a conscious power of the Divine and that the evolution of this real man within is the right object of education and indeed of all human life."

- Sri Aurobindo

Abstract

Legal Education gives different meanings, at different times and places in the light of existing circumstances of the society. It is a human science which furnishes beyond techniques, skills and competences the basic philosophies, ideologies, critiques and instrumentalities all addressed to the creation and comprehensive concept. This legal education plays a significant role in various fields so also in the field of environment and its protection. In the Era of Globalisation legal system in India include catering the needs of new brand consumers or clients' namely foreign companies, collaborators etc. Strengthening our legal education system is need to face the new challenges. Imparting of legal

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education has always been considered as one to the noblest profession. Legal education which is part of general education cannot be viewed in isolation. Today, legal education derives its impetus from the economic, social and economic and political set up of the society. In this paper an attempt has been made to inculcate the drives inherent with the environment and human rights towards the growing knowledge society of India to face unwanted challenges in its social, economic and political society and help pacing the felt development in every sphere of the life. Therefore, legal education should focus on promoting the right to health; fostering equitable trade and decent work; strengthening corporate responsibility for human rights; promoting women's leadership on peace and security; and advocating for climate justice.

Key Words: Human Rights, Environment, Legal Education and Globalization.

Introduction:

Legal Education can do more than teach the society's rules to successive generation and inspire values of justice and promote social progress. It plays a vital role in various fields, like in the field of environment and its protection. As it is the objective of legal education to generate professional lawyers to fight for the society and for protecting the environment and its improvement. The well known lawyer of Delhi High Court and Supreme Court, Shri M.C.Mehta is an example of the effective implementation of legal education. But, this process of generating efficient lawyers for the society will give fruitful results constantly, if those lawyers will be operational with stronger, defect less and mostly suitable laws to explain various problems of the present society. Those lawyers cannot give their best services to the society, if the laws available for them are deficient. It is happening in the present society especially in the field of environmental protection. Frequently, disparities are found in the distribution of global and national income and wealth. It raises an important question

regarding the relevance of human rights in global and national economic policies.

The crisis of global economic governance is essentially a crisis of legitimacy and accountability. The recommendations of the Stiglitz Commission for a new Global Economic Coordination Council within the auspices of the UN, mirroring *the UN Security Council*, do not seem to have a necessary traction. However, rising economic powers like India, Brazil and South Africa appear to have made some progress in claiming a greater role in global decision-making. The G-20, which has quickly raised its influence on global economic matters, also includes Argentina, Mexico and Indonesia as its members. The G-20 regards itself as representative and legitimate because of its geographical composition (members are drawn from all continents), its share of the global population (two-thirds) and its share of world gross national product (around 90 percent).

Objectives of the Study:

- A) To find the status of legal education relating to environment and human rights.
- B) To know the challenges and task of environment related rights in the global spectrum and suggest measures to upgrade the legal education system in India.

Methodology:

The present study is primarily based on secondary sources of data. The data are collected from various books, journals, newspapers, research articles, internet, etc. An assessment of women student's enrolment in various subjects offered by the Higher Educational Institutions has been made through the data of the last four years (i.e., 2006-07, 2007-08, 2008-09 and 2009-10).

Right to Safeguard Environment:

It is impossible to get a life without any freedom or even without any respect in society. Often, the term 'human rights' is heard and overlooked it, because no one realize the importance

of human rights until imagining the plight of people, who are deprived from their fundamental rights. Human rights refer to those basic rights and freedoms to which all human beings should be entitled. These are the fundamental rights of humanity and are as follows:

- Right to habitation,
- Right to move freely,
- Right to soil and subsoil and to use of it,
- Right to justice,
- Right to live within a natural national organization.

Human rights are the fundamental necessities for human beings around the globe. Therefore, a large number of studies have been devoted to develop the literature on various issues of human rights. The United Nation has several committees and specialized programs to ensure that all the issues of human rights are being identified, resolved and supervised. The list of issues of human rights contains various subjects for discussion and finding out the solution of it. The most significant of those issues is the environment from the survival of life point of views.

Article 21 of Indian Constitution a Mandate to Pollution Free (Safeguard) Environment: Environment and life are interrelated. Existence of life on the earth depends on the harmonious relationship between ecosystem and environment. Especially homosapiens have very close interaction with the nature. Human beings are the centre of concern for sustainable development and are entitled to a healthy and productive life in harmony with the nature. Human-caused harms in many regions of the earth are growing day by day, like- the dangerous level of pollution in water, air, earth and living beings, destruction and depletion of irreplaceable life forms and natural resources, disturbances in the climate and the protective layers of the earth, gross deficiencies harmful to physical, mental and social health, etc.

The constitution of India did not include any specific provision relating to environment protection or conservation of the nature in 1950. However, the past six decades have witnessed two major development took place when the constitution (Forty second Amendment) Act, 1976, was adopted in mid seventies.

Specific provision relating to certain aspects of the environment, more especially for the protection of forests and wildlife in the country, were incorporated in Part IV- Directive principles of state policy and List III Concurrent list of seventh schedule. Article 48 A of Part IV contains the specific provision for protection and improvement and safeguarding of forests and wild life too. The second major development has been the jurisprudence arising from certain remarkable judicial pronouncement *in recent years*, more specially relating to Article 21 of the constitution dealing with the 'right to life'. If one is asked which is the most important of all the Articles of the constitution, one can easily say Article 21 which says no persons shall be deprived of his life and liberty, which is the guiding light of India. All other articles are subservient to this.

Judicial Interpretation to Right to Life and Environment:

The link between environmental quality and the right to life was first addressed by a constitutional bench of Supreme Court in Charan Lal Sahu (V) Union of India (1990) 1 SCC, 613 at 707-708). In 1991, the Supreme Court interpreted the right to life guaranteed by article 21 of the constitution to include right to a wholesome environment.

In S. Joseph (V) State of Kerala (AIR 2007 Noc. 545 (Ker), the Court observed that the right to life guaranteed by article 21 includes right of enjoyment of life. Through this case the Court recognized the right to wholesome environment as a part of fundamental right to life.

In Virender Gaur (V) State of Haryana ((1995)2 SSC 577), the supreme court held that hygienic environment was an integral facet of right to healthy life and it would be impossible to live with human dignity without humane and healthy environment. The Court further ruled the enjoyment of life and its attainment including the right to live with human dignity encompasses within its ambit, the protection and preservation of environment, ecological balance, free from pollution of air and water sanitation without which life cannot be enjoyed. The right to humane and healthy environment is seen linked with and approved in the

M.C. Mehta group of cases decided by the Supreme Court.

In *Shanti Star Builders (V) Narayan Totame* (AIR 1990 SC 630 at 633), the Supreme Court held that the right to life is guaranteed in a civilized society would take within its sweep the right to food, right to clothing, right to decent environment too.

In *Indian Council of Envirolegal Action (V) Union of India*, (1996 3 SCC 212) (the Bichhri Pollution Case) following the decision in *Oleum gas leak case* and based on the polluter pays principle, the polluting industries were directed to compensate for the harm caused by them to the villagers in the affected areas specially to the soil and the underground water.

Legal Education and Safeguard Environment- Challenges and Task:

India, the country with seventh largest landmass in the world, is a land of ancient tradition, with over a billion people and at least 17 major languages, the diversity of India in terms of culture and biological wealth is enormous. In spite of rapidly changing lifestyles, the traditions of living in harmony with nature and of environmentally sound practices underpin the lives of most people. It is against this backdrop that the country's environmental education has been evolved. The constitution of India explicitly considers conservation of the environment as an important duty. The central and all the state governments of India now have a Ministry of Environment. Even education department recognizes environmental education as an essential part of education. The Lower Courts of the country have been sympathetic to environmental issues. India has very large number of active NGOs, who are involved in variety of activities from policy prospective, especially management of the natural resources of the country. Even though, India's environment is not safe for living beings.

