

## **CHAPTER 1**

### **INTRODUCTION**

#### **1.0. CONCEPT OF HUMAN RIGHTS**

The idea of rights germinated because of the need for the protection of an individual or group of people against the arbitrary rule of the state power or the tyranny rulers. Based on the past experiences and practices relating to the values, culture, political and economic situations, rights have been defined differently by different society. However, ‘Rights’ in simple phrase implies to get the due share of what an individual owns as a human, citizen or as a member of a group to which those rights apply. The word ‘right’ in moral and political senses denotes righteousness and entitlement. In the sense of righteousness, it speaks of something being right or wrong and in the sense of entitlement, it speaks about someone having a right, which one owns and particularly belongs to him/her. If that right is denied or taken away the right-holders have the authority to make special claims (Donnelly, 2014). Rights, therefore, are claims which can be justified on legal, moral, ethical, or set norms. Moreover, claiming a right also demands certain responsibilities and obligations. On the other hand, rights need recognition from society and the state (Bhargava & Acharya, 2019). Thus, those rights or privileges which belong to all human family are called human rights.

However, the concept of human rights is not of a recent manifestation because it existed in a diverse form for ages in all the cultures of the human society. It is the outcome of mankind's long struggles for their political, economic, social, and cultural rights. Though the concept of human rights is an age-old, yet today's perception of human rights is the result of the inhuman offences committed during the Second World War. It has directed the world to rethink about humanity, creating a way to respect the fundamental human rights of the human family. The need for peace and to save humanity led the United Nations to sign a Charter which was ratified by several States on 24<sup>th</sup> October 1945. Later, the United Nations General Assembly adopted the Universal Declaration of Human Rights on December 10<sup>th</sup> 1948 by laying down a 'common standard of achievement' for all human being in the world. It was based on the principle that "all men are born free and equal in dignity and rights" (Article 1, United Nations General Assembly, 1948). Johannes Morsink also held that the global scenery has intensely changed with this declaration and through the spread of human rights protocols, conventions, treaties, and other similar declarations (Cited in Freeman, 2002).

Commonly human rights are understood as all those basic rights which are naturally entitled to a person just because he/she belongs to a human species. It is thus conceived that human rights are universal as it is applicable everywhere and is egalitarian for all human. These rights may be present as birthrights or as legal rights, in both national and international law. The term human rights are also sometimes known by other names like fundamental rights, birthrights, natural rights, inherent rights, or basic rights. They are essential for every individual as it provides the freedom and dignity which supports the holistic wellbeing of all human such as the physical, moral, social, and spiritual wellbeing. Human rights treat every person equally and protect him/her against all injustices and inhuman acts from the State public authorities or any individuals. Human rights comprise of an array of human welfares and requirements covering civil, social, economic, and cultural rights. It is supported by various declarations, international Conventions and Treaties like the Universal Declaration of Human Rights, Covenant on Civil and Political Rights, Covenant on Economic, Social and Cultural Rights and others. These basic rights are bestowed without any distinction from cradle till grave and no one can take it away. It secures our lifestyles and our regular day to day existence is subject to our human rights, however, we neglect to understand its significance. Overall, the perception of human rights

becomes essential to us only when our everyday life security is absent or taken away. As held often, human rights are most needed when they are most violated. Human rights are also well-defined as those claims which an individual can make for the realization of his/her innate potentialities to the fullest to live a dignified life. However, human rights do not include all those claims of an individual that infringes the rights of another person or threatens the peaceful co-existence.

The notion of human rights is linked to the idea of human dignity. In this regard, the United Nations General Assembly (1948) described human rights as, “rights derived from the inherent dignity of the human person”. J. S. Verma (2011) has also rightly stated that the essence of human rights is human dignity. Also, for George Lobo (1991), human rights and human dignity are connected to each other and stated that there are no human rights without human dignity and no human dignity without human rights. Likewise, the World Conference on Human Rights which was held in Vienna (1993) in its Declaration too stated, all human rights derive from the dignity and inherent worth of the human person and human beings are the central subjects of human rights and fundamental freedom. Human rights have also been defined differently by different sources and they are:

- United Nations defined human rights as “universal legal guarantees” that protect individuals and group against actions which hinder with basic freedoms and human dignity.
- D. D. Basu (1994) defined human rights as minimal rights, which every individual must have against the State, or other public authority, by virtue of his being a member of the human family without any consideration.
- For Beitz (2000) human rights are “moral principles that set out certain standards of human behaviour and are regularly protected as legal rights in national and international law” (Cited in Nandra, 2014).
- According to the Protection of Human Rights Act, 1993, human rights include “rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in International Covenants which are enforceable by the courts in India” (National Human Rights Commission, 1994, p.1).

Human rights, therefore, are those basic standards of rights without which no humans can live a dignified life. It embodies basic values common to all people and culture without any distinctions. However, in claiming these rights, all people hold the responsibilities and obligations not to infringe on the rights of others. It also empowers each individual to take action to claim and preserve their rights and also that of other person's rights. Also, it is to be noted that human rights are based on these core principles, they are:

- Universal: Human rights are universal as it is the birthright of every human being without any consideration and all humans hold human rights.
- Inalienable: In the sense that, our rights will apply to us always on the ground that we are humans, and no one can take it away.
- Indivisible: Human rights are indivisible because a person cannot be denied his /her right just because another person indicates that it is less important or not needed.
- Interdependent: All human rights are interdependent of each other because the protection of some rights depends upon the protection of other rights.

### **1.0.1. Evolution of the Concept of Human Rights**

The genesis of the ideas of human rights is diverse in nature. However, it can be "traced back to all values, norms, and institutions which intends to protect the inherent dignity" of all human being (Roy, 2007, p. 126). It is believed to have been present under different names in most ancient scriptures and recorded historic events. For instance, the oldest written sources which concentrated on the question to the people's rights, obligations as well as their responsibilities were the Hindu Vedas, the Hammurabi code, the Bible, the Quran, and the Analects of Confucius (Flowers, 2000). These common codes recognized certain universally valid principles and standards of behaviour which inspired human rights thinking and may be seen as the pioneer to different ideas of human rights (Clapham, 2015).

Contemporary historians credit the root of the concept of human rights to the Magna Carta of 1215 (Joshi, 2006). The Magna Carta (1215) was an agreement between the English King John and the Barons. It was the creation of a specific political situation to

provide legal remedies for specific injustice. The main dispute was protection against the arbitrary acts of the king. The nobles and clergy subjected the king to the rule of law by enacting the great charter of liberties. This agreement guaranteed rights for a freeman not to be “arrested, or detained in prison, deprived of his freehold, outlawed, or banished, or in a way molested... unless by the lawful judgment of his peers and law of the land” (Clapham, 2015, p.6). The rights contained in the Magna Carta were part of a political settlement to insert liberties of the ruled and limit the authority of the government. However, “the rights were not based on human nature and it did not apply to all men and only indirectly to women, as wives” (Griffin, 2008, p. 12). Nevertheless, its status as an indication of modern human rights text is not wholly undeserved (Freeman, 2002).

The English Bill of Rights (1689) is similarly considered another source for the development of the idea of today’s human rights text. The Bill of rights was formed by the parliament because of King James II suspension and execution of laws without the consent of the parliament. The Bill of rights limited the powers of the monarchy and the separation of power took place. It was concerned with justifying and stating their age-old rights and liberties. Instances of the declaration are; impartial procedures in courts, avoidance of extreme bail and imposition of excessive fines, avoidance of cruelty and unusual punishment, freedom of election, freedom of speech in the parliament, rights of the subjects to own arms for their defense based on appropriate situations and as permissible by the law. Griffin (2008) stated that although these rights were applied to a bigger group nonetheless these rights did not evolve simply from being human.

Further, it is also believed that the philosophy of human rights is the product of the theory of ‘natural rights’ which is held by every individual as a matter of natural law. In natural rights approach, human beings are entitled to certain basic and natural rights for its dignified existence which is basically moral in nature. These rights include rights that are inalienable such as the right to life, property, liberty, self-preservation, and pursuit of happiness which cannot be taken away by any power (Boateng, 2014).

The work of different thinkers also had a solid influence on the expression of demands in the form of ‘natural rights’ or the ‘rights of man’ (Clapham, 2015). Hugo Grotius a Dutch jurist was an important figure in changing the medieval ideas into the modern concept of rights. He proposed that the will of God was law, and was known

through man's sociability, which was the basis of all other laws of nature. Grotius conceived *ius* as what is just and the capacity of a person to have or do something rightly. He held that moral obligations were not only to members of one's society but is for all mankind (Cited in Freeman, 2002).