The legal education of India is facing several challenges relating to environment, but some of them are not still discovered. The researcher tries to highlight few challenges before legal education relating to human rights and pollution free environment through this paper.

No place for Right to Safeguard Environment in Part III of the Indian Constitution:

The person's human right to safeguard environment have not separate and independent place in the list of fundamental rights under part III of the Indian constitution. The constitution of India is deficient in this respect, i.e., it does not explicitly provide the right to clean and safe environment for their citizens and it comes under the umbrella of the right to life. Life is dependent upon the environment, but environment does not depend upon life. The life has to survive in the environment and environment hasn't. If there is any hidden power i.e. God, then he has created the environment first and then the life. So, chronologically the importance should be given firstly to the environment and then to life.

Non-Enforceability of the Fundamental Duties (Article 51 A):

Every Right has correlated duty and its correlative duty must be coupled to enforce any right by the state. Article 51A of the Indian constitution merely declares the fundamental duties of their citizens, but does not articulate to enforce these duties on them. So, the duty of every citizen under Article 51A (g) towards the protection and improvement of natural environment is not obeyed by the citizens of India. The researcher suggests to formulate all the fundamental duties should be enforceable if possible and if not then at least the environment duties.

Fundamental Duties are not Public Duties:

In *Surya Narain (V) Union of India* (AIR 1982 Raj. 1) the Rajasthan High Court held that mandamus could not be sought against an individual who did not observe his duties under the article 51A. Therefore, it is suggested that duty towards environment must be prepared as a public duty for every citizen so that writs can be issued against its non-fulfillment.

Non-Enforceability of Directive Principles of State Policy:

The Directive principles as provided under part IV of the Indian constitution are not enforceable. They are non-enforceable

because when these principles were incorporated in the constitution of India, the India had just become independent and was not in a strong financial position to implement all those rights termed as Directive Principle. Now, India has become sufficiently strong and can implement all those rights under part IV. But lacks of political pressure, still directive principles are not enforceable. It creates a hurdle before legal education particularly in the matters of human rights.

Incorporation of the Word "Citizen" Under Article 51 A:

The article 51A of the constitution has incorporated the word 'citizen' and coated as "It shall be the duty of every citizen of India". The word 'citizen' in Article 51 has created challenge before the legal education as it provides the fundamental duties only for the citizens of India and not for the persons of India. It results legal personalities are excluded from its scope. Taking the benefits of this loophole various industries and companies are exempted from these duties, but they are the major contributor to the environmental pollution.

Use and Creation of the Terms "Forest" and "Wild Life" in the Constitution:

The word 'forest' is used in its various relevant parts, like Article 48A and 51A (g) of the constitution of India. Directive principles of Article 48A reads as "the State shall Endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. The word 'forest' in Article 48A gives a confined scope for state to work. By the word 'forest' it means the land with trees. The Court and other authorities, including forest department and even common man land with trees. As a result land without trees is not considered as forest and there is lack of interest in protecting other important ecosystems such as grassland, deserts, marshes, mangrove etc. So, the word 'forest' is needed to be replaced with another word having very compound and general meaning."

Need of Environmental Courts:

Presently the environmental disputes are dealt by the environment Tribunals, appellate authorities and the High Courts

and the Supreme Court. There is no separate, independent Environmental Courts for resolving environmental disputes. The subject of environment is so much significant in the modern world, so necessitate a separate Court for speedy disposed of its disputes.

Penal Provisions under Environment Protection Act:

The penal provisions under the Environment Protection, 1986 provides inappropriate punishment for environmental pollution. This act provides maximum 5 years of punishment for failure of contravention of provisions of this Act. This Act does not spell those failures or contraventions as an offence. Also the imprisonment provided by the Act is quite less than the possible loss and damage of environment. As a result, the penal provisions of the Act lack of the deterrent effect and people do not heed the punishment.

Environmental Education at College Level:

The structure of the education system in India is quite traditional from the environmental point of view. It did not provide environmental education except teaching environmental laws. The legal education can educate the people by establishing at least a centre for environmental education at college level or university level. The awareness of people regarding pollution and protection of environment can be carried forward through such centres.

Establishment of Environment Funds in Factories:

The Environmental laws in India do not provide provisions regarding formation of funds in the factories and industries by the compulsory contribution up to some extent by the owners out of their profits to redress the victims of pollution hazards. These laws do not address such kinds of mechanisms and devices, which are helpful for protection and improvement of environment.

Environment Education Courses:

The legal education system of India has now just started courses related to environmental education in various educational

institutions. These courses are offered to imparting knowledge regarding environment and pollution, so that students can use it for conservation and protection of the environment.

Conclusion:

The environmental problems in India are growing rapidly. Various steps put forward for economic development and rapidly growing population of India (from 300 million in 1947 to more than one billion people today) are putting a strain on environment, infrastructure and the country's natural resources. Over exploiting the country's resources various problems arise, like industrial pollution, soil erosion, deforestation, land degradation, etc. Environmental pollution is one of the most serious evils for sustainability of the human beings and other life forms on the planet today. The present legal education relating to environment is not providing a better solution to overcome all those worsening problems. The time is now to enact most practically suitable environmental protection laws and put them into the hands of efficient lawyers. So that they can use those weapons to reduce the monsters of pollution and enforcing people's right to safeguard environment. Then only human beings can survive on this beautiful planet.

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Human Rights: Health, Gender and Sexuality

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*"You can tell the condition of the nation by
looking at the status of women"*

—J. Nehru.

Abstract

Human rights can be regarded as the backbone, which fulfills the aspiration of the people to live in peace, dignity and prosperity. All people must be conscious about their human rights. Otherwise they will not be able to live with justice. Ignorance paves the way for violation. The present paper is an attempt to examine the condition of the women and their human rights. Violation of the rights of women means the violation of basic human values. It is necessary to identify and remove the obstacles and adopt proper mechanism to stop violation of the rights of women.

Key Words: Human Rights, Human Values and Violation of Women's Rights.

Introduction:

The role of women in the development of a nation is very

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important in the present society. In the world, half of the populations are women. Women, the mother of mankind pivot around the family, society and humanity itself evolves. It is said that if a man is educated one person is educated and if a woman is educated the whole family will be educated. Therefore the protection of the rights of the women is utmost concern for the survivability of the mankind and the world. But, in the twenty first century where exploration of science and technology makes everything possible, women occupy secondary position in every field of the society. The present paper attempts to examine the gender based discrimination among women and provide some remedial measures to protect the rights of women.

The three specific issues human rights, gender and sexuality are interlinked with each other. Discrimination on the basis of gender has adverse effect upon dignity of human values/rights, health and sexuality. Gender and sexuality of an individual determines the extent to which he or she is vulnerable. This gender inequality also hampers free access to economic resources, opportunities, political power and health services.

As universal phenomenon human rights provides guarantees and exaltation of dignity and human personality. The mere commonalities between human rights and public health are that both are exercised to promote the wellbeing of all individuals. So far gender is concerned, it is wrong to believe that gender is biologically determined. Gender determines the role that men and women play in society with relation to each other. It is a set of relations or norms as expected by male or female society.

Commonly gender is a societal concept and sexuality is biological ones. An individual's sexuality is defined by whom one has to sex with, in what ways and under what circumstances. Every society imposes certain formal and informal rules for an individual's sexuality.

Gender is the cornerstone which maintains a balance among human rights, health and sexuality. But, gender in itself is a much challenging term because the role of gender is not autonomous or free. Generally, the role of gender is always predetermined.

Ideology plays an important role in determining the role of gender. Ideology denotes the beliefs and values of a society in the present context. In other words, gender is an institutional notion because it is the institution or society which determines the role gender will play and when. Though gender inequalities exist among the rich and poor, but it tends to be greater among the poor especially in case of opportunities. Gender inequality restricts women's access to economic resources comprising their sexual and reproductive autonomy.