For Thomas Hobbes, the idea of natural rights was based on his conception of the 'state of nature'. According to Hobbes, natural rights are the liberty owned by every person to do what seems best for the preservation of his survival. He considers this the only right anyone can have in the absence of a government. For self-preservation, an obligation was present both under the law of nature and natural rights. Hobbes later pointed out that, the state of nature is a condition of war where everyone is against one another and is governed by their reason. Therefore, he came up with the social contract where the natural rights of every man should be surrendered to the sovereign to end anarchy in the state of nature. However, Hobbes retains one natural right and that is the right to life which every man can resist to the order of the sovereign in case he/she is asked to kill himself/herself (Cited in Bhargava & Acharya, 2019).

John Locke in this Second Treaties (1690), also gave an influential statement on natural rights. He viewed that, in the state of nature, men live in perfect freedom and equality and disagree that people use their natural freedom to hurt each other. He considered humans to be rational enough to ascertain the moral truths and obey them. The state of nature according to Locke is a 'State of liberty' yet, this natural freedom does not imply the freedom to do as one likes, rather the freedom was within the limits of natural law which treats everyone equally. For instance, no one ought to harm another person relating to life, health, liberty, or possessions. Locke also argues that the right to life and those associated things necessary to preserve life comes along with the birth of a person. He further considers this right to life and those things necessary to preserve it as property. The right to life, for him, means that "every man has a property in his own person". Further, he stated that since every man owns the right to property in person or right to life, they have the right to property in those goods and possession obtained legitimately through their labour that is necessary to preserve their life. It is a right all human possesses whether they are in a state of nature or political society. Therefore, Locke states that "Government has no other end but the preservation of Property". For him, the government must be constitutionally restricted and should be based on majority rule. In this way, it can ensure

that the government does not encroach upon people's property rights i.e., their lives, liberties, and possessions. Thus, to protect these rights, people contract out of the state of nature and he claims that property rights are natural rights and it can neither be created nor taken away by the government (Cited in Nelson, 2017).

This principle of natural rights has influenced many events in the world especially the American and the French Revolutions which became a motivating force for the struggle of human dignity. The American Declaration of Independence (1776) was based on the assumption that all men are created equally by the creator and has furnished naturally to all human with a certain unalienable right, such as life, liberty and pursuit of happiness. It declared that sovereignty lies with the people and not with the parliament or the king and people had the right to rebel against and replace corrupt government. In 1776 Thomas Paine in his pamphlet called 'Common Sense' also disagrees with the idea of the rule of monarchy and he called for republican government and equal rights among citizens.

The input of the French Revolution toward human rights proved remarkable. The revolution was based on the slogan 'Liberty, Equality and Fraternity'. France's National Assembly proclaimed the Declaration of the Rights of Man and of the Citizen in 1789 which outlined that, all men are born free and equal in rights and that all political association purpose is to preserve the natural rights of man and the standard of sovereignty rest basically with the nation. These rights were those of liberty, equality, private property, security, and resistance to oppression. It acknowledged equality before the law, freedom from arbitrary arrest, the presumption of innocence, freedom of speech and religion, right to own private property and offices; and position open to all. The claims of certain natural rights by the citizens were found in this Declaration which later on reflected in the Universal Declaration of Human Rights 1948 to some extent. Hunt (2007) also stated that despite the arguments intensified by the French Revolution, the Declaration of the Rights of Man and Citizen embodied the promise of universal human rights. The prominence of the idea of human rights was seen during the age of enlightenment and specifically the American and the French revolution have inspired a large part on the modern concept of human rights. In this regard, Griffin (2008) also viewed that the "notion of human rights that emerged by the end of the enlightenment-what can reasonably be called the Enlightenment notion-is the notion we have today" (p. 13). Thomas Paine (1771-2) in his response to the attack of the French Revolution by Edmund Burke published the Rights of

man, in which he maintained, and promised rights of man as ‘a new era to the human race’ (Dagger, 1989, p. 301). For Paine natural rights are those which appertain to man in right of his existence. He viewed the natural rights of man as the foundation of civil rights. Further, Paine criticized Burke for not having any empathy for those who suffered in the Bastille prison and for remaining untouched by the realities of pain (Cited in Freeman, 2002; Clapham, 2015).

In the early 20<sup>th</sup> century, First World War and its aftermath brought greater attention to mankind interdependence. Woodrow Wilson in 1918, address to the Congress revealed his desire ‘to create a world dedicated to justice and fair dealing’. Later his ideas were developed in a ‘Fourteen Point’ programme and shaped the conditions to the negotiation to end the war. Towards the end of the First World War, the League of Nations was established in 1919 under the peace treaty of Versailles in order to uphold international cooperation and to accomplish peace and security in the world. Under the League three development were significant: the minority treaties, the development of international worker’s rights, and the work on the abolition of slavery. The minority treaties contained rights like the right to life and liberty for all inhabitants, and civil and political rights for nationals. However, the protection of human rights under the League system was limited to certain group and nations. The International Labor Organization which was created under the Treaty of Versailles as an associated agency of the League of Nations played a vital role to maintain ‘fair and humane conditions of labour for men, women and children’ (Cited in Calapham, 2015). This agency continues even today as one of the United Nations specialized agencies. But, because of the ineffectiveness of the League of Nations, it led to the outbreak of the Second World War and the League ceased its activities.

### **1.0.2. United Nations Charter and Human Rights**

The atrocities of the two world wars provided a new impetus to the concept and dimension of human rights. It generated worldwide discourse on the various issues of human rights. With the outbreak of the Second World War, the world has witnessed the most grievous events toward human race which ultimately led to the formation of the United Nations Organization to maintain peace and security in the world, giving way to respect and safeguard human rights. On 26<sup>th</sup> June 1945, the representatives of 50 countries



signed the United Nations Charter. Initially, Poland was not a representative at the conference but later it signed and the number of original member states rose to 51. The charter established the United Nations organs and procedure for the proper functioning of this international organization. It established six principal organs: The General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, International Court of Justice and the Secretariat. Each of these organs was assigned with different role and functions to perform.

The Charter as the constituting tool of the organization set out the rights and duties of the member states and was asked to cooperate with the mission of the United Nations for the promotion of universal respect for human rights and observance of human rights. The charter declares that the organization is "to reaffirm the faith in the fundamental human rights, in the dignity and worth of the human person" (Para. 2). Article 1 of the charter also states that one of the aims of the United Nations is to achieve international co-operation to promote and encourage respect for human rights and fundamental freedoms for all without any distinction based on race, sex, language or religion (Cited in San Francisco, 1945). Hence, it enshrined the standard of non-discrimination.

The charter assigned the United Nations General Assembly and its Commission on Human Rights primary responsibility for promoting human rights. The Commission has been instrumental in creating declarations and covenants on human rights, including civil, political, economic, social, and cultural rights. Although these documents are not legally enforceable unless approved by the individual UN member state and fused into their laws, the member states often refer these documents to interpret human rights provisions (Reichert, 2006).

### **1.0.3. Universal Declaration of Human Rights 1948**

The creation of the United Nations indicated the beginning of unprecedented international concern for the protection of human rights. The major accomplishment of United Nations was the Universal Declaration of Human Rights on 10th December 1948 at Palais de Chaillot, Paris which was proclaimed and adopted by the United Nations General Assembly under resolution 217 A (III). The Declaration recognizes the inherent dignity, equality and undeniable rights of all human individuals and laid the basis of freedom, fairness, and amity in the world. The declaration has set a common standard of

achievement for the international community. In its preamble, the declaration also affirms that all people and nations should continuously hold this declaration in their mind and promote respect for these rights and freedom through education (United Nations General Assembly, 1948). Although the Declaration is not a legal binding in international law, yet its acceptance by all countries around the world provides huge moral influence to the fundamental principle that all human beings, without any consideration are to be treated with respect and equality.

The declaration provides safeguards for humanity through the preamble and a list of 30 human rights articles. They are briefly summarized as: right to equality (Article 1), freedom from discrimination (Article 2) right to life, freedom, personal security (Article 3), freedom from slavery (Article 4), freedom from torture and inhuman treatment (Article 5), right to recognition as a person before law (Article 6), equality before law (Article 7), right to remedy by competent tribunals (Article 8), freedom from arbitrary arrest, detention and exile (Article 9), rights to fair public hearing (Article 10), right to prove innocent until proven guilty (Article 11), right to freedom from arbitrary interference in individual privacy, family, home and correspondence (Article 12), right to free movement in and out of any country (Article 13), right to asylum in other countries from persecutions (Article 14), right to nationality and freedom to change it (Article 16), right to own property (Article 17) right to freedom of belief and religion (Article 18), freedom of opinion, expression, and information (Article 19), right to freedom of peaceful assembly and association (Article 20), right to participate in the government and free elections and equal access to public service (Article 21), right to social security (Article 22), right to work of one's choice without discrimination and to join trade unions (Article 23), right to rest and leisure (Article 24), right to adequate living standards (Article 25), right to education (Article 26), right to cultural life of the community and protection of moral and material interest (Article 27), right to social order assuring human rights (Article 28), community duties necessary for free and full development (Article 29), freedom from state and personal interference (Article 30).