Gender, Sexuality and Health:

In case of sexuality, women are more vulnerable than men to sexually transmitted infections, particularly HIV/AIDS. Today almost fifty percent of the HIV infected adults of the world are women. Maternal mortality rates in pregnancy related cases in developing countries are fifty times greater than the developed ones. Regarding consequences of women's health violence plays a very crucial role. It is estimated that violence against women causes death and incapacity among the women of reproductive age group. Physical and sexual abuse lies behind unwanted pregnancies, sexually transmitted infections including HIV/AIDS and complication of pregnancies. Literature depicts that one woman out of four is physically or sexually abuse during pregnancy period.

As a human being women have the right to attain the highest standard of physical and mental health without any discrimination. Enjoyment of the human right to health is vital in all aspects of a person's life and wellbeing and crucial to the realization of many other fundamental human rights and freedom. UDHR mentions that (1) everyone has the right to adequate standard of living or health and wellbeing of himself and of his family. (2) Motherhood and childhood are entitled to special care and assistance. Cairo programme of action said, "Everyone has the right to enjoyment of highest attainable standard of physical and mental health. State should take all appropriate measures to ensure on a basis of equality of men and women, universal

access to health care service including those related to reproductive health care".

Gender based Violence and Society:

Violence against women transcends across national and international boundary. It is mentioned that women living in poverty are more vulnerable in gender based violence particularly adolescent girls. These women feel insecurity in their day to day life, specially walking or talking in public places, collecting water or firewood when these activities are undertaken early in the morning or at late night. It is difficult to find out accurate statistical data on the prevalence of gender based violence and several factors are related to this issue. It may be due to the underreporting by victims and under recording by police. A research study explains that at least three (3) out of five (5) women in India face domestic violence. But, reporting of such cases is extremely low in this particular nation. One of the notable factors for increasing gender based violence in India is the "culture of silence". Women maintain silence with feelings of shame, confusion, anguish, fear of defame their reputation or of reprisals.

Human right violations are committed against both men and women, but its impact is differing by sex. It means that such violence is directly related to the unequal distribution of power and the asymmetrical relationships that exist between men and women in our society. There is no single watertight compartment regarding the forms of gender based violence. Gender based violence can take many forms depending on the type of relationship and the type of power being exerted. This violence can be categorized as rape and incest, sexual harassment at work place, trafficking in women, domestic violence and so on.

One can't examine domestic violence without proper understanding of the society. The socio-cultural factors act as a fuel in breeding domestic violence. The biased division of labour, discriminatory social order, stereotypical ideological and cultural attitudes passing through the socialization process frames a separate identity of women from men. Though poverty,

alcoholism, unemployment are not considered to be the direct causes of violence, but their contribution to spreading domestic violence cases can't be ignored.

Moreover, women occupy a secondary position in traditional Indian societies. The role of women is limited only to the 'reproductive activities'. Women even can't take part in decision making process except in few inevitable matters. Such circumstances compel the women to recognize the domestic violence as a private matter and don't want other's interference. There is also a diverse opinion regarding forms of domestic violence. Majority of women does not take into account sexual and psychological violence as domestic violence. Thus, it becomes the forms of violence against women.

Though gender based violence always pointing out the finger to male or 'masculinity', but society is the main cause. The social apparatuses determine what to do or not to do by women. They are not free to act according to their wish due to the restrictive social rules and norms allotted to women. The irony is that these rules create the sketch of an 'ideal girl' or an 'ideal woman', but in another way it again restricts the rights and privileges that women have.

Gender based violence is increasing day by day, but there is very little societal support for women. Though some civil society organizations and women's group stands by distressed women, but there is no collective action. Justice is denied to abuse women due to the loopholes in the existing laws. Corruption is also a major impediment in the path of justice. Recently some NGOs are engaging in disseminating legal knowledge to women. Lots of research studies are carried out in this field and shows that only a few women manage to gather the courage to approach the legal institutions, i.e. police and judiciary, but very often they have face gender sensitive norms from these institutions.

Gender Discrimination in Practice:

Gender discrimination refers to the practices whereby one sex is given preferential treatment over the others. Some forms

of discrimination which exists continuously in Indian social system are as follows:

- a) **Discrimination in Socialization:** Male children are preferred to female children in Indian society. Discrimination between male and female children is present in those matters relating to food, dress, health, education, domestic work, etc.
- b) **Discrimination in Distribution of Power and Work:** Discrimination is also found in distribution of power and work. Domestic works such as- cooking, looking after the children, washing clothes, keeping house neat and clean, looking after the domesticated animals, serving family members like a nurse on all days, etc. are branded as "women's work". Men do this type of works very rarely.
- c) **Women's Health is Ignored:** Women suffer from some distinctive health problems, where men are free. They have to undergo the distinctive biological process of pregnancy, delivering, nursing, feeding, child caring and rearing. So, women face various problems like bodily weakness, high breeding, fatness, etc.
- d) **Dowry leads to the Degradation of Women:** Prevalence of the practice of dowry reflects the inferior status of women. Some unscrupulous and money minded young men contact more than one marriage just for money. Moreover, dowry harasses women in many ways. They are ill-treated, disrespected, tortured and subject to all sorts of cruelties in the name of dowry.
- e) **Crime against Women Increases Day by Day:** In the modern world, crime against women increases in a rapid pace. Crime against women includes violence against women, rape, molestation, dowry harassment, divorce, wife-battering, kidnapping, various types of sexual harassment, etc.

Defining Gender from International Relations (IR) Theoretical Perspective:

IR feminist tries to examine the non-advancement of women relative to men in all spheres and describes gender as a set of socially constructed characteristics that define by masculinity and femininity. Gender is a system of social hierarchy, in which masculine characteristics are more valued than feminine ones. It is a structure that signifies unequal power relationships between men and women.

Some feminists question that less than nine percent of the world's head of the state were women and most of the world's military personnel were men. Then "where are the women?" IR feminists have answered these questions by using a number of different theoretical approaches and they are as follows:

- a) **Liberal Feminism:** Liberal feminist believe that women's equality can be achieved by removing legal obstacles that deny women the same opportunities as men.
- b) **Post-Liberal Feminism:** Post-liberal feminists argue that unequal gender structures should get more attention in order to understand women's subordination.
- c) **Feminist Critical Theory:** Feminist critical theorists show that how both ideas and material structures shape people's lives and how changes in the meaning of gender have changed the practice of international organizations over time.
- d) **Post-Structural Feminism:** Post-structural feminists illustrate the link between knowledge and power. Since men have generally been seen as knower and as subjects of knowledge which influences global politics.
- e) **Postcolonial Feminist:** Postcolonial feminists suggest that women's subordination must be differentially understood in terms of race, class and geographical location.
- f) **Marxist and Socialist:** Marxist and socialist feminists discuss how women are employed in low status jobs and insignificantly remunerated for their services. They argue that women should be equally treated as men to

overthrow the capitalist system.

Therefore IR feminist theorists illustrate the various factors which are responsible for lagging behind of women in international forum. Other studies suggest that economic development policies of 'structural adjustment programme' adopted by the IMF and the World Bank change the international division of labour which contributes to an increased 'feminization of poverty'. IR feminist theorists also argue that war is a gendered activity and reserved for men but not to women.