This Declaration enumerates the rights of all human community around the world that are “common to all cultural relations and adaptable to a great variety of social system”. The declaration has “influenced various national constitutions, national

legislation, regulation and policies that protect fundamental human rights” (Agarwal, 2018, pp. 40, 42).

#### **1.0.4. International Covenants on Human Rights**

With the adaptation of the Universal Declaration of Human Rights, the United Nations Human Rights Commission was assigned to work on the “legally binding text in the form of a treaty together with measures for implementation” to complement the existing declaration. The United Nation General Assembly requested the commission to draft two different covenants i.e., on civil and political’ rights and on ‘economic, social, and cultural’ rights (Clapham, 2015, p. 53). Based on the recommendation of the Third Committee, on December 16<sup>th</sup> 1966, the General Assembly adopted the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Optional Protocol to the former covenant. But only in 1976, both the covenants came into force for the concern states.

The International Covenant on Civil and Political Rights consists of 53 articles dealing with rights concerning the right to self-determination, personal integrity rights, legal rights and individual freedom (such as the right to life, liberty, fair trial, freedom of movement, thought, conscience, peaceful assembly, family, and privacy, the prohibition of bondage, cruelty, inhuman treatment, discrimination, arbitrary arrest and detention for debt).

These two Covenants together with the Universal Declaration of Human Rights, 1948, constituted the International Bill of Human Rights. It outlined the civil, political, social, cultural, and economic, rights that every human being ought to enjoy and be respected. Both the Covenant has an Optional Protocol. The Second Optional Protocol to the International Covenant on Civil and Political Rights was adopted in 1989 which came into force in 1999, aiming to the abolition of the death penalty. In 2008 the General Assembly adopted the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and it came into force in 2013.

In addition to the above-mentioned Covenants, other important international human rights instruments/treaties were adopted by the General Assembly and other United Nations system. It elaborates in detail the rights set out in the Universal Declaration and

the International Covenants, besides, it also states certain rights not specified in the International Bill of Human Rights. The following are some of the important international instruments pertaining to human rights:

- The Convention on the Elimination of All Forms of Racial Discrimination came into force in 1969. It prohibits discrimination of any kind, exclusion, restriction or preference based on race, colour, creed, nationality or ethnic origin which damage the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedom in political, economic, social, cultural or any other field of public life.
- The Covenant on the Elimination of All Forms of Discrimination against Women came into force in 1981. The main purpose for this covenant is to ensure equality of women like her counterpart in political and public life, education, health, and employment without any discrimination and also to protect them against forced marriage, domestic violence etc. It obligates the states to take all appropriate actions to do away with all form of discrimination against women. The Optional Protocol to this convention was adopted in 1999 by the General Assembly.
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted in 1984 by the General Assembly and in 1987 it came into force. The state parties to the convention are duty-bound to take actions to prevent cruelty of inhuman or undignified treatment or punishment, torturing of persons in any region under its jurisdiction or throughout the world. It also prohibits returning of any person to a state where there are substantial grounds for believing that a person would be in danger of being subjected to torture and to ensure that the acts of torture can be prosecuted in the court of that state although those acts took place in other parts of the world.
- Convention on the Rights of the Child was adopted by the United Nations General Assembly in 1989 and came into force in 1990. The state parties to the Convention agree to take all appropriate measures to implement the rights recognized in the convention. The convention has set forth a wide range of civil, political, economic, social, economic and cultural rights of the children. For instance, it protects

children from practices that particularly cause danger to their welfare, including economic exploitation, trafficking, illicit use of drugs, and all forms of sexual exploitation and abuse. There are two Optional Protocols to the Convention adopted in the year 2000.

- Convention on the Protection of the Rights of All Migrant Workers and their families came into force in 2003. Under this convention, it seeks to protect the rights of the migrant worker and their families such as free movement to leave and enter any state including their origin state, slavery, right to life under the law, right to liberty and security, equality, protection from arbitrary arrest, protection against violence, physical injury, threats or intimidation either by public officials or private individuals, collective expulsion of workers etc.
- International Convention on the Rights of Person with Disabilities was adopted in 2006. The state parties must take measures in eliminating discrimination based on disability by any individual or organization. It protects the right to marry, the right to have family, the right to make decisions, work rights, and educational rights.
- International Convention for the Protection of All Person from Enforced Disappearance was adopted by the United Nations General Assembly on 20<sup>th</sup> December 2006. It came into force in 2010. The state parties have the obligation to take all possible measures to prevent forced disappearance and to fight impunity for the crime of enforced disappearance. It also recognizes the rights of the victim and his/her families to know the truth for the cause of the disappeared person.

It must be also noted that unlike the Universal Declaration, the Covenants are legally binding for those States/Countries which are parties to them and they have responsibilities to respect the procedures for their executions, including the submission of periodic reports on their agreement with their obligations under the covenants (Yasin & Upadhyay, 2018).

Besides the above-mentioned conventions, there are human rights bodies to protect and promote human rights under the United Nations system such as the Human Rights Council and Office of the United Nations High Commissioner for Human Rights (OHCHR).

- Human Rights Council was established in 2006 which consists of 47 members who are directly and individually elected through a secret ballot by the members of the General Assembly. Its membership is based on equal geographical distribution for a period of three years. The main purpose was to strengthen the promotion and protection of human rights all over the world and to address situations of human rights violations and make recommendations on them.
- Office of the United Nations High Commissioner for Human Rights (OHCHR) was set up on December 20, 1993, by the General Assembly. OHCHR is headed by the High Commissioner who is appointed by the Secretary-General of the United Nations for four years. The OHCHR promotes and protects universal enjoyment of civil, political, economic, cultural and social rights as well as developmental rights. It provides education, information, advisory services and technical help in the field of human rights, plays an active role on human rights issues, encourage and coordinated actions for human rights, promotes international cooperation, undertakes preventive human rights actions, helps to develops new norms, promotes universal ratification and implementation of international standards, promotes the establishment of national human rights infrastructures and undertakes human rights field activities and operations (Agarwal, 2018).

#### **1.0.5. Classification of Human Rights**

Human rights are generally categorized into three sets or generation, which covers a wide spectrum of items necessary for human existence:

- First, set/generation of human rights lists political and civil rights, that include the right to equality and fairness, right to life, liberty, security, freedom of speech and religion, rule of law, right to nationality, freedom of movement and assembly, and guarantees against discrimination, slavery, and torture. Some consider these rights as negative rights as it restricts the role of the government from doing a certain act.
- The second set/generation of human rights goes beyond political and civil rights. Under this set, it deals with social, economic and cultural rights. For instance, it includes property rights, work rights, right to an adequate standard of living, that includes food, clothing, housing, medical care and essential social services.

Likewise, special care and assistance are entitled to motherhood and childhood and everyone has the right to free education at the elementary level. This set of rights is also referred to as positive rights as it provides guidelines to the government and individuals to take actions to safeguard these rights.

- The third set/generation of human rights involves collective or solidarity rights among nations. Under this set of rights, every person is entitled to a social and international order in which human rights can be fully realized (Reichert, 2006). All these rights are interrelated and interdependent; denial of one right affects the other rights too. However, human rights are also not static as new rights are recognized and enforced from time to time as per the need of the society. For instance, the think tanks are emphasizing on the fourth generation of human rights that concerns genetic engineering and encroachment of technology on human rights.

#### **1.0.6. Indian Constitution and Human Rights**

India became independent on 15<sup>th</sup> August 1947, and the task for preparing the Constitution of India was assigned to the Constituent Assembly which met for the first time on 9<sup>th</sup> December 1946. The Constituent Assembly appointed various committees to draft the constitution and in February 1948, the first draft of the new Constitution was prepared. On 26<sup>th</sup> November 1949, the new Constitution took its final shape and it came in to force on 26<sup>th</sup> January 1950, with 395 Articles and 9 Schedules making it the bulkiest and the lengthiest constitution in the world.

For the preservation of human rights in India, certain important human rights provisions were included in the constitution. These provisions include the following; The Preamble of the constitution which declares India to be a “Sovereign, Socialist, Secular, democratic, republic” and pledges to secure to all its citizens justice in “social, economic, and political: Liberty of thought, expression, belief, faith and worship: Equality of status” and opportunity and to promote among them fraternity that assures the “dignity of the individual and the unity and integrity of the Nation” (Indian Government, 2018). The Fundamental Rights (Article 12-35), contained in Part III of the Indian Constitution are justiciable. It ensures the basic human rights to its citizens for the realization of his/her personality to the fullest. The Directive Principles of State Policy (Article 36-51), is found

in Part IV of the constitution. It provides guidelines to the government in realizing the welfare of its citizens based on justice in social, political and economic life. The Fundamental duties (Article 51A) contained in Part IV A of the Constitution enumerates the duties of every citizen that require the “basic norms of democratic conduct and democratic behaviour” (South Asia Human Rights Documentation Center, 2008, p. 207). All these constitute the human rights framework in our constitution and guarantees protection to its citizens.

The Indian Constitution mirrors numerous provisions of human rights enshrined in the Universal Declaration, Covenants on civil and political rights, and economic, social, and cultural rights. Accordingly, the specific articles are put in Table -1.1, Table-1.2, and Table -1.3

**Table-1.1: Universal Declaration of Human Rights and the Indian Constitution**

No.	Nature of Rights	Universal Declaration	Indian Constitution
1	Equality before law	Article 7	Article 14
2	Prohibition of discrimination	Article 2 &7	Article 15(1)
3	Equality of opportunity	Article 21 (2)	Article 16(1)
4	Freedom of speech and expression	Article 19	Article 19(1) (a)
5	Freedom of peaceful assembly	Article 20(1)	Article 19(1) (b)
6	Right to form associations or unions	Article 23(4)	Article 19(1) (c)
7	Freedom of movement within the border	Article 13 (1)	Article 19(1) (d)
8	Protection in respect of conviction for offences	Article 11 (2)	Article 20 (1)
9	Protection of life and personal liberty	Article 3	Article 21
10	Protection of slavery and forced labour	Article 4	Article 23(1)
11	Freedom of conscience and religion	Article 18	Article 25(1)
12	Remedy for enforcement of rights	Article 8	Article 32
13	Right against arbitrary arrest and detention	Article 9	Article 22
14	Right to social security	Article 22	Article 29(1)



Majority of the rights present in the convention of civil and political rights are found in the constitution of India as fundamental rights. Table 1.2 exhibits the identical rights stipulated in civil and political rights convention and fundamental rights of the Indian constitution.

**Table-1.2: International Covenant on Civil and Political Rights (ICCPR) and Fundamental Rights in the Indian Constitution**

No.	Nature of Rights	Covenant on Civil and Political Rights	Indian Constitution
1	Forced labour	Article 8(3)	Article 23
2	Equality before law	Article 14(1)	Article 14
3	Prohibition of discrimination	Article 26	Article 15
4	Equality of opportunity to public services	Article 25(C)	Article 16 (1)
5	Freedom of speech and expression	Article 19(1) & (2)	Article 19 (1) (a)
6	Right for peaceful assembly	Article 21	Article 19 (1) (b)
7	Right to freedom of association	Article 22 (1)	Article 19 (1) (c)
8	Right to move freely within the state territory	Article 12 (1)	Article 19 (1) (d) & (e)
9	Protection in respect of conviction of an offence	Article 15(1)	Article 20(1)
10	Protection from prosecution and punishment	Article 14 (7)	Article 20(2)
11	Not to be compelled to testify against himself	Article 14(3)(g)	Article 20 (3)
12	Right to life and liberty	Article 6(1) & 9(1)	Article 21
13	Right to child education	Article 26(1)	Article 21(A)
14	Protection against arrest and detention	Article 9(2)(3) & (4)	Article 22
15	Freedom of conscience and religion	Article 18(1)	Article 25

The table-1.3 depicts that Part IV (Directive Principles of State Policy) of the Indian constitution has included numerous economic, social and cultural rights stated in the Universal Declaration of Human Rights.

**Table-1.3: Economic, Social and Cultural Rights in the Universal Declaration of Human Rights and the Indian Constitution**

No.	Nature of Rights	Articles in the Universal Declaration	Articles in the Indian Constitution
1	Right to work and, secure just and humane conditions of work	Article 23 (1)	Article 41, 42
2	Equal pay for equal work	Article 23(2)	Article 39(d)
3	Right to education	Article 26(1)	Article 21(A), 41, 45, & 51A K
4	Right to just and favourable remuneration	Article 23(3)	Article 43
5	Right to rest and leisure	Article 24	Article 43
6	Right of everyone to a standard of living adequate for him and his family	Article 25(1)	Article 39(a) & 47
7	Right to a proper social order	Article 28-29	Article 38(1)

In addition to the constitutional provisions, there are other statutory provisions on human rights which have been derived from various enactments of central and state governments. Some of the important provisions include; Protection of Human Rights Act, 1993, National Commission for Scheduled Castes and Scheduled Tribes, National Commission for Minority Act, 1992, National Commission for Women Act, 1990, Protection Civil Rights Act 1955, Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, Immoral Traffic (Prevention) Act 1956, Indecent Representation of Women (Prohibition) Act, 1986, Dowry Prohibition Act, 1961, Commission of Sati (Prevention) Act, 1987, Child Marriage Restraint Act, 1929, Children Act, 1960, Child Labour (Prohibition and Regulation) Act, 1986, Caste Disability Removal Act, 1950,

Mental Health Act, 1987, Bonded Labour Abolition Act, 1976, etc (Yasin & Upadhyay, 2018).

#### **1.0.7. Human Rights Commission in India**

The National Human Rights Commission (NHRC) of India came into existence on 12<sup>th</sup> October 1993 under the Ordinance of National Commission on Human Rights and Commissions at State level which has later become an Act known as the 'Protection of Human Rights Act, 1993'. According to Section 3 of the Act, the commission shall consist of 8 members headed by a chairperson who has been the former Chief Justice of the Supreme Court of India. Other members include sitting or retired judge of the Supreme Court, sitting or retired Chief Justice of the High Court, two members having the knowledge or practical experience in the area of human rights and the Chairpersons of the National Commission for minorities, the Scheduled Castes and Scheduled Tribes and Women. The commission shall have a Secretary-General who will discharge his/her functions keeping with the powers entrusted to him/her. The Chairperson and other members of the Commission are to be appointed by the President of India based on the recommendation of 6-member Committee headed by the Prime Minister. The Headquarters of the Commission shall be at New Delhi and with the permission of the Central Government may establish offices in other places.

The functions of the Commission are mentioned under Section 12 of the Act. They are as follows:

- i. To inquire, on its initiative or a petition presented to it by the victim or any person on his/her behalf into complaints of violation of human rights or inattention of the civil servant in stopping such violation.
- ii. The Commission may interfere in any pending proceeding with the consent of that court that involves any accusation of violation of human rights.
- iii. The Commission shall visit, under intimation to the State Government, any jail or organization that is controlled by the State Government, where individuals are detained or held for treatment, renovation or safety, to study the existing conditions of the convicts and make suggestions to the government.

- iv. To review the protections of human rights that are provided under the Constitution or any law that is in force for the time being and to suggest actions for their effective execution.
- v. To review the aspects, covering acts of terrorism that hinders a person from exercising his/her human rights and make proper recommendations for corrective actions.
- vi. The commission shall study human rights treaties and other international instruments and make recommendations for its effective execution.
- vii. The commission will promote and take up research in the field of human rights.
- viii. To spread the knowledge of human rights among various sections of people and to promote awareness regarding the precautions that are available in protecting these rights through periodicals, media, seminars and other accessible resources.
- ix. To encourage the efforts of non-governmental organizations and institutions that are working in the field of human rights.
- x. The commission may promote such activities as it may consider essential for the protection of human rights.

The commission is also required to submit an annual report to the Central government as well as to the concerned State government. The commission may also submit a special report anytime on any issue if in its opinion is urgent or important and cannot be delayed till submission of the yearly report. Both the Central and the State government shall cause the annual special reports of the commission to be laid before the Houses of the Parliament or the State Legislature respectively along with a memo of action taken or have planned to take based on the recommendations of the commission. Besides, it should also provide reasons if any for not accepting the recommendations.

Similarly, at the State level, the provisions for protecting and promoting human rights are mentioned in Chapter V of the Act. It provided provisions for setting up the State Human Rights Commission (SHRC) and empowered the State Commission to act upon all those functions which have been delegated to the National Human Rights Commission.

However, Section 29 Para C excludes the study of human rights treaties and other international instruments from the purview of the State Human Rights Commission. At present State Human Rights Commission have been established in 25 States, viz., Andhra Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana Himachal Pradesh, Jammu and Kashmir (now a Union Territory), Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Odisha, Punjab. Rajasthan, Sikkim, Tamil Nadu, Tripura, Uttar Pradesh, Uttarkhand, and West Bengal. The Act in its Chapter VI also provides the provision to create Human Rights Courts in every district of the country for speedy trial (National Human Rights Commission, 1994; Agarwal, 2018).