Global Gender Inequality (Percentage of Women):

Gender inequality is a critical problem in front of the global society. It badly hampers women's willingness and ability to work and live. The following data (source: Peterson and Runyan) represents a clear picture on global gender inequality:

- a) Head of the states and cabinet ministers: 5%
- b) Work hours: 65%, c) Total income: 10%
- d) Illiterates: 65%, e) Refugees: 80%

Slogan for Gender Friendly Society:

No single intervention can eliminate gender based violence from the society. There is a need of efforts of multipronged mechanism to confront the challenge so that a gender friendly society can be established. First of all a common platform should be established to address the gender based violence. The social organizations would come out in making awareness and develop a sense of confidence among women. The responsibility also lies with the civil society organizations and state agencies. Women movement should be organized to mobilize the diverse community group and serves as a pressure group to advocate the rights of women at national and international level. The following measures can also be exercised to overcome the menace:

1. People have to change their mindset. The social rules and norms which directly related to the gender based violence are not formed automatically. These are the handmade of people in the society. Women can't freely access the social, cultural, political and economic life until or unless this gender

- based discriminatory norms are abrogated.
2. A women rights based approach should be incorporated in the political process.
 3. Education can play a key rôle in bringing awareness about the impact of violence perpetrated against women. Female education should be promoted.
 4. Budgetary allocation should be increased to strengthening the rights of women.
 5. There is an urgent need to establish the state commission in each state.
 6. There is a need of social responsibility especially male responsibility to mitigate violence against women.
 7. Religious leaders and religious organizations can play a pivotal role to mould public opinion in ameliorating the condition of women.
 8. Government should implement income generating schemes for women.
 9. The political participation of women should be increased. It will promote the self-confidence of women.
 10. Government should establish special 'cell' to provide assistance to distressed women.

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Cultural Relativism and Women's Human Rights: Mapping the Middle through Local Activism

Sumi Bora¹

"It seems that (we) have to keep covering and re-covering the same ground. In whatever new sphere of human interest and advancement, the foundation for women's rights has to be laid over and over again, as if it had not been understood in the previous discussion."

—Kathumbi Kinoti, Association for Women's Rights in Development

Abstract

Human rights are universal. However, opponents of human rights in the global South argue that these rights are particularly based on the western political traditions and so are not appropriate to other societies. It is termed as "cultural relativism", which is especially dangerous to women's human rights. Traditionally many cultures have strict control over girls and women, which is reflected in a wide range of customs and practices of those societies. Surely, human rights have to take cultural diversity into account.

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The question is, who decides which human rights are appropriate for women in a given society and which are not. It is usually dominant groups, mostly men, who define their cultures. This may entail a call to tradition, but not all traditions are worth being preserved. How are transnational ideas such as human rights approaches to violence against women adopted in local social settings? How do they move across the gap between a cosmopolitan awareness of human rights and a local sociocultural understanding of gender family and justice? These are the issues and problems that the present paper would try to deal with and find out if Local Activism can find a Middle way.

Key Words: Human Rights, Cultural Relativism and Women's Marginalization.

Introduction:

Human rights are universal. However, opponents of human rights in the global South argue that these rights are particularly based on the western political traditions and so are not appropriate to other societies. It is termed as "cultural relativism", which is especially dangerous to women's human rights. Traditionally many cultures have strict control over girls and women, which is reflected in a wide range of customs and practices of those societies. For example, women are regarded as the carriers of culture and tradition in the Assamese society. They are supposed to wear mekhela chadar epitomizing a distinct Assameseness in every walk of life, especially during cultural events. This identification of women with traditional culture can be relatively benign, but the matter of concern is that their male counterparts are never required to put the traditional attire of dhoti and chapkan. Assamese women have not got complete access to the Sattras (Governor J.B. Patnaik took some bold steps in this respect) till now, which shows their status as defiled human beings.

Human rights have to take cultural diversity into account. The question is, who decides which human rights are appropriate for women in a given society and which are not. Traditionally it

is the dominant groups, mostly men, who define their cultures. But, all traditions are not welcomed and being preserved in the modern world scenario. Customs and traditions are not sacrosanct. Culture of a society changes in all time as people steps towards the path of development and adapt new ideas, some from their own societies and some from outside. Economic globalization is a major factor, which brings cultural changes in various underdeveloped places like Bangladesh, where 1.8 million jobs have been created in the garment industry and drawing them into paid work for the first time. This development has brought a massive change in the tradition of purdah, where women are permitted to stay at home and far from public life.

Cultural relativism fails to acknowledge that cultures are permeated by power relations and are dynamic, sophisticated and constantly interacting with one another. If cultural relativism is considered to draw a logical conclusion it is necessary to accept any behaviour, however cruel or degrading provided it is condoned by the culture it happens in. Still it is a highly effective weapon for attacking women's human rights. By labeling women's human rights as post-colonialist imposition, their enemies have tried to isolate and undermine them. Maitrayee Mukhopadhyay very cogently argues "In my work in India I was operating in my own society and culture, and so was speaking as an 'insider'. Despite this, it was in my work for gender equity that I most often experienced allegations from different quarters that this work was against our culture, violated our traditions, and the worst criticism of all in the Indian context, that it was 'Westernized.'" At the same time, many feminists and right activists in the global North are afraid to criticize their cultures for fear of being branded racist. Development aid agencies also tend to be sensitive to accusations of cultural imperialism.

How are transnational ideas such as human rights approaches to violence against women adopted in local social settings? How do they move across the gap between a cosmopolitan awareness of human rights and a local sociocultural understanding of gender family and justice? Research shows that human rights ideas and practices developed in one locality are

being adopted or imposed transnationally in a variety of ways. Legal documents and policy statements produced in transnational sites such as UN conferences circulate globally through the work of movement activists and states. The process of "indigenization" is commonly used in developmental programs as well as human rights implementation. For example, Kim Berry describes how, in India, a NGO that focuses on women's development activities employs slides of pre-Aryan goddesses to develop a concept of "feminine spiritual power", or Shakti, as a way for women to imagine their power to contest all forms of oppression. The NGO staff members interweave practices and discourse from the locality, from elsewhere in the country, and from outside India to produce a hybrid feminist discourse of Shakti. This discourse produces new subjectivities that are embraced by members and negotiated along with prior ones. A key dimension of the process of "indigenization" is the people in the middle: those who translate the discourses and practices from the arena of international law and legal institutions to specific situations of suffering and violation. Translators refashion global rights agendas for local contexts and reframe local grievances in terms of global human rights principles and activities. These are the issues and problems that the present research paper would try to deal with and find out if Local Activism can find a middle way in terms of women's fruitful participation in the political field so that through their position and power they can counter those local elites who fear loss of power and want to retain their authority over women.

Discussions:

By rights, about 50 percent of the world's MP's should be women, but the actual proportion is only 17 percent. Women's rights to stand for and hold office, vote, lobby and campaign for change are closely linked to all their other rights. If women do not engage in politics their issues remain invisible. Strategies for increasing women's participation in political life range from small-scale empowerment to national quota systems. Even after taking up office, women often need support to operate independently from male-dominated power structures.

At first sight, being able to take part in politics, in whatever way, might seem like an irrelevance, or even a luxury, as far as poor women are concerned. After all, many have their work cut out just coping with the grinding deprivation they face every day. This leads to the question: What is the relationship between political rights and poverty? Here comes the role local activists can play to make poor women realize that to wipe out poverty they need to voice out and influence the decisions that affect their lives. The powerlessness to have a say on the decisions taken by larger bodies which affect the lives of the poor women is itself part of the experience of being poor. Voicing out poverty can be a major strategy for reducing material deprivation, because it means poor women can have a say in how resources are used. The trouble is millions of poor women inhabit a vicious circle. Their daily struggle to survive means they have neither the time nor the energy to get involved in even local campaigning that might make a real difference to their well-being.

Women's right to stand for and hold political office, on bodies ranging from international commissions to village councils, is a crucial aspect of their rights. Women's marginalization from power, which is overwhelmingly in men's hands, means that international, national and local priorities are defined with little contribution from women and this makes it harder to change government policies and actions that undermine women's other rights. These include official failure to punish violence against women, inadequate childcare provision, and unequal pay, school that do not meet girls' needs, and many other types of discrimination.

Quota systems are good short-term strategy for increasing women's political representation, but because they reduce the number of political seats available to men; they are often fiercely opposed or manipulated by male politicians. To be really successful, quota systems usually have to be reinforced by other strategies and here the local activists can play a decisive role. Women brought into office through quotas still have problems when it comes to functioning as legitimate political beings. There is a distinction between possessing legal rights and being able to

exercise them in a meaningful way.