#### **1.0.8. Concept of Human Rights Education**

Education plays a vital role in the promotion of the core values of humanity. It shapes the character and quality of people. Education is the process of providing facilities for the development of native powers in an individual. The capacity to grow physically, intellectually and spiritually is inherent in the individual and education adds perfection to the body, mind and soul (Pathak, 2012, p. 4). According to Prof. Drever, “education is a process in which and by which knowledge, character and behaviour of the young are shaped and moulded” (Cited in Pearson Series in Education, 2012, p. 18). Also, according to H.H. Horne, “Education should be thought of man’s reciprocal adjustment to nature, to his fellows and to the ultimate nature of the cosmos” (Cited in Pathak, 2012, p.2). Education is also widely accepted as “the best source of social mobility, equality and empowerment for all individuals” or groups (Panda, 2005, p. 110). The International Commission on Education (1996) has identified four pillars of education that are important in the 21<sup>st</sup> century. These are;

- Learning to know: focuses on cognitive tools required for a better understanding of the world and its complexities that offers an opportunity to work on certain subjects that leads to lifelong education.
- Learning to do: incorporates the attainment of skills which is connected to the world of works. It emphasizes to provide the skills to the learners/individuals that would enable him/her to effectively participate in the global economy.

- Learning to be: it accentuates on all activities that lead to the holistic development of an individual personality in mind, body and spirit.
- Learning to live together: focuses on the values implied within human rights, democratic principles, intercultural respect and peaceful human relationship that will enable all humans to live in peace and harmony.

Of all the four pillars the commission has put greater importance on the fourth pillar i.e., learning to live together and described it as the foundations of education that leads to the development of social skills and values for peaceful co-existence.

With the adoption of the Universal Declaration of Human Rights in 1948, education has been formally recognized as human rights. Many of the conventions which were adopted also establish an entitlement to free and compulsory education for all children at the primary level, secondary education that includes technical and professional education to be made available and equitable access in higher education for all. Further, it mandates that education shall aim to focus on the full development of human personality, to support respect for human rights and fundamental freedoms, to enable every individual to participate effectively in a free society and to promote understanding, tolerance and cordial relationship for the maintenance of peace (United Nations General Assembly, 1948, Article 26 (2)). Thus, in view of all these provisions, education as human rights can foster human rights culture for peaceful co-existence.

Human rights education is a process which provides the knowledge, skills and values to an individual about human rights. In other words, it includes the cognitive, affective and psychomotor domains of learning. It is a lifelong process concerning all ages and is increasingly recognized as an efficient strategy to prevent human rights violation. It contributes to social unity, democracy, prevention of conflicts and resolution, and understanding of diversity (Aurora, 2016). Human rights education inculcates knowledge, skills, and fosters positive attitudes and behaviours to uphold human rights culture in our day to day lives. It contributes to protecting the dignity of all human beings and build societies where human rights are valued and respected. Also, it aims to help people to recognize human rights, value human rights, and take responsibility to guard and promote human rights.

The 1993 World Conference on Human Rights which was held in Vienna also emphasized the significance of human rights education, training and public information. It considered essential to promote and attain firm and cordial relations among communities and to develop a common understanding, tolerance and peace. In response concerning the appeal made by the World Conference, the United Nations General Assembly proclaimed the period 1995-2004 as the United Nations Decade for Human Rights Education. It urged all state parties to make human rights knowledge available to all individuals to empower oneself.

Human rights education has been well-defined by the United Nations Decade for Human Rights Education (1995-2004) as training, diffusion and information that aimed to build a universal human rights culture by means of imparting knowledge, skills and moulding of attitudes that directs to a) Strengthen respect for human rights and fundamental freedoms; b) Develop human personality to the fullest and the sense of its dignity; c) Promote understanding, respect, gender equality, and cordial relationship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups; d) Enable all individuals to partake effectively in a free society; e) Uphold the activities of the United Nations to maintain peace (United Nations General Assembly, 1996).

Also, the United Nations Declaration on Human Rights Education and Training which was adopted by the UN General assembly on 19<sup>th</sup> December 2011 describes human rights education as, all kinds of education, instruction, information, raising awareness and learning activities which contribute... in averting violation of human rights by imparting a person with “knowledge, skills and understanding” and fosters positive attitudes and behaviours so as to empower them to build and promote human rights culture universally (OHCHR, 2011).

Article 2(2) of the Declaration on Human Rights Education and Training affirms that human rights should include; education about human rights, education through human rights and education for human rights.

- Education about human rights includes knowledge and comprehension of human rights norms and principles, the values that support them and the mechanisms for their protection.

- Education through human rights includes learning and teaching in a way which respects the rights of both the learners and educators.
- Education for human rights includes empowering people to enjoy and exercise their rights as well as to regard and uphold the rights of another person (OHCHR, 2011).

Human rights education concerns all parts of society, and all forms of education be it public or private, formal, informal or non-formal setting. Human rights education is promoted through three dimensions of education campaigns which aim at fostering:

- “Knowledge and skills - learning about human rights and mechanisms for their protection, as well as acquiring skills to apply them in everyday life;
- Values, attitudes and behaviour - developing values and strengthening of attitudes and behaviour which advocates human rights;
- Action - taking action to defend and promote human rights" (United Nation General Assembly, 2005, p. 4).

#### **1.0.9. Objectives of Human Rights Education**

The general objectives of human rights education are mainly;

- To develop knowledge and comprehension of human rights.
- To support respect for human rights and basic freedoms.
- To value human dignity and develop individual self-worth and worth of others.
- To create the skill of learning to live together.
- To develop attitudes and behaviours which will result in respecting the rights of others.
- To ensure gender equality and equal opportunities for all in every field.
- To uphold respect, understanding and appreciation of diversity, towards different national, ethnic, religions, linguistic and other minorities and communities.



- To empower people towards active citizenship.
- To encourage democracy, development, social justice, communal harmony, solidarity and friendly relationship among people and nations.
- To extend the activities of international institutions which aimed at maintaining peace, based upon universal values of human rights, international understanding, tolerance and non-violence.

#### **1.0.10. Approaches to Human Rights Education**

Reardon (1995) suggested the following approaches;

- i) **Historical Approach:** Focuses on teaching human rights based on the historical dimension and emphasizes their development in the context of the idea of a welfare society.
- ii) **International Standards of Human Rights and their Protection Approach:** This approach describes the international standards and instruments for the protection of human rights and helps learners to become skilful in applying these standards in everyday life to fight against injustice and discrimination.
- iii) **Reconstructive Approach:** This approach is predominantly advocated by social critics. They consider human rights as a mechanism for empowering citizens for social change. This approach is also primarily concerned with pro-active attitudes and real activities.
- iv) **Value Approach:** It emphasizes on promoting human rights as a system of interrelated values which directs our behaviour. It includes central values like human dignity and integrity linking to five core values-freedom of person, democratic participation, equal opportunity, economic equality and sustainable environment. This approach comprises all three dimensions (Cited in Jaiswal & Gupta, 2011).

In view of these approaches, human rights education can be taught through;

- i) Interdisciplinary and Multidisciplinary approach in which the important concepts, paradigms, and transactional methodologies of human rights education are drawn from or infused into various disciplines/subjects.
- ii) An integrated approach in which content from various disciplines or subjects can be selected to teach a topic on human rights. They may be integrated based on various concepts and generalizations of the disciplines.
- iii) The disciplinary approach in which an independent study of the subject (human rights) having a syllabus of its own with specified topics.

#### **1.0.11. Core Content Areas and Key Concepts of Human Rights Education**

The Vienna declaration accentuates that the States and institutions should include “human rights, humanitarian law, democracy and the rule of law as subjects in the curriculum of all learning institutions both in formal and non-formal” sectors. Further, it emphasized to include peace, democracy, development and social justice to achieve common understanding and awareness to strengthen the commitment to human rights (UNESCO, 1995). In considering the potential content of human rights education, it is proposed to adopt the approach of looking at the total perspective that would bring within the area that appears to be logically related to it. Some of the important content areas include;

- i) Conceptual understanding of human rights
- ii) Historical foundation of human rights
- iii) The Universal Declaration of Human Rights
- iv) Classification of rights
- v) Instruments of human rights and covenants
- vi) Human rights protection mechanism
- vii) Human rights, duties and responsibilities

- viii) National human rights provisions
- ix) Human rights violations of marginalized/disadvantaged groups
- x) Emerging issues in human rights
- xi) Human rights terminology

#### The Key Concepts of Human Rights Education:

Human rights education presents a common outline through which different subject matter can be taught. Human rights education is based on the following key concept which addresses human rights issues. They are;

- i) Equality, social justice, freedom, democracy, human dignity, non-discrimination, sustainability, rights, responsibilities and solidarity
- ii) Diversity
- iii) Citizenship
- iv) Anti-racism
- v) Multiculturalism
- vi) Environmental issues
- vii) Peace and conflict resolution
- viii) Globalization
- ix) Poverty
- x) Health
- xi) Illiteracy

#### **1.0.12. Methodology for Human Rights Education**

The focal point of human rights education is not only the learning objectives concerning knowledge, skills and attitudes of the learners, rather it is also concern with the

situation, learning process and the learning environment (Danish Institute for Human Rights, 2017). The following methods described below can connect the learner's empathy and moral thoughts and incorporate concepts like human dignity and equality into their everyday life experiences. Participatory methodologies are believed to be effective particularly for human rights education and these methods can support the cognitive and affective domains of learning, enhance critical thinking and also develop respect regarding the differences of experience and opinion, and will actively engage all the learners or participants. These methods can be applied in both formal and informal learning environment.

- i. **Brainstorming:** The purpose of brainstorming is to discover new ideas. It encourages learners to let their ideas flow freely. This method can help to find solutions to various human rights problems that are both theoretical and practical. In this method, problems are examined and then solutions are to be developed. Brainstorming support a high degree of participation and it motivates those involved to utmost creativity.
- ii. **Case studies:** Case studies are based on a realistic or hypothetical situation that focuses on the main problems. It provides a primary source of learning. This method promotes problem-solving, critical thinking, analysis and skills of planning as well as cooperation and team building. It can be used to set up discussions, debates, comparisons and research.
- iii. **Creative expression:** Graphic arts, sculpture, stories, poetry, drama, songs and dances etc are some of the techniques that can be applied under this method. Teachers need not necessarily be artists themselves rather they can set engaging tasks and provide a way for students to share their creations. These techniques can help to make the concepts more real and affect attitudes of the learners by involving emotions as well as intellectual responses to human rights.
- iv. **Debates:** It involves two or more small groups can who present arguments of an issue related to human rights from different angles. Debates can be formal or informal. It enhances the learners/participants understanding of the problems, helps in developing speaking and listening skill, and develops the logical skill.

- v. Discussion: It involves two-way communications between the participants. There are diverse techniques for motivating meaningful discussion either in pairs, small group or the whole class and it may be teacher-led or student-led. It can be structured in various ways depending on the topics. Discussion method helps the learners to share their ideas, experiences and attitudes.
- vi. Storytelling: It may involve lived experience which may be personal or traditional or stories are drawn from literature, legends, films or local history. Stories can be narrated from human rights perspectives and analysed its relationship to human rights issues.
- vii. Simulation: In this method, learners/participants are placed in a fictional situation. In the simulation, the learners/participants usually act themselves in the original situation rather than pretending to be someone else. This method is similar to role-plays but in simulation, the time duration is longer and scripts are elaborated and less open-ended in achieving the learning objectives.
- viii. Field trips: Learning can be enhanced through exposure to a new place and new people. Field visit to relevant institutions/organizations or sites relating to human rights issues can provide learners with valuable perspectives. Learners should be informed and instructed in advance to observe keenly and record their observations for discussion after the visit.
- ix. Interviews: Interviews helps in indirect learning. It may be conducted by the whole group, teams or individually. The participants in the interview may include family, individuals, community members, activists, pioneers or observers to human rights events. Oral narrations who are witness to history can contribute to documenting and understanding human rights in one's community.
- x. Research projects: Research projects can help the learners to develop independent thinking skills and explore topics deeply and share the findings with others. It may be done using the internet facilities, library or through interviews, opinion surveys, media observations or by using other methods for data collection. This can deepen the understanding of human rights issues.

- xi. **Role-plays:** It is a technique that allows learners to explore real situations. It is like a small drama which can be played in front of the class. Roleplay can be used to practice the skill that will enable the learners to experience previously unknown situations. Mock trials, imaginary interviews, street theatre, simulation games, hearings and tribunals are some of the variations on role play.
- xii. **Street Play:** It is a form of presentation and performance in outdoor public space such as street corners, malls, markets, school/colleges/university campus, etc. Here the learners/participants can perform based upon the vices that are prevalent in the society by taking the themes like child labour, domestic violence, etc. This method can create awareness about human rights to mass people in society.
- xiii. **Visual aids/Multi-media Technologies:** Use of videos, films, photographs, posters, flip charts, slides, displayed objects and overhead transparencies etc can enhance the learning of the students more effectively on human rights (OHCHR, 2003; Flowers, 2000).

#### **1.0.13. Evaluation of Human Rights Education**

Evaluation is important in the continuous process of learning. Based on the evaluation process, the knowledge of the determined objectives is acquired. Evaluation is the sole means to have consistent knowledge regarding the talents, capacities, and skills of the learners (Series in Education, 2012). Likewise, the knowledge of the content and understanding level of the learners on human rights education can be tested using certain evaluative devices like the qualitative test and quantitative tests. Assessment of human rights education can be done using open-ended questionnaires at frequent intervals. Rating scales can also be utilized in which statements on human rights education are given to be decided upon using three, five or seven points relatively. The environment of the institution can be evaluated by monitoring regularly through observation and writing a report based on the observation. The students can be engaged to draw up a checklist to assess the individual, teachers, classroom and school/college community that reflects human rights practices. This activity can enhance the learning of the students. Anecdotal records of the learners can be maintained separately in which incidents and tasks about learner's behaviour are recorded correctly and accordingly based on these records generalization of the learner can be done.

#### **1.0.14. Initiatives Taken for Human Rights Education in India**

The provision for human rights education has been stated in various international and legal instruments since 1945 when the United Nation Charter urged for cooperation in promoting and encouraging respect for human rights and fundamental freedom (Mohanty, 2005). In view of the request made by United Nations Educational, Scientific and Cultural Organization to the government of member states, to take action in introducing human rights education at all levels of education, majority of Europe, North America and few Latin American countries have introduced human rights education at various level of education. While in India, some efforts were initiated to promote human rights education in the country in the 1980s although it was not very prolific. In taking the step, the University Grant Commission set up a committee to promote human rights education in India under the chairmanship of Justice S. M. Sikri. In 1985 the committee came up with a report titled 'Blueprint for promotion of human rights in India at all levels' which suggested teaching of human rights in schools, colleges, universities and continuing education centres. The report of the Committee was then sent to National Council of Educational Research and Training and also to various universities to initiate follow up action, but sadly no effective measures were taken to execute its recommendations. In 1985 an attempt to introduce human rights teaching in all Indian universities were also made by organizing a national symposium which was arranged by Human Rights Centre, Jawaharlal Nehru University with the support of National United Nations Educational, Scientific and Cultural Organization Commission and University Grant Commission. This symposium made certain recommendations to teach human rights from primary to higher education which also includes professional education. Later these recommendations were published and distributed widely to all universities and educational institutions (Cited in Tiwari, 2004). However, this initiative did not move further on the desired course.

The National Human Rights Commission which came into existence in 1993 has also put in numerous efforts in promoting human rights education in the country. The Protection of Human Rights Act 1993, Section 12 (h) emphasized on spreading human rights literacy and human rights awareness among a diverse section of society. In view of section 12 (h), the National Human Rights Commission has taken the initiative to promote the teaching of human rights at various levels of education and national institutions. The Commission in association with the National Council of Educational and Research

Training published a 'Source Book' on Human Rights in 1996, with the purpose to make it available to teachers and students, policymakers, curriculum developers and other workforce involved in educational programmes. At the instance of the National Human Rights Commission, the National Council of Teacher Education has also developed a self-learning module on human rights and national values in 1996. National Council of Teacher Education also prepared a project to train the teacher-educators for both elementary and secondary school level to hold nationwide orientation camps. In 1999 the National Human Rights Commission made an effort to develop and introduce human rights education curriculum through the University Grant Commission. After the development of the model, in 2001 the University Grant Commission has introduced it in different colleges and universities. However, it was found that only a few numbers of colleges and universities have introduced the course (National Human Rights Commission, 2007). Emphasizing the importance to educate the teaching professionals in the first place, the commission recommended a module on human rights education for training the teaching professional on human rights so that the requisite knowledge and techniques acquired by the teachers would affect the way of teaching human rights subjects at various school levels. Further, it recommended on National curriculum framework for university students on human rights education.

Also, the educational policies and recommendations of various commissions reflect human rights education as its base is drawn from the Constitution of India. The University Education Commission (1948-49), Secondary Education Commission (1952-53), Education Commission (1964-66), National Policy on Education (1968), National Policy on Education (1986), the Plan of Action 1992 and National Education Policy 2020 (draft) recommended in developing democratic citizenship, self-development, integration of values and strengthening of national integrity through education at all levels of school and teacher education.