In 1993, a new system of local and municipal councils was set up throughout India and a third of the seats on these bodies were reserved for women. The quota system had an immediate effect; 350,000 women were elected in the following year. Apart from a tiny number of privileged women from political dynasties, like Indira and Sonia Gandhi, women have traditionally been excluded from politics at any level in India, so this was a huge change. A major problem is that most of the women in the new seats are actually "proxy candidates" for men, often husbands, brothers or male relatives. The Indian quota system is set up in such a way that male representative who may have held seats for years suddenly see them taken away because they are reserved for women. A common response, backed by the political parties, is to put forward a puppet woman candidate whom they control; it makes a mockery of the system. Although the Indian quota system has flaws, local activists can fruitfully capitalize on the political "spaces" that quota system opens up for women. They can help women representatives to become political representatives in their own right, rather than acting as front for men.

Workshops need to be organized to give the women a better understanding of local government procedures, public speaking and how to deal with local officials and the media. Steps should be taken in between the workshops to monitor the women's activities as they put their new skills into practice. Confederation of Voluntary Associations (COVA) in Hyderabad which was engaged in such an enterprise could rip some positive results. COVA staff talked to the people, the women participants of their workshops interacted with as politicians to see if their performance and people's perceptions of them were changing. The workshops they organized had the effect of building solidarity among female representatives, which they badly needed in the face of the two-third male majority, often hostile, that they faced at council meetings.

It is not only the onus of the local NGOs to organize such activities but Women Forums of the Colleges and Universities can

play a vital role in mapping the middle between theory and practice. Through their engaged field works and surveys they can find the pressing problems that beset the local women representatives. Through Orientation programs they can make the women aware about their rights and cite examples cutting across cultures to prove how women have brought positive changes through their active participation in politics. Having an exposure to the trends going in the international arena can make women representatives question the unlawful and age-old customs and traditions of their societies. If trainings are imparted to the women representatives at every locality then they can not only understand and exercise their power but work towards uplifting the less privileged women. They can press the law-making authorities to frame laws in a gender-sensitive manner and fight against the local leaders who resist human rights claims of women by asserting that it is an alien, Western import not suited to local normative systems.

Conclusion:

A positive attitude and confidence building measure must be imparted so that women representatives start to meet constituents without being accompanied by a male relative. They should be able to talk to government officials, make speeches at council meetings and give media interviews on their own initiative. To be precise, they should start to see themselves as politicians in their own rights rather than as proxies for men. The capacity building initiatives can make the women representatives to band together to get practical arrangements changed in their favor, for instance fixing meeting times that fitted in better with childcare and domestic work, sitting together as a block of mutual support and obtaining a separate office for women representatives to protect them from harassment. Opposition from the women's families can be a major problem which local activists should be well prepared to handle. Families of the women representatives may refuse to allow them to attend such workshops. They may even send male relatives with the women candidates to keep an eye on their activities. Women have limited autonomy due to lack of

mobility, heavy domestic responsibilities and deeply held ideas about what women can and cannot do. Hence local activists should not only change the mindset of the women representatives, but work towards changing the mindset of their male counterparts who should be made to realize that women need to have a voice of their own and should get a congenial atmosphere to exercise their rights as human beings.

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Ensuring Human Rights to Women : Still A Mirage

Anuradha Chaudhuri¹ and Anil Kumar Saikia²

Abstract

The issues of human rights and women empowerment are discussed since late 20th century and various plans and government policies are implemented to uplifting the socio-economic status of women throughout the globe. Still women being one of the most marginalized sections of the society and have not got their due rights, still become victims of all sorts of discrimination on the ground of sex and undergo traumatic experiences because of a variety of violent acts committed against them every now and then, at home and outside. In the present study, various dimensions of women's rights are discussed at the global and regional level.

Key Words: Women's Rights, Empowerment of Women, Vienna Human Rights Conference Fundamental Rights, Fundamental Duties and Directive Principles.

Introduction:

The issues of human rights, women empowerment and globalization are the most talked-about subjects in the late 20th century and in the new millennium, which are again quite

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interrelated and interdependent. Much political and academic discussions and decisions are being taken through various five-year plans, declarations, laws, government policies and thought-provoking resolutions. But, the holes and fissures are found while dealing with all these glaring issues, which are still creating great concerns today all over the world. Particularly when all these issues are related to the present status of women at large, the significance of an introspective study regarding these can be easily fathomed. Despite all the long and ambitious agenda of emancipating and empowering women taken in different platforms throughout the globe, there has not been extraordinary development in the life and living standard of women. Women being one of the most marginalized sections of the society still have not got their due rights, still become victims of all sorts of discrimination on the ground of sex and undergo traumatic experiences because of a variety of violent acts committed against them every now and then, at home and outside. The problem is no-doubt global, but its dimension is much wider in India and even in Assam. Keeping all these factors in mind the present topic is being selected for an analysis.

Discussions:

Human beings-both men and women are the noblest and beautiful of all creations and the revolutionary events in history like Renaissance and Humanism have made people aware of their beauty and significance as well as their rights and privileges. Women's rights are globally recognized as human rights. But how far they have been able to enjoy these rights is doubtful. In the era of globalization, the question of women's human rights has undergone significant transformation and the issue of women empowerment has gained much currency and importance. The history of mankind reveals that in every stage of human civilization and cultural development, women lived under the dominance of men in all spheres of social life though societies in ancient times at least in India and also in Assam women enjoyed a greater degree of honour in society than their sisters in other

cultures. The Vedas declare that 'the wife is one-half of the husband'. Long before people in the west thought of giving rights of property to women, long before the Married Women's Property Acts were passed in England, women in India enjoyed ample rights to property and succession. The most pathetic condition of women in Victorian England gets a vivid description in the essay, 'The Subjection of Women' by the great philosopher and one of the earliest feminists J.S. Mill. 'One is not born a woman; one becomes one' - that is what Simone-Lucie-Erestine-Marie-Bertrand de Beauvoir, the great French philosopher, novelist and essayist wrote in her famous treatise, 'The Second Sex', published in 1949. This epoch-making treatise on the oppression of women remains a source of inspiration for countless women all over the world. She further argues that man is the universal and woman is the particular-he is the one and she is the other. The man represents both the positive and the neutral, as is indicated by the common use of 'man' to designate human beings in general, whereas woman represents only the negative without the advantage of mutuality. The great Greek philosopher Aristotle said, 'The female is a female by virtue of a certain lack of qualities'. St. Thomas declared the female to be an imperfect man, an individual being. In 'Genesis', Eve is depicted as made from a supernumerary bone of Adam. Thus humanity is male. Most of the writers in England including the great stalwart Shakespeare have made many derogatory remarks against women. All these facts establish the low status of women in society and the denial of basic rights to them since time immemorial. But, the cardinal principle of natural and social justice is that male and female are equal and none should be discriminated and women being the half of any population should be liberally allowed to enjoy their human rights with proper honour and dignity. Human rights of women has been defined as collective rights of women to be seen and accepted as persons with capacity to decide or act on her and exercise rights as a full human being and to support the development of others. For the sustainable development of a nation, the awareness of women

about their rights, proper utilization of their potentialities and their overall well-being are to be taken care of.

After the independence, the Indian women have been enjoying constitutional status. The various provisions of Fundamental Rights, Fundamental Duties and Directive Principles of State Policy along with the Preamble of the constitution empower the states to take positive measures in favour of women. The Tenth Five Year Plan (2002-2007) aims at empowering women and protects and develops their life by implementing the recently adopted National Policy for Empowerment of Women (2001) and taking a Right Based Approach. Different Commissions, Committees including the National Education Policy of 1986, recommended valuable suggestions for improving the status of women through education though things are not so easy in a thick populated country like India.