#### **1.0.15. Need for Human Rights Education in Teacher Education**

Promoting human rights culture among the young minds is the need of the hour and for that, we need teachers who possess the knowledge, values and skills of human rights. Teachers being the central process of teaching and learning in the education system needs to impart certain values, foster the attitude and skills of learners to be a responsible



citizen. Therefore, human rights education should be infused in the entire training programme of teacher education that includes, the curriculum, materials, methods, and other co-curricular activities. In fact, the whole environment of the training should be conducive to learning human rights. It is also true that if teacher trainees who do not acquire the knowledge, skills and attitude of human rights education they will never be able to teach and practice human rights-based approach in the actual classroom. In this regard, a study also revealed that the major barrier to human rights education identified by teachers was their lack of knowledge and training on the subject matter (Black and Ethnic Minority Infrastructure in Scotland, 2013).

Further teacher education should equip pupil teachers with various modern approaches, technologies, and transactional strategies in which pupil teacher's participation should be maximum (Verma, 2004) to orient them effectively about human rights education. Besides theoretical knowledge, various co-curricular activities need to be organized using field experience and action-oriented or so-called participatory method. For instance, taking the pupil teachers to the field where human rights abuses are observed and allow them to interact with the victims on their level, organizing street play, debates, seminars, discussions, writing poetry etc based on the theme of human rights issues, conduct case studies on various issues like child labour, school dropouts, female infanticide and so on. Also, the teacher education institutions should encourage the celebration of United Nations Day, Human Rights Day, International days of the disabled, the girl child and such important days that relates to human rights.

Human Rights Education is also not only about imparting of knowledge in the classrooms rather it requires a linkage between the society and the classroom in which the actual violation of human rights is taken into account because it should intend to develop an understanding of our mutual responsibilities to make human rights a reality. As teachers are expected to draw out the best in the young minds and help them to realize their maximum potentials, teacher education needs to ensure such adequate professionally trained teachers to transmit curricular intents into appropriate learning experiences for students to enable them to acquire the desired knowledge, skills, and attitudes about human values. Also, pupil teachers should be educated to bring desirable social changes through his/her teaching practices to promote peace, democratic principles and values like equality, justice, liberty, etc.

The vision of teacher education in the National Curriculum Framework, 2005 also emphasizes the importance of teacher education programs to prepare the teachers for the role of being an “encouraging supportive and humane facilitator in teaching-learning situations to enable learners to discover their talents, realize their physical and intellectual potentialities to the fullest, and to develop character and desirable social and human values to function as a responsible citizen” (National Council for Educational Research and Training, 2005).

#### **1.0.16. Secondary Teacher Education Programme (B.Ed.)**

Secondary teacher education includes both in-service and pre-service teachers who are trained to teach especially at the secondary school stage. Through this programme, the pupil teachers develop and obtain advance knowledge in the field of academic profession. Goods Dictionary of Education refers to teacher education as all formal and informal activities and experiences that make an individual competent for the educational profession so that he/she can efficiently discharge the tasks assigned (Saxena, Mishra, & Mohanty, 2012). According to the National Council for Teacher Education (2009), teacher education is an educational programme that involves research and training of an individual to teach from pre-primary to a higher level of education.

Teachers are the greatest resources of any education system. The quality of a teacher is crucial as it is closely associated with the quality of education in general and students’ learning outcomes in particular. Secondary teacher education aims to develop reflective teachers with positive attitudes, values and perspective, along with necessary pedagogic skills for teaching. The aim of secondary teacher education is to intertwine with the national goal of development set for the country. Secondary education aspires in developing leadership, democratic citizenship, self-reliant skills, political skill and social values. Therefore, ‘the curriculum of teacher education has to align with the curriculum for school education because teacher education is not an end in itself but it is targeted for schools. Preparing the teachers should be based on the needs and demands of the school system and the expectation from the teacher keeps changing in response to the broader social, economic and political changes in the society (National Council for Teacher Education, 2009). The objectives of Secondary Teacher Education as recommended by the National Council of Teacher Education are as follows:

- i. To keep the continuity of elementary education and to train pupils for the study of different courses and fitting choice of subjects at the senior auxiliary stage.
- ii. To engage the pupil teachers to adopt a disciplinary approach in teaching, and to create among pupils' interest for such studies.
- iii. To empower the pupil teachers to comprehend the implications of liberalization, privatization, globalization (LPG) free market, World Trade Organization, and outsourcing etc. on education and adopt careful steps against their unsound impacts.
- iv. To prepare them in the utilization of Information and Communication Technology, its merits, demerits and safeguards.
- v. To reduce the educational and cultural gap between the rich and the poor in schools implied for them by adopting appropriate educational approaches.
- vi. To create among the pupil teachers, love for Indian culture, and its commitment to the world and to instill a sense of national pride and identity.
- vii. To empower them to foster teaching competencies and performance skills for the subjects they need to educate, utilizing suitable guides including Information and Communication Technology; compose valuable educational exercises and elicit community cooperation.
- viii. To enable pupil teachers not only to comprehend the nature of subjects but also the unity and integrity of knowledge.
- ix. To set them up for the fostering of personality, values, spirit of citizenship and patriotic feeling.
- x. To make the pupil teachers conscious of environmental protection and the need to maintain an ecological balance.
- xi. To empower pupil teachers to accumulate, construct process and use knowledge as per the need of circumstances.

- xii. To assist them to know the primary purpose of the curriculum and create appropriate transactional and assessment procedures.
- xiii. To empower them to coordinate yogic, health, physical, aesthetic and inclusive education with other instructional activities.
- xiv. To empower the pupil teachers to orient and sensitize the pupils with care and caution regarding Life Skill training, Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome preventive education, regenerative health and so forth.
- xv. To foster among them the capabilities for undertaking action research for improving the standard of education, for the solution of its issues and to evolve the culture-specific and community-oriented pedagogy.
- xvi. To enable them to develop a happy and healthy school and community relations and promote enthusiasm for long-lasting learning.
- xvii. To familiarize them with the Indian nation's distinctive character of 'unity in diversity' and adopt curriculum development practices to strengthen them.

The curriculum framework for teacher education comprises of three broad curricular areas: (a) Foundations of Education which include courses under three broad headings, namely, Learner Studies, Contemporary Studies and Educational Studies; (b) Curriculum and Pedagogy which comprises courses under two broad heads, namely, Curriculum Studies and Pedagogic Studies; and (c) School Internship leading to the development of a broad range of perspective, professional capacities, teacher sensibilities and skills (National Council for Teacher Education, 2009). This curriculum framework is not only to address the issues, concerns and pedagogical shifts but, also to organize the entire teacher education curriculum into an integrated whole.

The success of teacher education depends upon the quality of teacher educators. Teacher educators are those teachers who are responsible for educating the in-service and prospective teachers to acquire the knowledge, competences and attitudes required to be effective teachers. Lunenberg, Dengerink, and Korthagen (2014) define teacher educators as all those who teach or coach teachers intending to support their professional

development. The professional competence of teacher educators is largely seen about the quality of pedagogical inputs and how they are carried out to realize the proposed objectives in teacher education. Teacher educators also need to function based on the ideas and principles concerning educational objectives, practices and processes of the school and decode educational intents into practical action. Thus, teacher educators being the mechanism of teaching in teacher education need to be adequately competent to produce good teachers for social transformation.

### **1.1. SIGNIFICANCE OF THE STUDY**

The present study is considered significant in the context of the Universal Declaration of Human Rights and their transmission to the stakeholders. The United Nations Declaration of the Decade for Human Rights Education from 1995 to 2004 and the United Nations Educational, Scientific and Cultural Organization's action for it has given rise to a new generation of human rights, the right to human rights education. Under this, it has been understood and recognized by the international forum that the rights of the individuals are to be educated on nature, process, method, and materials so that everyone is made mindful of the human rights. Today, violations of human rights in India have become the order of the day. Existence of the human race is threatened because of the rampant violation of human rights in all corners of the country and the root cause could be lack of knowledge and absence of human rights culture.

Various studies also revealed the need for human rights education in India. For instance, Bhuyana, (2005), in his study revealed that there is lack of human rights education in India that has resulted in ignorance, squalor, poverty, caste conflict, victimization and deprivation. Thainiyom (2011) revealed that human rights awareness was much lower in India as compared to Thailand and China. Pandian (2012) in his study found out that the higher secondary students in Nagaland were more aware of the term human rights than that of the teachers although they did not understand the concept, meaning and nature of human rights. In the study conducted by Vimalkumar, Pakkirisamy and Sivakumar (2014) revealed that the B.Ed. student teachers possessed a low level of human rights awareness. Baljitsingh and Tirathsingh (2015) found out that the teacher trainees possessed an average level of human rights awareness which is similar to the findings of Sasikala and Francisca (2016). Hence, the investigators felt that there is a need

to promote awareness and develop a positive attitude towards human rights in India especially in a teacher education programme at the present juncture.