Again the Global Campaign for women's human rights was initiated by individuals and groups worldwide in view of the Vienna Human Rights Conference in 1993 and one of the early actions of the Campaign was a petition launched in 1991 that called on the Vienna Conference to "comprehensively address women's human rights at every level of its proceedings" and to recognize "gender violence, a universal phenomenon which takes many forms across culture, race and class...as a violation of human rights requiring immediate action". The women's human rights movement that had first become visible in Vienna came of age in Beijing. The function of the global campaign for women's human rights was to help give this diverse activity a coherent international expression and visibility. The human rights approaches used by women in the campaign have strengthened local mobilization efforts and advanced local objectives, while at the same time linking local agendas to a larger international movement with broad common goals. As women's movements have grown over the past few decades women have been pressed to think about the ways in which geography, ethnicity, race, culture, sexuality, class and tradition shape what it means to be a woman.

Both in Vienna at the UN World Conference on Human Rights in 1993 and in Beijing at the UN World Conference on Women in 1995, women's rights were recognized as human rights. The understanding of women's rights with human rights gave women's human rights discourse a special trajectory emerging as a major innovation of human rights policy within the framework of international law. Interestingly women have registered their names quite brilliantly in various non-conventional and technical sectors, but achievement of a social atmosphere based on gender-equality is still a dream, yet to be fulfilled. Discrimination on the ground of sex, food intake, nutrition, health, educational facilities and employment opportunities is still going on all over the world and in India and even in Assam the situation is quite grim. In spite of the Hindu Succession Act passed in the 50's, women hardly ever given their fair share of property are left to the mercy of their husbands and sons. Innumerable social hazards like poverty, domestic constraints, rape, prostitutions, high rate of illiteracy witch-hunting, dowry-deaths, lack of financial independence, lack of self-confidence, socio-cultural norms and values in favour of men, failure on the part of the government to fully implement, the laws towards women, lack of family planning, lack of understanding of the concept of equality of rights and responsibilities on the part of common people hamper the progress of women. Though there is no hurdle in the full-fled get participation in all aspects of people, deep-seated gender prejudices and restrictive social taboos obstruct their well-being and development. Despite various constitutional provisions like the Article 14 ensuring 'equality before law' and Article 15 prohibiting any discrimination on the ground of sex, the report of the Parliamentary Committee on the status of women, a landmark in Indian democracy highlighted the fact that Indian women continued to suffer from neglect and deprivation, which helped in creating awareness about the deep-rooted disabilities faced by women in ail walks of life. Ironically though 8th March of every year is celebrated as International Women's Day with much enthusiasm, the status of women particularly in India and North-

East has not changed much. In spite of all sorts of tokenism and displays of sentimentality, still national male-female ratio is 1000:9333, only 54.16 percent of women are literate, around 15,000 women succumb to dowry torture annually and 130,000 women face the worst forms of mental and physical assault. Feminist scholarship has shown repeatedly how the patriarchal construction of knowledge devalues both the intellect and emotion of females. Ban Ki-moon, UN Secretary General said that "Violence against women and girls continues unabated in every continent, country and culture. It takes a devastating toll on women's lives, on their families and on society as a whole. Most societies prohibit such violence - yet the reality is that too often, it is covered up or tacitly condoned". Again various surveys and reports show that the prevalence of all forms of domestic violence is significantly high in Assam (33.8%) in comparison to rest of India (27.6%) - the prevalence of physical (28.8%) and sexual (12.6%). The incidence of crimes related to rape and kidnapping and abduction against women in Assam are almost twice as compared to India as a whole, but the incidence of sexual harassment and the dowry-deaths in Assam are less as compared to India as a whole.

Conclusion:

The mental and physical colonization of women has definitely aroused repercussions among women and helped them to protest against the injustice and form their own identity in the conservative environment. Providing adequate participation and representation of women in Parliament and other executive bodies may help them in future in making policies oriented to women. Social organizations and media can play a vital role to create adequate consciousness among people about their rights as human beings, but for that morality must erupt in the mind of the people. Women must be encouraged to develop their self-confidence and self-esteem to make them recognize their own capabilities and develop them to the fullest and to maintain the social standard, norm, rules and regulations. Simon-de-Beauvoir

anticipated the fulfillment of her dream of a society free of gender discrimination. She concluded in 'The Second Sex' with the hope that "The free woman is just being born", which encourages us to have faith in our power to transform the future. Let the myth of women's liberation and empowerment having all the rights and prerogatives be transformed into reality and social development in the truest sense becomes possible.

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Preservation of Human Rights in the Insurgency Affected North-East Region, Specially in Assam

Akashee Bhuyan¹

Abstract

Human rights are the minimal basic and inalienable rights which every individual possesses by virtue of a member of the human family. But in Assam, one of the eight (8) states of North Eastern region of India, has long remained one of the most volatile and sensitive region in the country because of the problem of insurgency. There have been a number of insurgent activities in regional diversity in all parts of the North-East, often unique in character to each state. In Assam, ULFA, NDFB, KLNLF, UPDS, etc. has continuously affecting the peace of the region through insurgent activities. All human beings are born free and equal in dignity and rights, but having acts and laws the human rights are being violated almost all spheres of life. It is noticed throughout the state also. It is the high demand of this critical time to be aware of the human rights of the people; protect them to achieve peace and progress of the state to give justice to the common people. It is mentionable here that an independent alert and impartial judiciary can

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only provide the proper test of democracy of the people primarily by protecting their rights. The present study particularly attempts to study the critical conditions faced by the state due to insurgent activities during this period. It also attempts to suggest some measures to tackle the problem and put forward the state towards development.

Key Words: Human Rights, Problem of Insurgency and Grass Root Reality.

Introduction:

Human rights are the minimal basic and inalienable rights which every individual possesses by virtue of a member of the human family. Human rights are moral principles or norms that describe certain standards of human behavior and are regularly protected as legal rights in national and international law. But in Assam, one of the eight (8) states of North Eastern region of India, has long remained one of the most volatile and sensitive region in the country because of the problem of insurgency. There have been a number of insurgent activities in all parts of the North-East, often providing a unique identifying marker. But the insurgency activities are more prominent in Assam than the rest of the states. The simultaneous operational strategies of the various militant outfits like ULFA, NDFB, KLNLF, UPDS, etc. have adversely affected the much awaited peace and progress of the region for decades.

The insurgency problem in Assam has got an alarming dimension due to many socio-historical and economic factors affecting the aspirations of the masses in an apparently democratic set-up and through the decades the insurgency problem has been treated simply as a political phenomenon. Sustainability of peace and progress depends on the preservation of human rights which is recognized as the fundamental prerequisite of a civilized human society.

Objectives:

- The main objectives of the present study are as follows:
1. To focus on the miserable condition of the common

- people of the region due to rampant insurgent activities.
2. To find out the root cause of the terrorism in the region.
 3. To find out the main reasons behind the failure of protecting the human rights of common people by the Government.
 4. To suggest some measures to overcome these violent situations of the region and find a way towards development.
 5. To find out the measures appropriate for maintaining peace in the region.

Insurgency in North-East India:

Northeastern India consists of eight states: Assam, Meghalaya, Tripura, Arunachal Pradesh, Mizoram, Manipur, Nagaland and Sikkim. Mounting tensions have been built up for the state and the central governments and the inhabitants as well. The indigenous population has got polarized with separate exclusionist agenda. The common grounds of solidarity and social cohesion amongst the tribal and the non-tribal people have lost. Consequently a potential resource base, both human and natural is yet to be harnessed properly for promotion of human ideals and national progress.

Various groups are involved in the insurgency problem of North-East India. India's north eastern states are connected to the rest of the country by a narrow strip of land known as the Siliguri Corridor. But, much of the region is ethnically and linguistically different from the rest of India. In the region, several armed factions have also been active (Some groups call for a separate state and others for regional autonomy, while some extreme groups demand complete independence).

The states have accused the central government of ignoring the issues concerning them. A feeling of second-class citizenship meted out to them by the mainland Indians has led the natives of these states to seek greater participation in self-governance. There are existing territorial disputes between Manipur and

Nagaland, Nagaland and Assam, Meghalaya and Assam and Mizoram and Assam. Often based on historical border disputes and differing in ethnic, tribal or cultural affinities the border dispute has remained inconclusive. The genesis of the problem lies in the colonial policies of the British and the political leadership of independent India too followed the suit. There have been a number of insurgent activities and regional movements in all parts of the North-East, often unique in character to each state.

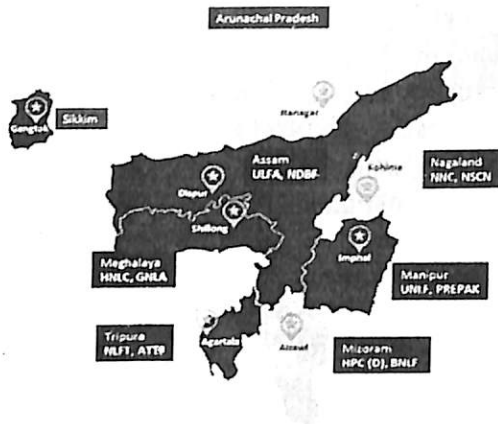
Figure 1: Armed Insurgent Outfits in the North-East India

North-East India

Political uprising

Armed insurgent outfits in the North East started coming up in the second half of the 20th century. Except for Arunachal Pradesh and Sikkim, all states have one or more operational insurgent group.

But, in 21st century these two states also victimize by insurgent groups.



Regional tensions have to some extent pacified of late with the Central and the state government's concerted efforts to raise the living standards of the people in these regions. However, militancy still exists within the region. It certainly requires a long-term honest approach to ensure genuine socio-economic progress as against the purely political gimmicks. At present insurgent activities are basically present in Assam, Manipur, Nagaland and Tripura. The major insurgent groups of the following states are as follows:

1. Assam:

1.1. ULFA: The United Liberation Front of Assam (ULFA) was formed in April, 1979 establish a sovereign state of Assam through an armed struggle. In recent times, the organization has considerably lost its organizational movements following surrender of its cadres and getting exterminated.

1.2. NDFB: The National Democratic Front of Bodoland (NDFB) was formed in 1989 as the Bodo outfit has a long-drawn master plan to carve out a separate Bodoland.

1.3. KLNLF: The Karbi Longri N.C. Hills Liberation Front (KLNLF) is a militant group operating in Karbi Anglong and Dima Hasao districts of Assam that was formed on 16th May, 2004. The outfit claims to fight for the cause of the Karbi tribes with an objective of self-rule and self-determination of the Karbi people. It is closely linked with the ULFA (United Liberation Front of Assam).

1.4. UPDS: The United People's Democratic Solidarity (UPDS) was come into sphere in March, 1999, with the merger of two terrorist outfits of Assam's Karbi Anglong district, i.e., the Karbi National Volunteers and Karbi People's Front (KPF).

2. Manipur:

Insurgent groups of Manipur may be broadly classified into:

- a) Hill based (mostly tribal),
- b) Valley based (mostly majority meities)

While the former demand for tribal state to preserve their tribal cultures from outside influence, the latter based on the demands for independence from historical perspective claim that Manipur is a princely state with its geographical area extending to as far as the Kabaw Valley of modern Myanmar during the British Colonialism and that it was never a part of India and continues to remain so.

1.1 Peoples Liberation Army: The Peoples Liberation Army is a leftist organization formed in 1978 with the aim of liberating Manipur from India.

1.2 UNLF: The United National Liberation Front (UNLF) came into existence in 1964 and demands Manipur as an independent socialist state.

1.3 PREPAK: People's Revolutionary Party Kangleipak (PREPAK) is an armed insurgent group of Manipur demanding a separate and independent homeland.

3. Nagaland:

Nagaland was formed in 1963 as the 16th state of Indian Union, before which it was a district of Assam. The insurgent groups classified as active, mainly demand full independence. The Naga National Council led by Phizo was the first group to dissent in 1947 and in 1956 and after some time they went underground.

1.1 NSCN-IM: The National Socialist Council of Nagaland (NSCN) was formed in 1980 to establish Greater Nagaland encompassing parts of Manipur, Nagaland and the North Cachar Hills (Assam). The NSCN split in 1988 to form two groups namely NSCN (IM) and NSCN (K). Now, both the groups are in ceasefire with the Indian governments. Though sovereignty and independence was their ideology, of late the Indo-Naga talks seem to centre around the Greater Nagaland which itself is being opposed by the states of Assam, Manipur, Arunachal Pradesh, etc. and for this reason, it is nothing sort of encroachment on their territories which continues to form suspicion and ill-will in the North-East India. However, they continue to be actively involved in illegal activities including extortion, kidnapping, inter-factional clashes, bootlegging and recruitment besides imposing various tax/duties to all types of commercial enterprises and establishments.

1.2 NSCN-K: The National Socialist Council of Nagaland

(NSCN) - Khaplang is the second faction with the same objective of a Greater Nagaland and was formed in 1988.

4. Tripura:

The insurgent groups of Tripura emerged in the end of the 1970s as ethnic tensions between the Bengali immigrants and the tribal native population, who were outnumbered by the former hailing from the mainland of India and nearby Bangladesh which resulted in their being reduced to minority status, even threatening them economically, socially, culturally. All these resulted in a clear demand of safeguarding tribal rights and cultures endangered in an atmosphere of hatred and suspicion.

1.1 National Liberation Front of Tripura: This organization was formed in March, 1989.

1.2 All Tripura Tiger Force: The All Tripura Tiger Force was formed by the local aboriginal tribals in 1990, who were gradually outnumbered both directly and indirectly even at the cost of being threatened for their survival economically and culturally not to speak of their being reduced to minority population wise. Their sole aim is the expulsion of all Bengali speaking immigrants from mainland India and nearby Bangladesh.

5. Meghalaya:

Problems in Meghalaya arise from the divide between tribals and non-tribal settlers' identity issues growing corruption besides the fear of being reduced to minority by native tribals. The activity status is classified as active.

1.1 ANVC: The Achik National Volunteer Council (ANVC) was formed in 1995 with the intentions of forming an Achik Land in the Garo Hills. As of 2010, a suspension of operations agreements between the Government and ANVC has been in force since 23rd July, 2004.

1.2 HNLC: The Hynniewtrep National Liberation Council

formed in 1992, aim to free the state from the alleged Garo and non-tribal Indian domination.

6. Mizoram:

Mizoram's tension is largely due to the simmering Assamese domination and the neglect of the Mizo people. In 1986, the Mizo accord ended by the armed forces and collusion with supposed enemies of the state, impunity and political intransigence prevail. It appeared with an Indian government committee review of AFSPA headed by a former Supreme Court judge. The review was a response to mass protests in Manipur 2004 following the rape and execution of Thangjam Manamora Devi who was taken from her parent's house by the army on suspicion of ties to a rebel group, raped, shot in the genitals and killed.

One of the most important counter-insurgency conflict and human rights violation zone in Northeast India is the Brahmaputra Valley. The longest river in the entire North East at an average height of 4000 km above the sea level makes the area very attractive in terms of hydro electric power (HEP) generation. There are already more than 900 small HEP schemes and 62 large schemes operating in the region with an installed capacity of around 3200 megawatts. Now, central and regional government plan to turn Northeast India into India's 'engine room' by building new mega dams and exporting electricity to the rest of India and neighbouring countries. Besides, the Indian government is eager to implement HEP schemes so as to keep pace with new HEP and dam projects reportedly initiated by China. According to media reports China has begun construction of a huge HEP plant on the Brahmaputra at Medog, just 30 km north of the Indian border and more alarming reports that China is considering to divert 200 billion cubic meters of Brahmaputra water to serve the needs of 600 to 800 cities in North China including Beijing and Tanjin. But such Chinese projects on the Brahmaputra River, attempting to divert the waters of Brahmaputra, would result in environmental disaster and a negative impact on the local economy of the state. The indigenous

communities settled along the river Brahmaputra, whose identity and livelihood are inseparable from the land they inhabit are similarly threatened by this project.