In view of this background, this study will help to provide inputs in teacher education programmes relating to human rights education. It will enable curriculum planners, educators and policymakers to work on the human rights education in Nagaland. As per the review of related literature, no such study has been conducted pertaining to awareness and attitude towards human rights education in the field of teacher education in Nagaland. Therefore, the present study proves to be immensely significant in the context of Nagaland which is the state of the tribal population dominated in nature. In view of this, the researcher got motivated to take the present study at hand.

## **1.2. STATEMENT OF THE PROBLEM**

Human Right violation is a serious problem that has got the attention of every one of us. This is a serious concern that has touched different sectors of life. Various organizations both non-governmental as well as the government, have played their role in promoting and bringing awareness about human rights. For instance, the Nirbhaya case (Delhi), Kathua case in Jammu and Kashmir, Syria war and the like have brought about conflicts, disharmony and instability in the country. It has become a concern to promote the values of humanity by making all human beings aware of their rights and dignity and also to respect the rights of other fellow beings for peaceful co-existence.

The famous saying ‘the future of a country is in the hand of the teacher’ only accentuate the role and importance of the teachers in the country. Teachers being the greatest assets of any education system are expected to bring out the best in the young minds and help them to acquire the desired knowledge, skills, and attitudes about human values and to be a responsible citizen. If peaceful existence is the need of the hour, teachers need to be an active agent in promoting human rights among the students – the future leaders and the policymakers of tomorrow. But the question arises: Are our Teachers trained to teach human rights? How much of the contents related to human rights education incorporate in the courses that the pupil-teachers are studying? What are the ways and means that teachers can effectively transact human rights education both in and outside the classroom?

Therefore, this study stabs to uncover the quantum of human rights education content in the curriculum of secondary teacher education programme in Nagaland. It also focuses on various variables that may affect the level of awareness and attitude towards human rights education among the pupil teachers. This study also attempts to provide suggestive measures in improving the status of human rights education in Nagaland so that new approach of generating more awareness and proper attitude among the pupil teachers may be thought of. Hence, the title of the study is put as under:

**Awareness and Attitude towards Human Rights Education in relation to Cognitive and Non-Cognitive Variables among the Pupil Teachers of B.Ed. Programme in Nagaland: A Study**

### **1.3. OBJECTIVES OF THE STUDY**

Based on the nature of the study, the researcher formulated the following objectives:

1. To ascertain the status of human rights education in the curriculum of secondary school stage teacher education programme in Nagaland.
2. To study the level of awareness about human rights education among the secondary school stage pupil teachers in Nagaland.
3. To study the human rights education awareness among the secondary school stage pupil teachers in relation to cognitive variables.
4. To study the human rights education awareness among the secondary school stage pupil teachers in relation to non-cognitive variables.
5. To find out the attitude towards human rights education among the pupil teachers of secondary school stage in Nagaland.
6. To find out the attitude towards human rights education among the pupil teachers of secondary school stage in relation to cognitive variables and non-cognitive variables.
7. To find out the relationship between human rights education awareness among the pupil teachers and their cognitive and non-cognitive variables.

8. To find out the relationship between the attitude of pupil teachers towards human rights education and their cognitive and non-cognitive variables.

#### **1.4. HYPOTHESES**

As per the nature of some objectives of this study, the researcher formulated the following null hypotheses:

$H_0$  (1): There is no significant difference between human rights education awareness mean scores of pupil teachers belonging to;

- i. Arts and Science streams of study
- ii. High and low levels of intelligence groups
- iii. High and low levels of academic achievement groups

$H_0$  (2): There is no significant influence of double and triple interactions of cognitive variables on human rights education awareness of pupil-teachers.

$H_0$  (3): There is no significant difference between human rights education awareness mean scores of pupil teachers belonging to;

- i. Male and female
- ii. Urban and rural
- iii. Low and high levels of socio-economic status group

$H_0$  (4): There is no significant influence of double and triple interactions of non-cognitive variables on human rights education awareness of pupil teachers.

$H_0$  (5): There is no significant difference between the attitude mean scores of pupil teachers towards human rights education belonging to;

- i. Arts and Science streams of study
- ii. Low and high-level intelligence groups
- iii. Low and high academic achievement groups



H<sub>0</sub> (6): There is no significant influence of double and triple interactions of cognitive variables on the attitude of pupil teachers towards human rights education.

H<sub>0</sub> (7): There is no significant difference between the attitude mean scores of pupil teachers towards human rights education belonging to;

- i. Male and female
- ii. Urban and rural
- iii. Low and high socio-economic status groups

H<sub>0</sub> (8): There is no significant influence of double and triple interactions of non-cognitive variables on the attitude of pupil teachers towards human rights education.

H<sub>0</sub> (9): There is no significant relationship between the human rights education awareness scores of pupil teachers and their Intelligence, Academic Achievement, Streams of Study.

H<sub>0</sub> (10): There is no significant relationship between the human rights education awareness scores of pupil teachers and their Gender, Socio-Economic Status, Locality.

H<sub>0</sub> (11): There is no significant relationship between the attitude scores of pupil teachers towards human rights education and their Intelligence, Academic Achievement, Streams of Study.

H<sub>0</sub> (12): There is no significant relationship between the attitude scores of pupil teachers towards human rights education and their Gender, Socio-Economic Status, Locality.

## **1.5. RESEARCH QUESTIONS**

The researcher formulated some of the following research questions keeping in view the objectives and hypotheses of the study:

1. How much space has been given to human rights education content in the curriculum of secondary school teacher education programme in Nagaland?

2. How much is the relationship between the objectives of human rights education and the objectives of secondary school teacher education programme?
3. Which is the approach of teaching human rights education in the curriculum of secondary school teacher education programme?
4. What are the problems faced by the pupil teachers in the learning process of human rights education?
5. How do the intelligence, academic achievement, and stream of studies influence the human rights education awareness among the secondary school stage pupil teachers in Nagaland?
6. How do the variables like gender, socio-economic status and locality influence human rights education awareness of the secondary school stage pupil teachers in Nagaland?
7. What is the status of the attitude of secondary school stage pupil teachers towards human rights education?

## **1.6. DELIMITATIONS OF THE STUDY**

Though the scope and purpose of the study were very wide but due to time constraint, the present study has been delimited to:

1. Pupil teacher of secondary teacher education programme in Nagaland only.
2. Cognitive variables like high and low Intelligence, high and low academic achievement and Arts and Science streams of study of pupil teachers.
3. Non- cognitive variables like high and low socio-economic status, male and female and urban and rural pupil teachers.
4. Three districts of Nagaland only (Kohima, Dimapur and Mokokchung districts).

## 1.7. DEFINITIONS OF OPERATIONAL TERMS

The definitions of the important terms of the present study have been operationally defined below:

- i. **Awareness:** Awareness refers to possession of knowledge or having the insight of human rights and human rights education by pupil teachers of secondary teacher education programme.
- ii. **Attitude:** Attitude can be defined as a point of view held or tendency to react favourably or unfavourably towards human rights and human rights education by the pupil teachers of secondary teacher education programme.
- iii. **Human rights Education:** It can be defined as education about human rights which helps in developing the knowledge, skills and attitude of the pupil teachers.
- iv. **Cognitive variables:** In the present study it refers to variables which are related to mental faculties like Intelligence, Academic Achievement, and Streams of Study.
  - (a) **Intelligence:** It refers to general mental abilities of pupil teachers to reason, plan, and solve problems, think abstractly and comprehend ideas and languages.
  - (b) **Academic Achievement:** It refers to the cumulative scores of the curricular test obtained by the pupil teachers of secondary teacher education programme in the previous semester examination.
  - (c) **Streams of Study:** It refers to pupil teachers belonging to Arts and Science streams of study.
- v. **Non-cognitive variables:** It refers to variables which are not related to mental faculties such as socioeconomic status, locality and gender.
  - (a) **Socio-economic Status:** It is a measurement of class standing, based on socio-cultural components, economic components, possession of goods and services, health and educational components of the pupil teachers.
  - (b) **Locality:** It refers to pupil teachers belonging to urban and rural areas.

- (c) **Gender:** It refers to male and female pupil teachers of secondary teacher education programme.
- vi. **Pupil teachers:** Refers to both the pre-service and in-service teachers enrolled for secondary teacher education programme (B.Ed.) in Nagaland.
- vii. **B.Ed. Programme:** It refers to a teacher education programme for the secondary school stage level.