Likewise, the mega dams of Lower Subansiri site on the Assam-Arunachal Pradesh border, which is nearing completion and constructed by National Hydro-Power Corporation (NHPC) is going to be a cause of enormous human and environmental cost. All these mega dams will cause permanent displacement of indigenous communities, loss of fisheries and agricultural land and irreversible damage of Northeast India's fragile wetland ecologies. For this the protest of big dams by organized resistance from activist groups like All Assam Students Union (AASU) and farmer's movement Krishak Mukti Sangram Samiti (KMSS).

Terrorism in Case of Assam:

Assam is located in the north-eastern corner of India and is an important state of North-East India. It is guarded on the north by Bhutan and Arunachal, on the east by Arunachal, Nagaland and Manipur, on the south by Mizoram and Tripura and on the west by Bengal, Bangladesh and Meghalaya. So it is surrounded on all sides by two foreign countries and other states of Northeast India. Therefore the boundary between Assam and Bhutan in the north and Assam and Bangladesh on the south-west are international boundary, and is located between 24 3'N latitude and 27 58'N latitude and 89 5'E longitude and 96 1'E longitude. Assam is the gate-way to the Northeast.

The problem of insurgency in Assam is often discussed as a political phenomenon. But among the various causes, the ethnic identity crisis can be considered as a major cause of terrorism in Assam. Another important cause includes unemployment problems too. Some of the attacks made by the terrorist group like ULFA and killing of innocent people of the region automatically arise the question how the 'right to life' persists in this region. For example:

- At least 17 school children, including 9 girls were killed

and 40 injured in a bomb explosion at an official Independence Day functions in Assam's Dhemaji town on Sunday. This most inhuman activity will never erase from the history of Assam where the innocent children were made the victims.

- ❑ One Saturday, ULFA had triggered an explosion in Dhubri district killing one person and injuring 22 others.
- ❑ Again in the name of controlling the activities of ULFA by the government the common people of the region are being victimized. Few examples are :
- ❑ 14 years old Bhanimai Dutta who was gang raped by Indian Army on 16th October 1991, at No. 2 Khowdang village near Naoboisa area in Lakhimpur district had died due to her injuries. But her family never got any justice till date for their daughter.
- ❑ 20 years old Raju Barua at Gohpur in Sonitpur district who was gang raped by seven army men and killed.
- ❑ 16 years old Nilima Boro and 14 years old Fouduro Boro who were raped by Army on 18th May, 1992 at Satgiri, Khairahari village under Tangla police station of Darrang district.
- ❑ 28 years old house wife Udibala Roy of Lubdungguri, Bijni in Bongaigaon was raped by army man on 22nd October, 1991.

So, there are many cases of rapes, killings and injury of innocent civilians by the state sponsored agencies which have never got any sort of justice.

Despite years of violence, no one had seen anything like the nine coordinated bombs that killed 89 people and wounded more than 300 in four towns- Gauhati, Barpeta, Bongaigaon and Kokrajhar on 30th October, 2008.

Besides these, in Assam the violation of environmental

rights is a common scenario in present day situation. For example: pollution of air, water and land by different industrial projects. Deforestation is the major violation of environmental rights in Assam. Constructions of big dams are prime environmental issues which causes various threats to its people and the biodiversity of the region.

In Assam, right to education is the corner stone of social justice has been seen far away from its goal. According to the right to education act all the children in the age group of 6-14 years will be provided with 8 years of elementary education in a proper classroom. But in states like Assam a large section of society has totally deprived from their right to education. The commonly seen child labours working as wage labour in commercial place and house servants and the girl child of rural as well as economically poor areas of the state of Assam, reflect the violation of the human rights as they are deprived of education.

Moreover human rights like civil, political, economic, social and cultural are violated in every phase of the life of the common peoples of Assam. The employment discrimination, banning the rights of an individual, what they please, tapping of phone calls, discrimination based on disability is the common scenario of the state. Unfortunately the biggest human rights violation is rape which is occurring in accelerating rate in Assam. Domestic violence like dowry death, cruelty, sexual harassment, adultery, bigamy and abettor to committing suicide make the lives miserable in the state.

Suggestions:

- Try to erase the root causes of insurgency like poverty, lack of proper education etc.es.
- Provide employment opportunities to the youth of the region.
- Set the friendly mentality among the youths by different

techniques.

- ❑ Peace does not drop from the blue. It is to be created through an environment of love, fellow feelings and mutual understanding which begins at home and nurtured in society.
- ❑ Public should be aware of their rights and cooperate with the government to solve this problem.
- ❑ Government should be very much careful in handling matters of insurgency related violence so that no innocent people get unnecessarily harassed in the process.
- ❑ Government should adopt new dependable techniques to safeguard the life and property of the region.
- ❑ NGO should take active role to protect and control the human rights violation activities.
- ❑ Different forms of media can play a vital role here. Media can focus on the facilities of different beneficial schemes and rules made by the government to preserve or protect the human rights.

Conclusion:

Despite having acts and laws the human rights are being violated at all spheres of life. Though the effort has been made to protect and safeguard the human rights yet the violation of human rights are noticed throughout the state in different ways. It is the pressing demand at this critical juncture of time to safeguard the dignity of human values irrespective of the rich and the poor, the privileged and the under privileged, caste, creed and religion. A major share of the responsibility lies with the government agencies and the legal machinery though the people at large cannot ignore their basic obligation the rule of law. It is worth mention here that an independent alert and impartial judiciary can alone provide the proper test of democracy to the people primarily by protecting their rights.

The ethnic insurgency in Assam has now degenerated into a bloody mess. No doubt, the law and order has deteriorated in Assam and it is a reflection of the state government's inability to provide security to the common people.

It seems that the problem has been left more with the functioning of the unified command that comprises the army, the state police and the parliamentary forces than anything else. The middle class opportunism and sheer betrayal of probity and values silently endangers life, rights and values. Only the people themselves can check it.

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REMARKS ON FEEDBACK

A UGC Sponsored Seminar on "Human Rights and Social Development" was organized by Department of Economics, Dr. B.K.B. College, Puranigudam, Nagaon, in collaboration with Alumni Association of the college on 17th February, 2012. Approximately, more than twenty researchers, scholars and college teachers from various parts of Assam had presented their research papers and participated in the seminar. 'Feedback Sheets' were distributed among the participants to examine the success of the seminar in terms of evaluating the burning issues and also to focus on the drawbacks in organizing the seminar. More than fifteen duly filled up sheets were received from the participants with interesting points of cross examination on the questionnaire provided.

Some of the participants revealed that the theme of the seminar, i.e., "Human Rights and Social Development" was well reflected through presentation of the research papers. The research papers have touched diverse dimensions of human rights and also reflect its significance in the society. It was also suggested that seminars, conferences and workshops should be organized by the higher education institutions for inspiring research activities so that its outcome could be of some use to the policy makers. The students, researchers, scholars and teachers should carry out research works on various relevant issues or fields for the development of the society and should not be targeted for career promotion alone. Some of the respondents regretted that academic deliberations transacted in the institutions of higher

education do hardly percolate down to the benefit of the general public.

Some of them disclosed that the time, allotted for presentation of the papers is too short and some participants could not complete their presentation due to shortage of time. They suggested that minimum ten minutes should be allotted for presentation of the research papers. It was also recommended that the papers should be based on real research works and be prepared by applying appropriate research methodology.

Most of the participants expressed their satisfaction regarding arrangements and receptions of the seminar because the services provided were enough and outstanding. They also revealed that the students, teaching and non-teaching staff of the college were very cooperative and helpful.

Editors

APPENDIX I

Various Committees Constituted for Smooth Conduct of the Seminar

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